



Legislative UPDATE

March 12, 2021
Number 9

“Our Home, Our Decisions” Launches New Website

TML’s “Our Home, Our Decisions” campaign has launched a [new website](#) focusing on the importance of local governments to maintain the ability to govern locally. The goal of the campaign is to emphasize the necessity for local decision-making and to preserve the ability for cities to retain the experts needed to achieve the goals of their communities.

The website contains a variety of resources for city officials including information that highlights the difficulties of a one-size-fits-all approach, and support for community advocacy. The website can be found [here](#).

“Our Home, Our Decisions” will play an active role on [Twitter](#) and we encourage city officials to follow and share posts on social media. If your city would like to highlight articles illustrating the great work that your city is doing in your community, please email articles to TML’s Grassroots and Legislative Services Manager JJ Rocha at jj@tml.org.

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 some 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. 1869 (Burrows) – **Debt Financing**: would modify the definition of “debt” for purposes of the debt service property tax rate calculation to only include debt approved at an election. (Note: this means that debt obligations like certificates of obligation, time warrants, anticipation notes, and lease-purchase agreements must be financed through a city’s maintenance and operations tax rate if payable solely through property tax revenue.)

H.B. 3 (Burrows) – **Texas Pandemic Response Act**: this bill, known as the Texas Pandemic Response Act, would make numerous changes regarding how the state and local governments prevent, prepare for, respond to, and recover from a pandemic disaster. Of primary importance to cities, the bill would, among many other things:

1. define the term “pandemic disaster” to mean the occurrence or imminent threat of an outbreak of an infectious disease that spreads to a significant portion of the population of multiple countries or the world and that threatens widespread or severe damage, injury, or loss of life or property in the state resulting from any natural or man-made cause related to the outbreak;
2. authorize the governor, by executive order or proclamation, to declare a state of pandemic disaster if the governor determines that a state of pandemic disaster is occurring in the state or that the occurrence or threat of a pandemic disaster is imminent;
3. authorize the governor to, on request of a city, waive or suspend a deadline, including a deadline relating to a budget or property tax rate, imposed on the political subdivision by a statute or a state agency order or rule if he waiver or suspension is reasonably necessary to cope with the pandemic disaster;
4. authorize the governor to temporarily reassign resources, personnel, or functions of state agencies and cities for the purpose of performing or facilitating emergency services during a pandemic disaster;
5. provide that the presiding officer of a city council is designated as the pandemic emergency management director for the city;
6. authorize a pandemic emergency management director to serve as the governor’s designated agent in the administration and supervision of duties under the Texas Disaster Pandemic Act, and authorize the pandemic emergency management director to exercise the powers granted to the governor on an appropriate local scale;

7. authorize a pandemic emergency management director to designate a person to serve as pandemic emergency management coordinator, who serves as an assistant to the pandemic emergency management director;
8. provide that a deadline imposed by local law on a city, including a deadline relating to a budget or property tax, is suspended if: (a) the city is wholly or partly located in an area in which a pandemic disaster has been declared by the president of the United States or the governor; and (b) the city's presiding officer proclaims that the city is unable to comply with the requirement because of the pandemic disaster;
9. authorize a city's presiding officer to issue an order ending the suspension of a deadline under Number 8, above, and provide that a deadline may not be suspended for more than 30 days after the date the presiding officer issues the proclamation described by Number 8(b), above;
10. provide that any local order or rule issued in response to a state or local state of pandemic disaster is superseded and void to the extent that it is inconsistent with orders, declarations, or proclamations issued by the governor or Department of State Health Services;
11. prohibit an election official of a political subdivision from seeking to alter, in response to a pandemic disaster, any voting standard practice, or procedure in a manner not otherwise expressly authorized by state law, unless the election official first obtains approval of the proposed alternation from the secretary of state by submitting a written request for approval to the secretary of state;
12. provide that if the governor issues a written determination finding that the presiding officer of a city council has taken issued an order requiring the closure of a private business in response to a pandemic, the city council for that city may not adopt a property tax rate for the current tax year that exceeds the lesser of the city's no-new-revenue tax rate or voter-approval tax rate for that tax year;
13. provide that, for a tax year in which the restriction in Number 12, above, applies to a city, the difference between the city's actual tax rate and voter-approval tax rate for purposes of calculating the city's unused increment rate is considered to be zero;
14. provide that a city is no longer subject to the limitation prescribed by Number 12, above, in the first tax year in which the governor rescinds the governor's written determination;
15. provide that a person commits an offense if the person violates a provision of the pandemic components of a state, local, or interjurisdictional emergency management plan or a rule, order, or ordinance adopted under those provisions, and that a violation is punishable by a fine only in an amount not to exceed \$1000 to be enforced by state and local officials; and
16. authorize the attorney general to provide legal counsel to a city subject to a declared state of pandemic disaster on issues related to pandemic disaster mitigation, preparedness, response, and recovery applicable to the area subject to the pandemic disaster declaration, if a request for legal counsel is submitted by the emergency management director or mayor of a city.

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

H.B. 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. 1888 (Fierro) – **Open Meetings**: would: (1) authorize a governmental body to hold an open or closed meeting by conference call; (2) define "conference call" to mean a meeting held by telephone conference call, videoconference call, or telephone conference and videoconference call; (3) require that each part of a meeting held by conference call required to be open to the public shall: (a) be audible to the public; (b) be visible to the public if it is a videoconference call; and

(c) have two-way communication with each participant; (4) provide that a member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting; (5) provide that a member of a governmental body who participates in a meeting by conference call shall: (a) be counted as present at the meeting for all purposes; and (b) be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, but allow the governmental body to continue the meeting if a quorum of the body continues to participate in the meeting; (6) provide that a governmental body may allow a member of the public to testify at a meeting by conference call; (7) provide that a meeting held by conference call is subject to the notice requirements applicable to other meetings and also must include certain instructions to the public; (8) require that a meeting held by conference call be recorded, and that the recording be made available to the public; and (9) require the Department of Information Resources by rule to specify minimum standards for the recording of a meeting held by conference call.

S.B. 639 (Menéndez) – Open Meetings: would: (1) provide that, without regard to whether a member of the governmental body is participating in a meeting from a remote location by telephone conference call, a governmental body may allow a member of the public to speak at a meeting from a remote location by telephone conference call; (2) provide that, when a member of a governmental body loses audio or video during a videoconference meeting, the meeting may continue when a quorum of the body remain audible and visible to each other and, during the open portion of the meeting, to the public; (3) allow a meeting by videoconference so long as the presiding officer is present at a physical location open to the public where members of the public may observe and participate in the meeting; (4) set out the notice requirements for a videoconference meeting; and (5) provide that, without regard to whether a member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a person to speak at a meeting from a remote location by videoconference call.

H.B. 5 (Ashby) – Broadband Development Office: would, among other things:

1. require the governor's broadband development council to: (a) research the progress of deployment of broadband statewide and the purchase of broadband by residential and commercial customers; and (b) study industry and technology trends in broadband;
2. establish a broadband development office within the comptroller's office;
3. for purposes of the broadband development office, define "broadband service" as internet service with the capability of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
4. authorize the comptroller by rule to adjust the threshold speeds for broadband services defined in Number 3, above, if the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability that are different from those listed in Number 3, above;
5. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office; and (c) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband service;

6. require the broadband development office to create, update annually, and publish on the comptroller's website a map classifying each designated area in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the designated area have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the designated area have access to broadband service;
7. require the map described in Number 6, above, to display: (a) the number of broadband service providers that serve each designated area; (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; and (c) each public school in the state and an indication of whether the area has access to broadband service;
8. 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 may report the information to the office;
9. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate designated area on the map as an eligible area or ineligible area;
10. 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 designated areas determined to be eligible areas;
11. require the broadband development office to establish and publish eligibility criteria for award recipients under Number 10, 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;
12. 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;
13. 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;
14. require the broadband development office to prepare, update, and publish on the comptroller's Internet website a state broadband plan that establishes long-term goals for greater access to and the adoption of broadband service in Texas;
15. require the broadband development office, in developing the state broadband plan, to: (a) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services; (b) consider the policy recommendations of the governor's broadband development council; (c) favor policies that are technology-neutral and protect all members of the public; and (d) explore state and regional approaches to broadband development; and
16. 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.

(**H.B. 5** is similar, but not identical, to **S.B. 5** by Nichols.)

S.B. 861 (Paxton) – **Open Meetings**: would provide for remote meetings under the Open Meetings Act, and:

For city meetings held by telephone conference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by telephone conference;
2. remove the requirement that an emergency or public necessity exist;
3. require the notice of the meeting: (a) include the statement “Telephone conference call under Section 551.125, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may listen to or participate in the meeting; (c) include access information for an audio feed of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
4. require that any method of access that is provided to the public for listening to or participating in the telephone conference call meeting be widely available at no cost to the public;
5. require that each part of the meeting that is required to be open to the public shall be audible to the public and shall be recorded, and the recording shall be made available to the public;
6. require the identification of each party to the telephone conference be clearly stated prior to speaking;
7. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public listening remotely can follow along with the meeting.

For city meetings held by videoconference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by videoconference;
2. allow a member of the governmental body to participate remotely in a meeting by videoconference call if the audio feed and, if applicable, video feed of the member’s or employee’s participation complies with the other requirements for a videoconference meeting;
3. provide that a member of a governmental body who participates as described in Number 2, above, shall be counted as present at the meeting for all purposes;
4. provide that a member of a governmental body shall be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, and that the body may continue the meeting only if members in a number sufficient to constitute a quorum remain audible and visible to each other and, during the open portion of the meeting, to the public;
5. require the notice of the meeting: (a) include the statement “Videoconference call under Section 551.127, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may observe or participate in the meeting; (c) include access information for both audio-only and audiovisual feeds of the meeting;

- and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
6. require that any method of access that is provided to the public for the purpose of observing or participating in a meeting be widely available at no cost to the public;
 7. require each portion of a meeting held by videoconference call that is required to be open to the public shall be audible and, if applicable, visible to the public;
 8. provide that if a problem occurs that causes a meeting to no longer be audible to the public, the meeting must be recessed until the problem is resolved;
 9. require an audio recording of the meeting, and that the recording be made available to the public;
 10. provide that the face of each participant who is participating in the call using video communication, while that participant is speaking, be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
 11. provide that participant using solely audio communication: (a) shall, while speaking, be clearly audible to each other participant and, during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
 12. authorize the Department of Information by rule to specify minimum technical quality standards for the meeting, and require that access information described by Number 5(c) be of sufficient quality so that members of the public can observe the demeanor or hear the voice, as applicable, of each participant in the open portion of the meeting;
 13. provide that a governmental body: (a) may allow a member of the public to testify at a meeting from a remote location by videoconference call; and (b) must allow a member of the public testify from a remote location using video or audio communication if holding a meeting by videoconference call where public testimony is taken; and
 14. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public observing remotely can follow along with the meeting.

H.B. 2500 (Bailes) – **Newspaper Notice**: would provide that a governmental entity or representative may publish notice on a third-party Internet website, as an alternative to certain newspaper notice requirements, if: (1) the governing body finds, after holding a public hearing on the matter that: (a) Internet publication of notices is in the public interest; (b) Internet publication of notices will not, after consideration of the level of Internet access in the applicable area, unreasonably restrict public access to the notices; and (c) the cost of publishing the notices in a newspaper exceeds the cost of Internet publication; (2) the governmental entity or representative posts the findings in (1) on the entity’s or representative’s website; and (3) the governmental entity or representative also prominently posts each notice for public review at the office location of the governmental entity or representative that is the most accessible to the intended recipients of the notice.

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.

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 committee hearings held March 3 through March 8:

- Stephanie Hayden Howard, Director, Austin Public Health, City of Austin
- Dr. Colleen Bridger, Metro Health Director, City of San Antonio
- Lee Kleinman, Councilmember, City of Dallas
- Joe Zimmerman, Mayor, City of Sugar Land
- Carlos Contreras, Assistant City Manager, City of San Antonio
- Larissa Philpot, EDC Director, City of Nacogdoches
- Jeff Williams, Mayor, City of Arlington

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/DocumentCenter/View/2507/City-Related-Bills>.)

Property Tax

H.B. 2711 (Hinojosa) – Homestead Exemption: would provide that a qualified residential structure does not lose its character as a residence homestead when the owner who qualifies for the exemption temporarily stops occupying it as a principal residence if that owner does not establish a different principal residence and the absence is caused by the owner’s service outside of the United States as a foreign service officer employed by the United States Department of State.

H.B. 2723 (Meyer) – Tax Rate Notice: would require certain existing property tax rate notices to contain a statement encouraging taxpayers to visit a website collecting property tax database information to read as follows: “Visit PropertyTaxes.Texas.gov to find a link to your local property tax database on which you can easily access information regarding your property taxes, including information about proposed tax rates and scheduled public hearings of each entity that taxes your property.”

H.B. 2832 (Patterson) – Property Tax Exemption: would exempt from property taxation the residence homesteads of qualifying disabled first responders and their surviving spouses. (See **H.J.R. 119**, below.)

H.B. 2941 (Burns) – Appraisal Review Board: would, among other things, provide that appraisal review board members be appointed by the local administrative district judge in the county in which the appraisal district is established.

H.B. 2958 (Shine) – Appraisal District Review: would require the comptroller to conduct a limited-scope review of an appraisal district in lieu of a more extensive review of an appraisal district if, during the most recently conducted review, the comptroller found the appraisal district to be in compliance with generally accepted appraisal standards, procedures, and methodology, and did not make any recommendations for improvement.

H.B. 2966 (Tinderholt) – De Minimis Property Tax Rate: would repeal all statutory provisions related to the de minimis property tax rate passed as a part of Senate Bill 2 in 2019. (Note: the effect of H.B. 2966 is, among other things, to require all cities under 30,000 population to hold an automatic election on the November uniform election date if the city adopts a property tax rate exceeding the city’s voter-approval tax rate.)

H.B. 3070 (Ellzey) – Property Tax Exemption: would provide that: (1) a disabled veteran is entitled to an exemption from property taxes of the following applicable portion of the assessed value of a designated property owned by the veteran: (a) \$20,000 for a veteran having a disability rating of at least 10 percent but less than 30 percent; (b) \$30,000 for a veteran having a disability rating of at least 30 percent but less than 50 percent; (c) \$40,000 for a veteran having a disability rating of at least 50 percent but less than 70 percent; or (d) \$48,000 for a veteran having a disability rating of at least 70 percent; (2) a disabled veteran is entitled to an property tax exemption of \$48,000 of the assessed value of a designated property the veteran owns if the veteran: (a) is 65 years of age or older and has a disability rating of at least 10 percent; (b) is totally blind in one or both eyes; or (c) has lost the use of one or more limbs; (3) if an individual dies while on active

duty as a member of the armed forces of the United States: (a) the individual's surviving spouse is entitled to a property tax exemption of \$20,000 of the assessed value of a designated property the spouse owns; and (b) each of the individual's surviving children who is younger than 18 years of age and unmarried is entitled to a property tax exemption of a portion of the assessed value of a designated property the child owns computed by dividing \$20,000 by the number of eligible children. (See **H.J.R. 124**, below.)

H.B. 3171 (Slaton) – Appraisal Districts: would, among other things: (1) require a chief appraiser to be elected at the general election for state and county officers by the voters of the county in which the appraisal district is established; (2) provide that the chief appraiser serves a four-year term beginning January 1 of every other odd-numbered year; and (3) provide that to be eligible to serve as chief appraiser, an individual must be a resident of the county in which the appraisal district is established and must have resided in the county for at least four years preceding the date the individual takes office.

H.J.R. 118 (Allison) – Appraisal Cap: would amend the Texas Constitution to provide that, for each tax year following the year in which the property was purchased until the end of the tax year in which the ownership of the property changes, the legislature may limit the maximum appraised value of real property for property tax purposes to: (1) the lesser of the market value of the property as determined by the appraisal entity; or (2) the sum of the amount the owner of the property paid for the property and the initial market value of each new improvement to the property.

H.J.R. 119 (Patterson) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation the residence homesteads of qualifying disabled first responders and their surviving spouses. (See **H.B. 2832**, above.)

H.J.R. 124 (Ellzey) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide that: (1) a disabled veteran is entitled to an exemption from property taxes of the following applicable portion of the assessed value of a designated property owned by the veteran: (a) \$20,000 for a veteran having a disability rating of at least 10 percent but less than 30 percent; (b) \$30,000 for a veteran having a disability rating of at least 30 percent but less than 50 percent; (c) \$40,000 for a veteran having a disability rating of at least 50 percent but less than 70 percent; or (d) \$48,000 for a veteran having a disability rating of at least 70 percent; (2) a disabled veteran is entitled to an property tax exemption of \$48,000 of the assessed value of a designated property the veteran owns if the veteran: (a) is 65 years of age or older and has a disability rating of at least 10 percent; (b) is totally blind in one or both eyes; or (c) has lost the use of one or more limbs; (3) if an individual dies while on active duty as a member of the armed forces of the United States: (a) the individual's surviving spouse is entitled to a property tax exemption of \$20,000 of the assessed value of a designated property the spouse owns; and (b) each of the individual's surviving children who is younger than 18 years of age and unmarried is entitled to a property tax exemption of a portion of the assessed value of a designated property the child owns computed by dividing \$20,000 by the number of eligible children. (See **H.B. 3070**, above.)

S.B. 916 (Seliger) – Appraisal Districts: would, among other things, authorize a local governmental entity to request from the Texas Department of Licensing and Regulation (TDLR) information on a registered professional appraiser the entity is considering for appointment as chief

appraiser of the entity's appraisal district; and (2) require TDLR to inform the entity of a notation of noncompliance if the appraiser, during two or more previous reviews, served as chief appraiser of an appraisal district that TDLR determined had failed to comply with the comptroller's recommendations.

S.B. 1027 (West) – Property Tax Installment Payments: would, among other things, provide that, for property taxes imposed by a taxing unit in a tax year on property that is used for residential purposes and has fewer than three living units, a person may pay the taxing unit's property taxes on property that the person owns in eight equal installments without penalty or interest if the person: (1) provides written notice to the taxing unit not later than December 31 of the year for which the taxes are imposed that the person will pay the taxes in eight equal monthly installments; and (2) pays the first installment before the date on which the taxes become delinquent.

S.B. 1029 (Huffman) – Property Tax Exemption: would provide that a person is entitled to an exemption from property taxes of the appraised value of a solar or wind-powered energy device owned by the person that is: (1) installed or constructed on real property; and (2) primarily for production and distribution of energy for on-site use, regardless of whether the person owns the real property on which the device is installed or constructed.

S.B. 1034 (Hughes) – Notice of Appraised Value: would require the notice of appraised value delivered to a residential property owner by the chief appraiser of an appraisal district to include a separate document dedicated to providing sales price information for each single-family home recently sold in the same neighborhood as the residence homestead.

S.B. 1096 (Creighton) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten percent to the following applicable percentage: (1) three percent if the appraised value of a homestead is \$1 million or less; or (2) five percent if the appraised value of a homestead is more than \$1 million. (See **S.J.R. 46**, below.)

S.B. 1131 (Paxton) – Property Tax Rate Calculation: would modify the definition of "last year's levy" for purposes of property tax rate calculation to include the amount of taxable value equal to the difference between: (1) the total taxable value for the preceding year of property taxable by the taxing unit in the preceding year that is the subject of a judicial appeal on July 25; and (2) the product of the amount described by (1), above, and the average percentage, expressed as a decimal, by which the total taxable value of property taxable by the taxing unit was reduced in judicial appeals during the five-year period ending with the preceding tax year.

S.J.R. 46 (Creighton) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to provide one percentage to be used when calculating the limitation on the maximum appraised value of a residence homestead with a lesser appraised value and another percentage to be used when calculating that limitation on a residence homestead with a greater appraised value. (See **S.B. 1096**, above.)

Public Safety

H.B. 1540 (S. Thompson) – Civil Remedies: would provide, among other things, that: (1) if a law enforcement agency has reason to believe an activity related to prostitution or the violation of licensing requirements related to massage therapy or massage services has occurred at property that is leased to a person operating a massage establishment, the law enforcement agency may provide written notice by certified mail to each person maintaining the property of the alleged activity; (2) a person or enterprise commits racketeering if, for financial gain, the person or enterprise commits an offense related to trafficking of persons; and (3) a sex offender who is placed under community supervision may not go in, on, or within 1,000 feet of certain child-care facilities that operate as residential treatment centers. (Companion bill is **S.B. 1036** by **Huffman**.)

H.B. 1911 (White) – Firearms Regulation: would, among other things: (1) authorize certain persons to carry a handgun, 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 under certain circumstances and must return the 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. 2572 (Reynolds) – Office of Law Enforcement Oversight: would, among other things: (1) create the Office of Law Enforcement Oversight (Office) as a state agency for the purpose of monitoring the operations of law enforcement agencies and the use of force practices of those agencies; (2) provide that the director of the Office shall: (a) review the complaints received by the Office regarding the use of force by peace officers of law enforcement agencies; and (b) if the director determines that, based on complaints and other evidence, there is a pattern of use of excessive force at a law enforcement agency, the director may conduct an investigation into the agency's use of force practices; and (3) if the investigation substantiates the alleged pattern of use of excessive force, request the appropriate district or county attorney to bring an action to institute reforms to the agency's use of force practices, including an action against the agency for: (a) appropriate equitable relief, including authority for the Office to require and monitor any changes to policies, procedures, and other measures necessary to end, to the extent practicable, the use of excessive force by the peace officers of the law enforcement agency; or (b) the appointment of the Office as receiver of the law enforcement agency for the purpose of instituting the changes described in (3)(a), above; (4) provide that a law enforcement agency shall allow the Office access to the agency's records relating to an investigation conducted under (2), above, and in allowing access to such records, the law enforcement agency shall fully cooperate and collaborate with the Office in a prompt manner in order for the Office to carry out its duties and improve the agency's operations and conditions; (5) the Office may inspect or review without notice any part of a facility of a law enforcement agency under investigation or any operation, policy, procedure, record, or log of the agency relating to: (a) a complaint received by the office; (b) the use of force against an individual; (c) the internal investigations process of the agency; and (d) employee or officer

recruitment, training, supervision, or discipline; and (6) waive sovereign or governmental immunity, as applicable.

H.B. 2583 (Campos) – Failure to Report Offense: would provide that the penalty for the offense of failure to report that an elderly person or a person with a disability has been abused, neglected or exploited is enhanced to a state jail felony if it is shown on the trial of the offense that the actor is a peace officer who encountered the abused, neglected, or exploited person in the course of discharging his or her duties as a peace officer.

H.B. 2588 (Crockett) – Cite and Release: would provide that: (1) each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, other than violent misdemeanors; (2) the policy must provide a procedure for a peace officer, on a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person and must comply with the provisions under (3), (4), (5), (6) and (7), below; (3) a peace officer or any other person may not, without a warrant, arrest an offender who commits only one or more misdemeanor offenses, other than a violent misdemeanor or an offense of public intoxication, unless the officer or person has probable cause to believe that: (a) the failure to arrest the offender creates a clear and immediate danger to the offender or the public; or (b) the failure to arrest the offender will allow a continued breach of the public peace; (4) a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor, other than a violent misdemeanor or an offense of public intoxication shall, instead of taking the person before a magistrate, issue a citation to the person that contains certain information; (5) a peace officer who is charging a person, including a child, with committing an offense that is a violent misdemeanor and that is punishable by fine only may, instead of taking the person before a magistrate, issue to the person a citation that contains certain information; (6) any peace officer may arrest without warrant a person found committing a violation of the rules of the road, except that the officer may not arrest a person found committing only one or more misdemeanors, other than a violent misdemeanor, unless the officer has probable cause as described in (3), above; and (7) unless an officer is authorized to arrest a person as described under (6), above, the officer shall issue a written notice to appear if the offense is a misdemeanor under the rules of the road and the person makes a written promise to appear in court.

H.B. 2622 (Holland) – Federal Firearms Regulation: would: (1) prohibit a political subdivision of this state, and a law enforcement officer or other person employed by a political subdivision, from contracting with or 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) provide that the prohibition in (1) doesn't apply to a federal statute, order, rule or regulation in effect on January 19, 2021; and (3) 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.

H.B. 2650 (Jarvis Johnson) - Children in Custody: would provide, among other things, that a law enforcement shall: (1) adopt a written policy regarding the safe placement of a child who is in the custody of a person that is arrested; and (2) enter into an agreement with the Department of

Family and Protective Services (Department) that provides a procedure to release a child to the care of the Department.

H.B. 2655 (Crockett) – Reporting Peace Officer Misconduct: would provide that: (1) the Department of Public Safety (DPS) shall: (a) adopt a form for the reporting of allegations of misconduct concerning a peace officer employed by a law enforcement agency that includes the nature of the allegation, the results of the agency’s investigation of the allegation, and any disciplinary action taken by the agency as a result of the allegation; (b) establish a database for information concerning reports received under (1)(a), above; and (c) make the database accessible to law enforcement agencies; and (2) each law enforcement agency shall promptly report to DPS, for inclusion in the database established in (1), above, each allegation of misconduct concerning a peace officer employed by the agency.

H.B. 2669 (Guillen) - Criminal Record of a Child: would provide that all records, files, and information stored by electronic means or otherwise, from which a record or file could be generated, relating to a criminal case for a fine-only misdemeanor other than a traffic offense, that is committed by a child and that is appealed are confidential and may not be disclosed to the public, except under limited circumstances.

H.B. 2695 (Noble) – Law Enforcement Funding: would:

1. characterize a “defunding local government” as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government’s preceding fiscal year, reduces: (i) the appropriation to the local government’s law enforcement agency; (ii) the number of peace officers the local government’s law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government’s law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government’s law enforcement agency; and (b) for which the criminal justice division of the governor’s office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a “defunding local government” according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor’s office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor’s office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor’s office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;

5. provide that a defunding city may not increase the combined revenues of the city's general fund, enterprise funds, and special revenue funds for a fiscal year above the combined revenues of the same funds for the immediately preceding fiscal year ;
6. provide that the limitation in Number 5, above, does not apply to revenues used to repay voter-approved bonded indebtedness, excluding certificates of obligation;
7. require the chief fiscal officer of a defunding city to, before the city council may adopt a budget for a fiscal year, verify in writing that the budget complies with Number 5, above;
8. provide that if a defunding city adopts a budget that exceeds the combined revenues allowed under Number 5, above, a taxpayer of the defunding city may bring a lawsuit against the budget or the property tax rate adopted for the same fiscal year; and
9. provide that a city is no longer considered to be a defunding city for purposes of this section when the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1(a).

H.B. 2733 (Tinderholt) – Alcohol Monitoring Devices: would provide, among other things, that: (1) a peace officer shall make a report to the Department of Public Safety if the peace officer has reasonable cause to believe that a person has violated: (a) a condition of bond, a condition of community supervision, a condition of holding an occupational driver's license, or a court order issued restricting the person to the operation of a motor vehicle equipped with an ignition interlock device; or (b) a condition of bond or a condition of community supervision requiring the person to submit to alcohol monitoring through the use of an alcohol monitoring device other than an ignition interlock device; and (2) a magistrate may require as a condition of release on bond that the defendant submit to alcohol monitoring through the use of an alcohol monitoring device other than an ignition interlock device, for a defendant charged with certain intoxication offenses.

H.B. 2798 (Wilson) – Refusal to Consent: would repeal the requirement that a peace officer take possession of a person's driver's license following the person's failure to pass or refusal to consent to a test for intoxication.

H.B. 2844 (Goodwin) – TCOLE License: would, among other things:

1. provide that, if a person licensed by the Texas Commission on Law Enforcement (TCOLE) retires or resigns, the police chief or the police chief's designee must include in the explanation of the circumstances under which a person resigned or retired that is provided to TCOLE, information regarding any pending investigation known to internal affairs, supervisors, or management that was not completed due to the officer's resignation or retirement;
2. amend the definition of the term "dishonorably discharged" to include a license holder who was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency in relation to the following conduct: (a) lack of competence in performing the license holder's duties as an officer; (b) illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as an officer; (c) lack of truthfulness in court proceedings or other governmental operations, including: (i) making a false statement in an offense report or other report as part of an investigation; (ii) making a false

statement to obtain employment as an officer; (iii) making a false entry in court records or tampering with evidence, regardless of whether the license holder is prosecuted or convicted for the false entry or tampering; or (iv) engaging in conduct designed to impair the results or procedure of an examination or testing process associated with obtaining employment as an officer or a promotion to a higher rank; (d) failure to follow the lawful directives of a supervising officer or to follow the policies of the employing law enforcement agency; (e) discriminatory conduct, including engaging in a course of conduct or a single egregious act, based on the race, color, religion, sex, pregnancy, national origin, age, disability, or sexual orientation of another that would cause a reasonable person to believe that the license holder is unable to perform the license holder's duties as an officer in a fair manner; or (f) conduct indicating a pattern of: (i) excessive use of force; (ii) abuse of official capacity; (iii) inappropriate relationships with persons in the custody of the license holder; (iv) sexual harassment or sexual misconduct while performing the license holder's duties as an officer; or (v) misuse of information obtained as a result of the license holder's employment as an officer and related to the enforcement of criminal offenses;

3. eliminate the provision that provides that a peace officer or a reserve law enforcement officer must have previously been dishonorably discharged from another law enforcement agency before the Texas Commission on Law Enforcement (TCOLE) may suspend the license of the officer upon notification that the officer has been dishonorably discharged; and
4. provide that TCOLE by rule shall establish grounds under which TCOLE shall suspend or revoke an officer license on a determination by the commission that the license holder's continued performance of duties as an officer constitutes a threat to the public welfare, and such grounds must include the conduct described in (2), above.

H.B. 2852 (Wu) – 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 intoxication and alcoholic beverage offenses is retained and preserved for the greater of two years or the period of the statute of limitations for the offense if the indictment or information charging the defendant has been dismissed without prejudice; (2) a person from whom toxicology evidence was collected shall be notified of the periods for which evidence may be retained and preserved, and the notice must be given by: (a) an entity or individual described by (1), above, that collects the evidence, 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 the notice described by (2)(a), above, and the toxicological evidence is subject to the certain retention periods; (3) before requesting a person to submit to the taking of a specimen, the officer shall, among other things, inform the person orally and in writing that: (a) if the person submits to the taking of a blood specimen, the specimen will be retained and preserved in accordance with (1), above; and (4) if a person consents to the request of an officer to submit to the taking of a specimen, the officer shall request the person to sign a statement that: (a) the officer requested that the person submit to the taking of a specimen; (b) the

person was informed of the consequences of not submitting to the taking of a specimen; and (c) the person voluntarily consented to the taking of a specimen.

H.B. 2878 (Goodwin) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; (d) if the check described in (c) verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c) shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d); and (4) provide that the proceeds from the sale of a firearm in (3) shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm.

H.B. 2895 (Romero) – Family Violence: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) shall develop and make available to all law enforcement agencies in this state a model policy establishing procedures applicable to a peace officer who responds to a report of an offense involving family violence that was committed in the physical presence or within the hearing of a child younger than 18 years of age; (2) the model policy described in (1), above, must require the responding peace officer to: (a) document the child’s exposure to the family violence; (b) speak to the child at eye level and explain in an age-appropriate manner the applicable procedures for investigating the offense; (c) validate the child’s emotional response to the situation; (d) assist in comforting the child; (e) provide information to the child’s parent or other appropriate caregiver regarding: (i) services available to support the child; and (ii) the negative impacts of family violence on a child; and (3) identify and document any other children in the family or household; and (3) each law enforcement agency in this state shall adopt the model policy described in (1) and (2), above, regarding peace officer response to reports of certain offenses involving family violence.

H.B. 2900 (Hefner) – Firearms: would, among other things, allow for the legal carrying of a handgun, either concealed or openly in a holster, without a license by someone who is not otherwise prohibited from possessing the handgun under state or federal law.

H.B. 2911 (White) – Next Generation 9-1-1 Service: would provide that: (1) before September 1, 2025, all parts of the state must be covered by Next Generation 9-1-1 service; (2) the

Commission on State Emergency Communications shall: (a) provide for the implementation and provision of next generation 9-1-1 service; and (b) shall impose a monthly 9-1-1 emergency service fee in the amount of either \$0.75, \$1.00, or \$1.25 on each wireless telecommunications connection that has a place of primary use within the geographic area in which a regional planning commission provides 9-1-1 service, including in an area served by an emergency communication district participating in the state system; (3) an emergency communication district not participating in the state system shall impose a monthly 9-1-1 emergency service fee in an amount equal to either \$0.75, \$1.00 or \$1.25 on each wireless telecommunications connection that has a place of primary use within the district's jurisdiction; (4) a political subdivision may not impose a fee other than a fee described by (2) or (3) on a wireless service provider or subscriber for 9-1-1 service; (5) for a wireless telecommunications connection subject to a 9-1-1 emergency service fee under (3), above, a wireless service provider shall collect the fee for each wireless telecommunications connection from its subscribers and pay the money collected to the comptroller not later than the 30th day after the last day of the month during which the fees were collected, but the wireless service provider may retain an administrative fee of two percent of the amount of fees collected; (6) not later than the 15th day after the end of the month in which the money is collected, the Commission shall distribute to each emergency communication district that does not participate in the state system the total amount of money remitted to the comptroller under (5), above, for wireless telecommunications connections within the geographic jurisdiction of that emergency communication district; (7) the following actions are required prior to the Commission or an emergency communication district imposing the 9-1-1 emergency service fee on each wireless telecommunications connection in their respective geographic jurisdiction: (a) the commission or the emergency communication district must consider and adopt at an open meeting a plan for implementation and provision of Next Generation 9-1-1 service and the imposition of the 9-1-1 emergency service fee on each wireless telecommunications connection; and (b) any individual plan for implementation and provision of Next Generation 9-1-1 service adopted by the Commission or an emergency communication district shall be reviewed periodically to confirm that the plan continues to meet increased consumer expectation for 9-1-1 service from modern communications technologies; (8) not later than the 15th day after the last day of the month in which the prepaid wireless 9-1-1 emergency services fee is collected, the Commission shall distribute to each emergency communication district that does not participate in the applicable regional plan a portion of the total money collected in the same proportion that the population of the area served by the district bears to the population of the state; (9) the comptroller shall provide to each of the emergency communication districts a monthly report that outlines the money collected and remitted to the comptroller by the wireless service provider from each wireless telecommunications connection within the geographic jurisdiction of these emergency communication districts; and (10) repeal the provision: (a) that provides that on receipt of an invoice from a wireless service provider for reasonable expenses for network facilities, including equipment, installation, maintenance, and associated implementation costs, the Commission or an emergency services district of a home-rule city or an emergency communication district created under state law shall reimburse the wireless service provider in accordance with state law for all expenses related to 9-1-1 service; and (b) funds collected under the equalization surcharge are not precluded from being used to cover costs under (10)(a), above, as necessary and appropriate, including for rural areas that may need additional funds for wireless 9-1-1.

H.B. 2922 (Buckley) – Alert System for Adolescents in Danger: would provide, among other things, that: (1) the Department of Public Safety shall develop and implement a system to allow a statewide alert to be activated on behalf of an individual 16 years of age or younger who is reported or suspected to be with a registered sex offender (an adolescent in danger); (2) A local law enforcement agency may notify DPS regarding an adolescent in danger if: (a) the local law enforcement agency believes that an adolescent is in danger and circumstances indicate that: (i) the adolescent is younger than 16 years of age; (ii) the adolescent is reported or suspected to be with a registered sex offender other than the adolescent’s parent or guardian; and (iii) regardless of whether the adolescent departed willingly with the other person, the adolescent has been taken from the care and custody of the adolescent’s parent or legal guardian without the permission of the parent or guardian or, if the parent or guardian is a registered sex offender, with or without the parent’s or guardian’s permission; (b) the local law enforcement agency believes that the adolescent is in immediate danger of suffering bodily injury or becoming the victim of certain offenses; and (c) sufficient information is available to disseminate to the public that could assist in locating the adolescent in danger, a registered sex offender suspected of being with the adolescent in danger, or a vehicle suspected of being used by the registered sex offender or the adolescent in danger; (3) in determining whether to notify DPS, the local law enforcement agency shall consider all factors relevant to the safety of the adolescent in danger, including: (a) whether the registered sex offender has previously committed criminal acts of violence; and (b) whether the registered sex offender is more than three years older than the adolescent in danger; (4) when a local law enforcement agency notifies DPS as described in (2), above, DPS shall confirm the accuracy of the information and, if confirmed, immediately issue an alert; and (4) a local law enforcement agency that locates an adolescent in danger who is the subject of an alert shall notify DPS as soon as possible that the adolescent in danger has been located.

H.B. 3017 (Wu) – Swatting: would provide, among other things, that: (1) a person commits an offense if the person reports a crime or an emergency to a law enforcement officer, law enforcement agency, 9-1-1 service, official or volunteer agency, or any other governmental employee or contractor who is authorized to receive reports of a crime or emergency and: (a) the person knows that the report is false; (b) the report is reasonably likely to cause an emergency response from a law enforcement agency or other emergency responder; and (c) the person makes the report or causes the report to be made with reckless disregard about whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily harm to any individual; (2) an offense described in (1), above, is a Class A misdemeanor, except that: (a) the offense is a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted on two or more occasions of an offense under this section; or (b) the offense is a felony of the third degree if the false report results in an emergency response to a reported crime and a person is killed or suffers serious bodily injury as a proximate result of lawful conduct arising out of that response; and (3) a court may order a defendant convicted of an offense to make restitution to a public agency for the reasonable costs of the emergency response by that public agency resulting from the false report. (Companion is **S.B. 1056** by **Huffman**.)

H.B. 3021 (Burns) – Law Enforcement Funding: would:

1. characterize a “defunding local government” as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government’s preceding fiscal year,

reduces: (i) the appropriation to the local government's law enforcement agency; (ii) the number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above;

2. provide that in making a determination of whether a local government is a "defunding local government" according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
5. provide that the comptroller may not, before July 1 of each state fiscal year, send to a defunding city its share of city sales and use taxes collected by the comptroller during the state fiscal year;
6. provide that before sending the defunding city its share of sales and use taxes, the comptroller shall deduct the amount reported to the comptroller for the defunding city under Number 7, below, and credit that deducted amount to the general revenue fund, which must be appropriated only to the Department of Public Safety;
7. provide that not later than August 1 of each state fiscal year, the criminal justice division of the governor's office shall report to the comptroller for each defunding city the amount of money the state spent in that state fiscal year to provide law enforcement services in the defunding city; and
8. provide that a city is no longer considered to be a defunding city for purposes of this section when the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1(a).

H.B. 3026 (Canales) – Dedicated Autonomous Vehicles: would: (1) define "dedicated autonomous vehicle" as an automated motor vehicle that is incapable of operation by a human operator present in the vehicle; and (2) provide an exemption for certain required vehicle equipment and inspection screenings.

H.B. 3087 (Smith) – Public Urination and Defecation: would provide that a person commits a Class B misdemeanor if the person intentionally or knowingly urinates or defecates in a public place, other than a public restroom.

H.B. 3123 (J. Turner) – Precious Metal Dealers: would amend regulations related to crafted precious metal dealers, and provide that after an enforcement order against a dealer becomes final, the consumer credit commissioner shall provide notice of the order to the chief of police of the city in which the violation occurred or sheriff of the county in which the violation occurred, if the violation did not occur in a city. (Companion bill is **S.B. 1132** by **Johnson**.)

H.B. 3136 (Beckley) – Alcohol Sales: would authorize a commissioners court of a county and the governing body of a municipality, to order a local option election in the county, justice precinct, or within the municipality, as the case may be, to determine whether the sale of alcoholic beverages of one or more of the various types and alcoholic contents shall be prohibited or legalized within that jurisdiction.

H.B. 3151 (Leman) – Law Enforcement Funding:

1. characterize a “defunding local government” as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government’s preceding fiscal year, reduces: (i) the appropriation to the local government’s law enforcement agency; (ii) the number of peace officers the local government’s law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government’s law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government’s law enforcement agency; and (b) for which the criminal justice division of the governor’s office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a “defunding local government” according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor’s office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor’s office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above; and
4. require the criminal justice division of the governor’s office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register.

H.B. 3248 (J. González) – Cannabis: would, among other things: (1) authorize the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, use, and taxation of cannabis and cannabis products; (2) provide that a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of cannabis or cannabis products on property the person owns, occupies, or manages; (3) establish a cannabis sales tax at the rate of 10 percent of the sales price of cannabis or a cannabis product; (4) create a cannabis establishment regulation and oversight local share account that consists of 20 percent of the cannabis sales tax in (3); (5) provide that money in the cannabis establishment

regulation and oversight local share account may be used by the comptroller only to make a cannabis establishment regulation assistance payment to a qualifying local government, which is a municipality or county in which at least one cannabis establishment is located during any portion of the applicable fiscal year; (6) provide that to serve the state purpose of ensuring that local governments in which cannabis establishments are located may effectively participate in the regulation and oversight of those establishments, a qualifying local government is entitled to a cannabis establishment regulation assistance payment from the state equal to the cost incurred by the local government to enforce regulations under the bill for each fiscal year that the local government is a qualifying local government; (7) provide that a license holder to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility may not operate in a county or municipality without an order or ordinance adopted by the county or municipality, as applicable, authorizing the operation of cannabis growers, cannabis establishments, cannabis secure transporters, or cannabis testing facilities in the county or municipality; (8) provide that a county or municipality that authorizes the operation of cannabis growers, cannabis establishments, or cannabis testing facilities in the county or municipality may adopt regulations consistent with the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, cannabis secure transporters, or cannabis testing facilities; (9) provide that a health authority may, on presenting appropriate credentials to the license holder or employee of the cannabis establishment: (a) enter at reasonable times the premises of a cannabis establishment; (b) enter a vehicle being used to transport cannabis; or (c) inspect at reasonable times, within reasonable limits, and in a reasonable manner, the establishment or vehicle and all equipment, finished and unfinished materials, containers, and labeling of any item; (10) provide that a county, municipality, or health authority, as applicable, shall maintain a record of any complaints made regarding the operations of a cannabis establishment and investigate a complaint or refer the complaint to the Texas Department of Licensing and Regulation, as appropriate; (11) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility; and (12) create a criminal offense.

H.B. 3251 (E. Thompson) – Unmanned Aircraft: would: (1) define the terms “capture” and “surveillance” for purposes of certain state law related to unmanned aircraft; (2) limit the circumstances under which law enforcement may capture an image using an unmanned aircraft; and (3) expand certain law enforcement reporting requirements regarding the use or operation of an unmanned aircraft.

S.B. 709 (Hall) – Texas Commission on Fire Protection Sunset: would: (1) provide that the Texas Commission on Fire Protection (Commission) is continued until 2033; (2) provide that advisory members appointed by the Commission shall serve six-year staggered terms but may not be appointed to consecutive terms; (3) eliminate the provision that provides that, in adopting or amending a rule under the Commission’s authority or any other law, the Commission shall seek the input of the fire fighter advisory committee, and that the Commission shall permit the advisory committee to review and comment on any proposed rule, including a proposed amendment to a rule, before the rule is adopted; (4) provide that a certificate issued or renewed by the Commission is valid for one or two years as determined by Commission rule; and (5) provide that the Commission may: (a) waive any prerequisite to obtaining a certificate for an applicant who holds a license or certificate issued by another jurisdiction: (i) that has licensing or certification

requirements substantially equivalent to those of Texas; or (ii) with which Texas has a reciprocity agreement; and (b) make an agreement with another state to allow for certification by reciprocity.

S.B. 710 (Hall) – Commission on Jail Standards: would continue the functions of the Commission on Jail Standards and, among other things, repeal the requirement that the chief jailer of each municipal lockup submit to the commission an annual report of persons under 17 years of age securely detained in the lockup.

S.B. 912 (Buckingham) – Rioting: would provide that: (1) the penalty for an offense of rioting is enhanced to a state jail felony if it is shown on the trial of the offense that the actor, while participating in the riot, knowingly committed or attempted to commit certain assault offenses against a person the actor knew was a first responder while the person was performing a duty as a first responder; and (2) a court shall order a defendant convicted of an offense of rioting to make restitution for any damage to or loss or destruction of property by reimbursing the owner of the property for the cost of restoring or replacing the property.

S.B. 913 (Buckingham) – Law Enforcement Funding: would: (1) prohibit a city from receiving a grant awarded by the criminal justice division of the governor’s office if the division determines that: (a) the city has adopted a budget for a fiscal year for the city police department that, in comparison to the preceding fiscal year, reduces the budget of the department by five percent or more and the reduction is not due to a similar decrease in the amount of tax revenue collected by the city; and (b) the reduction will have a significant, adverse effect on public safety within the city; (2) require a city that is receiving money under a grant awarded by the criminal justice division of the governor’s office to notify the division of any reduction described in (1)(a), above, not later than the 15th day after the date the reduction takes effect; (3) provide that, at the request of the criminal justice division, the city must provide a description of the reduction and any anticipated effects on public safety; (4) require the governor’s criminal justice division to require a city applying for a grant to: (a) disclose whether the most recent budget of the city constitutes a reduction under (1)(a), above; and (b) provide a description of the reduction and any anticipated effects on public safety.

S.B. 932 (Creighton) – Border Operations Training Program: would, among other things, provide that: (1) the Department of Public Safety (DPS), in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (a) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (b) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region.

S.B. 949 (Hinojosa) – Asset Forfeiture: would provide, among other things, that: (1) property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the admissibility of the property as evidence would be prohibited in the prosecution of the underlying offense because it was obtained in violation of state or federal

law or the Texas Constitution or United States Constitution; and (2) in all forfeiture cases the state has the burden of proving by clear and convincing evidence that property is subject to seizure.

S.B. 950 (Hinojosa) – Cite and Release: would, with respect to issuing citations in lieu of arrest for misdemeanor offenses, provide that: (1) the Texas Southern University, in consultation with other law enforcement organizations, shall publish a model policy related to the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, that includes the procedure for a peace officer, upon a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person; (2) each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, provided that such policy meets the requirements of the model policy described in (1), above; (3) a law enforcement agency may adopt the model policy developed under (1), above; (4) with the exception of certain assault offenses and for the offense of public intoxication, a peace officer or any other person may not, without a warrant, arrest an offender for a misdemeanor punishable by fine only or arrest a person who commits one or more offenses punishable by fine only; (5) a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by fine only, other than an offense of public intoxication, shall, instead of taking the person before a magistrate, issue a citation to the person; (6) a peace officer who is charging a person, including a child, with committing certain assault offenses that are a misdemeanor, punishable by fine only, may, instead of taking the person before a magistrate, issue a citation to the person; and, (7) a peace officer may not arrest, without warrant, a person found only committing one or more misdemeanors related to certain traffic offenses that are punishable by fine only, and in such instances shall issue a writing notice to appear to the person. (Companion bill is **H.B. 830** by **S. Thomas**.)

S.B. 958 (Zaffirini) – Active Shooter Alert System: would require the Texas Department of Public Safety to establish the Texas Active Shooter Alert System and allow local law enforcement agencies to request activation of the system when certain criteria are met. (Companion bill is **H.B. 103** by **Landgraf**.)

S.B. 964 (Zaffirini) – Credit Card Fraud: would, among other things: (1) provide that a law enforcement agency or the financial crimes intelligence center may disclose information regarding the discovery of a credit card skimmer—which would otherwise be confidential—to the public if the law enforcement agency or the chief intelligence coordinator for the center determines that the disclosure of the information furthers a law enforcement purpose; (2) remove the provision from law that allows law enforcement agencies or other governmental agencies designated by the attorney general to collaborate with the attorney general to establish a payment fraud fusion center; (3) provide that the Department of Public Safety may enter into agreements with law enforcement agencies or other governmental agencies for the operation of the financial crimes intelligence center; (4) provide that information a law enforcement agency or other governmental agency collects and maintains under an agreement entered into with DPS in (3) is the intellectual property of the center and on termination of the agreement, the contracting agency shall transfer the information to DPS in accordance with the terms of the agreement; and (5) provide that the center may, among other things, provide training and educational opportunities to law enforcement. (Companion bill is **H.B. 2106** by **Perez**.)

S.B 988 (Hinojosa) – TCOLE Standards of Conduct: would provide that:

1. the chief administrator of a law enforcement agency shall report to the Texas Commission on Law Enforcement (TCOLE) each allegation that a person licensed by TCOLE and employed by the agency engaged in any improper or unlawful acts, including: (a) being convicted of, placed on deferred adjudication for, or entering a plea of guilty or nolo contendere to any offense other than a misdemeanor punishable by fine only; (b) engaging in conduct that would constitute any offense other than a misdemeanor punishable by fine only; (c) falsifying a police report or evidence in a criminal investigation; (d) destroying evidence in a criminal investigation; (e) using excessive force on multiple occasions; (f) accepting a bribe; (g) engaging in fraud; (h) unlawfully using a controlled substance; (i) engaging in an act for which the officer is liable under Section 1983; (j) committing perjury; (k) making, submitting, or filing, or causing to be submitted or filed, a false report to the TCOLE; (l) misusing an official position or misappropriating property; (m) engaging in an unprofessional relationship with an individual arrested or detained, or in the custody of a correctional facility; (n) committing sexual harassment involving physical contact; or (o) misusing criminal history record information;
2. the report required under (1), above, must be in writing in a form prescribed by TCOLE and submitted not later than the 15th day after the date the law enforcement agency is made aware of the allegation;
3. the chief administrator of the law enforcement agency shall update any report submitted under (1), above, after the agency's investigation into the allegation is concluded, and the updated report must include any disciplinary action taken against the license holder, including whether the license holder was terminated or if the license holder resigned, retired, or separated in lieu of termination;
4. on a finding by TCOLE that the chief administrator of a law enforcement agency intentionally failed to submit a report required under (1), above, TCOLE shall begin disciplinary proceedings against the chief administrator;
5. TCOLE shall establish an electronic database for information concerning license holder misconduct to provide for the collection and analysis of information by the TCOLE, and shall: (a) allow law enforcement agencies to electronically access the database for purposes of obtaining information related to the following concerning a license holder: (i) hiring; (ii) disciplinary actions; (iii) resignations or terminations; and (iv) certification and training; (b) adopt policies and procedures under which specified personnel of a law enforcement agency may access the database for a purpose described by (5)(a), including establishing qualifications for access; and (c) distribute the policies and procedures adopted (5)(b) to law enforcement agencies;
6. TCOLE shall include in the database described in (5), above, the reports submitted to TCOLE under (1), above;
7. TCOLE shall prescribe and make available to law enforcement agencies a form to be used for submitting a report of an allegation of misconduct to the database described in (5), above, and the form must require the law enforcement agency to report: (a) the license holder's: (i) date of hire; (ii) position; and (iii) identifying characteristics; and

- (b) detailed information concerning the nature of the misconduct and the disposition of the allegation;
8. a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for submitting a report to the database if the report is made in good faith;
 9. any allegation of misconduct reported to the database is not considered final until all applicable appeals have been exhausted or waived by the license holder named in the allegation;
 10. information maintained in the database is confidential and not subject to disclosure under the Texas Public Information Act;
 11. TCOLE, by rule, shall prescribe standards of conduct for peace officers, reserve law enforcement officers, county jailers, and school marshals, and such standards must establish best practices with respect to the following as appropriate for the type of license: (a) professionalism; (b) sexual harassment; (c) sexual assault; (d) domestic violence; (e) any criminal offense against a minor; (f) the use of alcohol or controlled substances; (g) the use of force; (h) the use of tactical teams; (i) the use of invasive surveillance techniques; (j) the use of brief, noninvasive stops of persons suspected of committing an offense; (k) arrests; (l) the issuance of citations in lieu of arrest for misdemeanor offenses punishable by fine only; (m) the release of recordings taken by body worn cameras; and (n) conduct of interrogations of persons suspected of committing an offense;
 12. before a law enforcement agency may hire a person licensed by TCOLE, the agency head or the agency head's designee must, among other things, review any information regarding the person that is maintained in the database under (5), above and submit to TCOLE, on the form prescribed by TCOLE confirmation that the agency reviewed the information in the database; and
 13. each law enforcement agency shall adopt the standards of conduct for peace officers or county jailers, as applicable, developed by TCOLE under (11), above, and a law enforcement agency may tailor the contents of the applicable standards as necessary based on the agency's size, jurisdiction, and resources.

S.B. 1013 (Buckingham) – Alcohol Sales: would authorize: (1) a local option election to be held on the proposition of whether to prohibit or legalize the sale of liquor for off-premise consumption on Sunday; and (2) in an area where the sale on Sunday of liquor for off-premises consumption has been approved by local option election: (a) the holder of a package store permit to sell, offer for sale, or deliver liquor on Sunday between 10 a.m. and 9 p.m.; (b) the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer anytime on Sunday; and (c) the holder of a local distributor's permit to sell, offer for sale, or deliver liquor to a retailer on Sunday between 5 a.m. and 9 p.m. (Companion Bill is **H.B. 2232** by **Bucy**.)

S.B. 1025 (Birdwell) – Emergency Declarations: would provide that: (1) during a declared state of disaster that exists in at least two-fifths of the counties, affects at least half of the population according to the most recent federal decennial census, or affects at least two-thirds of the counties in three or more trauma service areas as designated by the appropriate state agency, only the legislature has the authority to: (a) suspend a provision in the Code of Criminal Procedure, Election Code, or Penal Code to appropriately respond to the disaster; (b) restrict or impair the operation or

occupancy of businesses or places of worship in this state by category or region to appropriately respond to the disaster; or (c) renew or extend the governor's state of disaster declaration; (2) the governor by proclamation shall convene the legislature in special session to respond to a declared state of disaster if the governor finds that the authority of the legislature described in (1), above, should be exercised and the legislature is not convened in regular or special session; (3) if the governor finds that a state of disaster described by (1), above, requires renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to renew, extend, or otherwise respond to the state of disaster; (4) the governor may not declare a new state of disaster based on the same or a substantially similar finding as a prior state of disaster that is subject to (1), above, that was terminated or not renewed by the legislature. (See **S.J.R. 45**, below.)

S.B. 1036 (Huffman) – Civil Remedies: would provide, among other things, that: (1) if a law enforcement agency has reason to believe an activity related to prostitution or violation of massage therapy or massage services' licensing requirements has occurred at property leased to a person operating a massage establishment, the law enforcement agency may provide written notice by certified mail to each person maintaining the property of the alleged activity; (2) a person or enterprise commits racketeering if, for financial gain, the person or enterprise commits an offense related to trafficking of persons; and (3) a sex offender who is placed under community supervision may not go in, on, or within 1,000 feet of certain child-care facilities that operate as residential treatment centers. (Companion bill is **H.B. 1540** by **S. Thompson**.)

S.B. 1047 (Seliger) – Intoxication Offenses: would provide that a search warrant issued to collect a blood specimen from a person suspected of committing certain intoxication offense may be executed: (1) in any county adjacent to the county in which the warrant was issued; and (2) by any law enforcement officer authorized to make an arrest in the county of execution. (Companion bill is **H.B. 1893** by **Smithee**.)

S.B. 1056 (Huffman) – Swatting: would provide, among other things, that: (1) a person commits an offense if the person reports a crime or an emergency or causes any report of a crime or an emergency to be made to a law enforcement officer, law enforcement agency, 9-1-1 service, official or volunteer agency, or any other governmental employee or contractor who is authorized to receive reports of a crime or emergency and: (a) the person knows that the report is false; (b) the report is reasonably likely to cause an emergency response from a law enforcement agency or other emergency responder; and (c) the person makes the report or causes the report to be made with reckless disregard about whether the emergency response by a law enforcement agency or other emergency responder may directly result in bodily harm to any individual; (2) an offense described in (1), above, is a Class A misdemeanor, except that: (a) the offense is a state jail felony if it is shown on the trial of the offense that the defendant has been previously convicted on two or more occasions of an offense under this section; or (b) the offense is a felony of the third degree if the false report results in an emergency response to a reported crime and a person is killed or suffers serious bodily injury as a proximate result of lawful conduct arising out of that response; and (3) a court may order a defendant convicted of an offense to make restitution to a public agency for the reasonable costs of the emergency response by that public agency resulting from the false report. (Companion bill is **H.B. 3017** by **Wu**.)

S.B. 1067 (Blanco) – Alcoholic Beverages: would provide that the prohibition on the consumption of alcoholic beverages in a public place during certain hours applies to all public places, regardless of whether it is a licensed or permitted premises. (Companion bill is **H.B. 170** by **Ortega**.)

S.B. 1125 (Perry) – Controlled Substance Disposition: would provide, among other things, that certain controlled substance property or plants subject to summary destruction by a law enforcement agency or ordered destroyed by a court may be disposed of in the following manner: (1) a law enforcement agency may transfer the controlled substance property or plants to a crime laboratory to be used for the purposes of laboratory research, testing results validation, and training of analysts; and (2) the crime laboratory to which the controlled substance property or plants are transferred under (1)(b), above, shall destroy or otherwise properly dispose of any unused quantities of the controlled substance property or plants.

S.B. 1132 (Johnson) – Precious Metal Dealers: would amend regulations related to crafted precious metal dealers, and provide that after an enforcement order against a dealer becomes final, the consumer credit commissioner shall provide notice of the order to the chief of police of the city in which the violation occurred or sheriff of the county in which the violation occurred, if the violation did not occur in a city. (Companion bill is **H.B. 3123** by **J. Turner**.)

S.B. 1175 (Johnson) – Marijuana: would, among other things: (1) reduce the criminal penalties for certain drug offense; (2) provide that records of a person charged with certain drug offenses relating to a complaint may be expunged in certain circumstances; (3) require a court that dismisses a complaint to which (2) applies to provide written notice to the person of the person's right to expunction under the bill as soon as practicable after the date the person becomes eligible for expunction; and (4) provide the justice or municipal judge shall require a person who requests expungement under the bill to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement.

Sales Tax

H.B. 2625 (Noble) – Sales Tax Exemption: would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **S.B. 478** by **Nelson**.)

H.B. 2626 (Noble) – Imposition of Use Tax: would provide that state and local use taxes are imposed on the sales price paid by the purchaser of tangible personal property that is shipped or brought into the state by an affiliate of the producer.

H.B. 3189 (Jetton) – Sales Tax Exemption: would exempt certain school supplies purchased by a teacher from sales and use taxes.

H.B. 3195 (Meza) – Sales Tax Exemption: would exempt taxable items used to assist persons with intellectual, developmental, or cognitive disabilities from the sales and use tax.

S.B. 934 (Creighton) – Sales Tax Exemption: would exempt firearms and hunting supplies from sales taxes during the last full weekend in August.

S.B. 1038 (Schwertner) – Place of Business of a Retailer: would: (1) modify the definition of “place of business of the retailer” for city sales tax sourcing purposes to mean an established outlet, office, or location operated by the retailer or the retailer’s agent or employee for the purpose of receiving orders for taxable items and including any location at which three or more orders are received by the retailer during a calendar year and at which at least four primary selling activities occur; and (2) define “primary selling activity” as: (a) any of the following actions, if performed by a retailer or the agent of a retailer: (i) exercising discretion and independent authority to solicit customers on behalf of the retailer and to bind the retailer to a sale; (ii) taking an action that binds the retailer to a sale, including accepting a purchase order or submitting an offer to a buyer that is subject to the buyer’s unilateral acceptance; (iii) receiving a payment or issuing an invoice; (iv) engaging in marketing and solicitation activities on behalf of the retailer; (v) procuring goods for sale by the retailer; (vi) receiving and accepting purchase orders or, if the retailer’s purchase orders are accepted, processed, or fulfilled in another location, receiving and accepting contracts and other documents; (vii) transferring title to an item to a buyer; or (viii) displaying goods for sale to prospective customers; or (b) the use of a structure owned or leased by a retailer to: (i) store or otherwise hold the retailer’s inventory; (ii) house the retailer’s business headquarters, meaning the location from which the retailer directs or manages the retailer’s business; or (iii) provide office space for the retailer’s officers, executives, or other employees who have authority to set prices and determine the terms of a sale.

Community and Economic Development

H.B. 1505 (Paddie) – Broadband: would establish a process by which a broadband provider may apply for and attach an affixture of cables, strands, wires, and associated equipment used in the provision of a broadband provider’s services to a pole owned and controlled by an electric cooperative.

H.B. 2571 (Slaton) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body; and (2) define “monument or memorial” as used in (1) to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance.

H.B. 2597 (Paul) – Homeless Camping: would create a Class C misdemeanor criminal offense if a person intentionally or knowingly camps under: (1) a controlled access highway, or (2) the frontage road of a controlled access highway.

H.B. 2667 (Smithee) – Broadband: would: (1) expand the definition of “telecommunication provider” for purposes of who is subject to the uniform charge that funds the universal service fund to include a provider of Voice over Internet Protocol service; (2) provide that the uniform

charge to fund the universal service fund may be in the form of a fee or an assessment on revenues; (3) prohibit the Public Utility Commission from assessing the charge in a manner that is not technology neutral or grants an unreasonable preference based on technology; and (4) define “high cost rural area” for purposes of the universal service fund as: (a) an area served by a small provider; and (b) any exchange receiving support under the universal service fund as of December 31, 2020 where: (i) the population has not since increased by more than 100 percent since the year 2000; and (ii) there are less than 30 customers per route mile of plant in service.

H.B. 2713 (Hefner) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body; (2) define “monument or memorial” as used in (1) to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance; (3) authorize a resident of a city to file a complaint with the attorney general if the resident asserts facts supporting an allegation that the city has violated (1), and authorize the attorney general to file a petition for a writ of mandamus or apply for other appropriate equitable relief to compel the city to comply with (1); (4) provide that a city that is found by a court as having intentionally violated (1) is subject to a civil penalty in an amount of: (a) not less than \$1,000 and not more than \$1,500 for the first violation; and (b) not less than \$25,000 and not more than \$25,500 for each subsequent violation; and (5) waive and abolish governmental immunity to suit for a city to the extent of liability under in a suit filed under (3), above.

H.B. 2720 (Lucio) – Type A Economic Development Corporations: would: (1) authorize a Type A economic development corporation (EDC) that is wholly or partly located in an area declared to be in a state of disaster by the governor to participate in a project that includes a program to provide grants and loans to small businesses during a declared state of disaster to promote recovery from the disaster; (2) require a Type A EDC that provides a grant or loan under (1) to establish criteria to be used in determining which businesses may receive the grant or loan and the permitted uses of the grant or loan; and (3) prohibit a Type A EDC from spending more than 10 percent of the sales and use tax revenue received by the EDC to establish and operate a project authorized by (1).

H.B. 2726 (Martinez Fischer) – Public Improvement Districts: would provide that, if the population of a public improvement district is more than 1,000, to be eligible to serve as a director a person may be a resident of the district, but is not required to reside in the district if the person meets other specified criteria.

H.B. 2776 (Deshotel) – Disannexation: would: (1) authorize registered voters in a certain area to petition for release of the area from a city’s extraterritorial jurisdiction; and (2) authorize registered voters in a certain area to petition a city for disannexation of the area.

H.B. 2777 (Pacheco) – Reroofing Contractors: would require the Texas Department of Licensing and Regulation to establish a reroofing contractor registration system and, among other things, provide that a city building official may not grant or approve a building or construction

permit for a reroofing project unless the applicant for the permit is a registered reroofing contractor or exempt from registration.

H.B. 2907 (Raymond) – Broadband: would require the governor’s broadband development council to request from each provider of broadband Internet access service in the state a report on broadband speeds provided by the provider based on a reasonable sample.

H.B. 2971 (Cason) – School Property Tax Limitations: would repeal the Texas Economic Development Act in Chapter 313 of the Tax Code.

H.B. 2978 (Hull) – Event Reimbursement Programs: would: (1) require the office of governor, in consultation with the human trafficking prevention coordinating council, to develop signs with information on services and assistance available to victims of human trafficking; and (2) require any agreement between the Texas Economic Development and Tourism Office and an endorsing county, city, or local organizing committee and a site selection organization relating to an event reimbursement program that includes a financial commitment by the state or a city or county to contain a written verification that the site selection organization will prominently post throughout the location of the game or events the signs developed under (1), above.

H.B. 2989 (Cyrrier) – Zoning: would provide that: (1) the governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting, revising, and enforcing the regulations and boundaries; (2) the adoption of initial zoning regulations and zoning district boundaries, a comprehensive revision of the regulations or boundaries, or an amendment of a regulation that applies uniformly across boundaries or areas of the municipality is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard; (3) a proposed change to a regulation or boundary that only affects an individual lot or a limited area of contiguous lots or land may be protested as provided by certain law, and, if protested, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body; and (4) before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification of an individual property or a limited area of contiguous properties shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property or area on which the change in classification is proposed. (Companion bill is **S.B. 1120** by **Johnson**.)

H.B. 2997 (Gates) – Development Plats: would provide that, when a city decides to regulate the development of tracts of land via development plats, the city may define and classify the developments and need not require platting for every development of a tract of land otherwise within the scope of the state law regarding development plats. (Companion bill is **S.B. 1172** by **Kolkhorst**.)

H.B. 3023 (K. King) – Major Events Reimbursement Program: would add the Professional Bull Riders World Finals to the list of events eligible for funding under the Major Events Reimbursement Program.

H.B. 3032 (Oliveron) – Refrigerants: would provide that a building code or other requirement applicable to commercial or residential buildings or construction may not prohibit the use of certain substitutes for hydrofluorocarbon refrigerants authorized under federal law. (Companion bill is **S.B. 1210** by **Johnson**.)

H.B. 3034 (Campos) – Homelessness Data System: would: (1) require the Texas Interagency Council on Homelessness to collaborate with a state agency designated by the council to establish a statewide homelessness data system through which: (a) state agencies, local governmental entities, including law enforcement agencies, court systems, school districts, and emergency service providers, and other relevant persons are able to share information related to individuals experiencing homelessness; and (b) the persons described by (a) and members of the public are able to access information related to individuals experiencing homelessness in order to connect or refer those individuals to services, including affordable housing opportunities; (2) provide that, in developing the data system, the council and the state agency designated by the council shall, among other things, consult with representatives of the entities in (1)(a) to determine the challenges faced by those entities in addressing homelessness and how best to improve the responses to those challenges; and (3) require the data system established in (1) to: (a) to the extent permitted by a data sharing agreement, collect data from other homelessness data systems maintained or operated by a state agency, local law enforcement agency, or other entity of Texas; and (b) collect, aggregate, analyze, and share homelessness information submitted to the data system with entities that have access to the system.

H.B. 3040 (Morrison) – School Property Tax Limitations: would, among other things, extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2032.

H.B. 3091 (Vasut) – Hotel Occupancy Tax Uses: would: (1) authorize a city to use revenue from the city hotel occupancy tax to promote tourism and the convention and hotel industry by: (a) acquiring, constructing, repairing, remodeling, or expanding certain qualified infrastructure that is owned by the city and that is located not more than one mile from a hotel; and (b) making improvements to a public park that is owned by the city and that is located not more than one mile from a hotel; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year as provided by (1), above, may not exceed 20 percent of the amount of revenue the city collected from that tax during the preceding fiscal year; and (3) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than 20 percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

H.B. 3097 (Stephenson) – Qualified Hotel and Convention Center Projects: would: (1) extend the date before which an eligible city must commence a qualified hotel and convention center project to receive certain state funding for the project from September 1, 2023 to September 1,

2025; and (2) provide that an eligible city commences a qualified hotel and convention center project on the date the city, by ordinance or resolution: (a) authorized the issuance of bonds or other obligations related to the qualified project; or (b) executes or amends: (i) an economic development agreement under Chapter 380 of the Local Government Code related to the project; or (ii) an interlocal agreement related to the project.

H.B. 3215 (Geren) – Energy Efficiency Building Standards: would provide that the following accredited energy efficiency programs are in compliance with certain state law: (1) Standard 301 of the American National Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index, commonly cited as ANSI/RESNET/ICC 301; and (2) Standard 380 of the American National Standard for Testing Airtightness of Building, Dwelling Unit, and Sleeping Unit Enclosures, Airtightness of Heating and Cooling Air Distribution Systems, and Airflow of Mechanical Ventilation Systems, commonly cited as ANSI/RESNET/ICC 380.

H.B. 3223 (Zwiener) – Hotel Occupancy Tax Uses: would: (1) authorize cities with a populations under 200,000 to use a portion of the revenue derived from their city hotel occupancy taxes to promote tourism and the convention and hotel industry by enhancing and maintaining public parks owned by the city; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year to enhance and maintain all public parks may not exceed ten percent of the amount of revenue the city collected from that tax during the preceding fiscal year; (3) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year to enhance and maintain an individual public park may not exceed the amount of area hotel revenue in the preceding fiscal year that was directly attributable to tourists who attended events held at that park or otherwise visited that park; (4) require a city to, before the city uses city hotel occupancy tax revenue to enhance or maintain a park, make a good faith estimate of the annual amount of area hotel revenue directly attributable to tourists who visited that park; and (5) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than ten percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

H.B. 3229 (Moody) – Transfer of Real Property: would: (1) for an entity and a city that have entered into an economic development agreement under Chapter 380 of the Local Government Code, authorize a city to transfer to an entity real property or an interest in real property; (2) provide that consideration for a transfer authorized in (1), above, is in the form of an agreement between the parties that requires the entity to use the property in a manner that primarily promotes a public purpose of the city relating to economic development; (3) require an economic development agreement involving the transfer of real property to include provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (4) prohibit a city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (5) require a city, before

making a transfer under an economic development agreement, to provide notice to the general public in a newspaper of general circulation in the county in which the property is located, or if there is no such newspaper, by any means for the city to provide specific public notice authorized by statute or by ordinance of the city; and (6) provide that a city may transfer real property acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority in a Chapter 380 economic development agreement only if: (a) the city offers the previous owner an opportunity to repurchase the real property at the current market value and the previous owner declines; or (b) the city cannot locate the previous owner with reasonable effort. (Companion bill is **S.B. 848** by **Blanco**.)

H.B. 3230 (Moody) – School Property Tax Limitations: would, among other things, extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2034.

S.B. 987 (Buckingham) – Camping in Public: would: (1) create a Class C misdemeanor criminal offense for a person who intentionally or knowingly camps in a public place without the consent of the officer or agency having the legal duty or authority to manage the public place; (2) provide that consent given by an officer or agency of a political subdivision is not effective for the purposes of (1), above; (3) provide that the bill does not preempt an ordinance, order, rule, or other regulation adopted by a state agency or political subdivision relating to prohibiting camping in a public place or affect the authority of a state agency or political subdivision to adopt or enforce an ordinance, order, rule, or other regulation relating to prohibiting camping in a public place if the ordinance, order, rule, or other regulation: (a) is compatible with and equal to or more stringent than the offense in (1), above; or (b) relates to an issue not specifically addressed by the bill; (4) provide that a local entity may not adopt or enforce a policy under which the entity prohibits or discourages the enforcement of any public camping ban; (5) provide that, in compliance with (4), a local entity may not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban; (6) provide that the attorney general may bring an action in a district court in Travis County or in a county in which the principal office of the entity is located to enjoin a violation of (4) and may recover reasonable expenses, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; (7) provide that a local entity may not receive state grant funds for the state fiscal year following the year in which a final judicial determination in an action brought under (6) is made that the entity has intentionally violated (4), above; and (8) provide that a local entity that has not violated (4) may not be denied state grant funds, regardless of whether the entity is a part of another entity that is in violation of (4). (Companion bill is **H.B. 1925** by **Capriglione**.)

S.B. 1023 (Gutierrez) – Building Materials: would allow a governmental entity to impose a regulation regarding the use of a building production, material or standard that implements certain water conservation plans or programs, or is a requirement imposed by the Texas Water Development Board as a condition of applying for or receiving financial assistance under a program administered by the board.

S.B. 1090 (Buckingham) – Building Materials: would, among other things, allow a city to impose an ordinance regarding building products, materials, or methods used in the construction

or renovation of a residential or commercial building to the extent it regulates outdoor lighting that is adopted for the purpose of reducing light pollution, and is adopted by a city that is a Dark Sky Community.

S.B. 1107 (Zaffirini) – Homelessness: would, among other things, require: (1) a state registrar, a local registrar, or a county clerk to issue a homeless individual's birth record to the homeless individual without a fee; (2) the Department of State Health Services to adopt a process to verify a person's status as a homeless individual and prescribe the documentation necessary for the issuance of a certified copy of a birth record, which may not include requiring the homeless individual to provide a physical address of the person's residence; (3) the Department of Public Safety (DPS) to adopt a process to verify a person is a homeless individual, which may not include requiring the homeless individual to provide a physical address of the person's residence; and (4) DPS to exempt a homeless individual from the payment of fees for the issuance of a driver's license or personal identification certificate.

S.B. 1120 (Johnson) – Zoning: would provide that: (1) the governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting, revising, and enforcing the regulations and boundaries; (2) the adoption of initial zoning regulations and zoning district boundaries, a comprehensive revision of the regulations or boundaries, or an amendment of a regulation that applies uniformly across boundaries or areas of the municipality is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard; (3) a proposed change to a regulation or boundary that only affects an individual lot or a limited area of contiguous lots or land may be protested as provided by certain law, and, if protested, the proposed change must receive, in order to take effect, the affirmative vote of at least three-fourths of all members of the governing body; and (4) before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification of an individual property or a limited area of contiguous properties shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property or area on which the change in classification is proposed. (Companion bill is **H.B. 2989** by **Cyrier**.)

S.B. 1155 (Nelson) – Major Events Reimbursement Program: would, among other things, add the Texas Grand Prix race to the list of events eligible for funding under the Major Events Reimbursement Program.

S.B. 1168 (Campbell) – Extraterritorial Jurisdiction: would, in an area in a city's extraterritorial jurisdiction that has been disannexed under certain law or for which the city has attempted and failed to obtain consent for annexation under certain law: (1) prohibit a city from imposing a fine or fee on a person on the basis of an activity that occurs wholly in the area, or the management or ownership of property located wholly in the area; and (2) provide that the prohibition in (1) does not apply to a fine or fee for water, sewer, drainage, or other related utility services.

S.B. 1172 (Kolkhorst) – Development Plats: would provide that when a city decides to regulate the development of tracts of land via development plats, the city may define and classify the developments and need not require platting for every development of a tract of land otherwise

within the scope of the state law regarding development plats. (Companion bill is **H.B. 2997** by **Gates**.)

Elections

H.B. 2584 (Crockett) – Temporary Branch Polling Places: would provide that early voting by personal appearance at certain temporary branch polling places may be conducted on any one or more days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch.

H.B. 2585 (Crockett) – Recall Election: would: (1) apply to a municipality that has a single-member district form of representation for the governing body of the municipality; and (2) provide that the municipality may not adopt or enforce an ordinance or charter provision authorizing an election by the municipality at large for the recall of a member of the municipality's governing body who was elected from a single-member district. (Note: this means that only voters of a single-member district may vote in an election to recall a member of the governing body who was elected from the district.)

H.B. 2594 (Moody) – Political Advertising: would modify the definition of “political advertising” for purposes of certain laws regulating political communications, funds, and campaigns to include a communication supporting or opposing a candidate for nomination or election to a public office or office of a political party, a political party, a public officer, or a measure that, in return for consideration, is distributed by e-mail or text message.

H.B. 2601 (Paul) – Recording Device Use by Poll Watcher: would: (1) provide that a person may not use a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of the area in which the early voting ballot board disposes of an accepted ballot; (2) amend current law by prohibiting: (a) a person from using a wireless communication device within 100 feet of a voting station while voting is taking place; and (b): a person from using any mechanical or electronic means to record images or sound; and (3) provide an exception for: (a) a member of the early voting ballot board who is processing early voting ballots, except when opening a carrier envelope for an early voting ballot voted by mail in accordance with state law; (b) a member of the recount committee who is counting ballots; (c) a member of a tribunal deciding an election contest; or (d) a watcher, except that a watcher may use a wireless communication device only as necessary to record images or sound.

H.B. 2602 (Paul) – Poll Watchers: would: (1) repeal the minimum hours of continuous service a watcher may serve at the polling place; and (2) repeal current law that states a watcher is considered to have served continuously if the watcher leaves the polling place for the purpose of using a wireless communication device prohibited from use in the polling place and the watcher promptly returns.

H.B. 2615 (Goodwin) – Early Voting Period: would amend the starting period for early voting by personal appearance from the 22nd day before election day from the 17th day before election day.

H.B. 2640 (T. King) – Uniform Election Date: would authorize the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on the May uniform election date to, not later than December 31, 2022, change the date on which it holds its general election for officers to the November uniform election date.

H.B. 2672 (Guillen) – Early Voting Information: would: (1) require the early voting clerk to provide a copy of the roster for a person who votes an early voting ballot by personal appearance or by mail in a paper or an electronic format at the request of a person; and (2) creates an offense of a Class C misdemeanor for a person who is responsible for maintaining the roster and fails to provide information on or a copy of the roster to a requesting party.

H.B. 2699 (Martinez) – Provisional Ballots: would amend current state law that allows an exception to the requirement to provide identification in casting a provisional ballot by executing an affidavit under penalty of perjury that states the voter does not have any identification requirements as a result of a natural disaster that was declared by the president of the United States or the governor, occurred not earlier than the “60th day” rather than the “45th day” per current state law, before the date the ballot was cast, and caused the destruction of or inability to access the voter's identification.

H.B. 2764 (Rogers) – Candidate Qualifications: would amend current state law by adding a requirement that to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, must have paid all child support due and payable by the person unless: (1) the person has made all due payments under a payment plan; or (2) the child support due is being contested or negotiated. (See **H.J.R. 117**, below.)

H.B. 2859 (Bucy) – Election Database: would provide, among other things, that: (1) the authority responsible for giving notice of the election shall deliver to the secretary of state certain information for the secretary of state's database of election information in an electronic format required by the secretary of state; (2) the secretary of state shall post on the secretary of state's public Internet website a database containing information provided by each authority responsible for giving notice of an election; and (3) a candidate's name may not be printed on the ballot until the candidate's name appears on the secretary of state's Internet website as a candidate for elected office.

H.B. 2860 (Bucy) – Election Information: would require: (1) a county or city that holds, or provides election services in the case of a county, and that maintains a website, must not later than the 21st day before election day, post on its public Internet website: (a) the date of the election; (b) the location of each polling place; (c) each candidate for an elected office on the ballot; and (d) each measure on the ballot; (2) a county or city that holds, or provides election services in the case of a county, and that maintains a website, must as soon as practicable after an election, post on its public Internet website: (a) the results of each election; (b) the total number of votes cast; (c) the total number of votes cast for each candidate or for or against each measure; (d) the total number of votes cast by personal appearance on election day; (e) the total number of votes cast by personal appearance or mail during the early voting period; and (f) the total number of counted and uncounted provisional ballots cast; and (3) the election result information must be clearly labeled

in plain language and: (i) accessible without having to make more than two selections or view more than two network locations after accessing the Internet website home page of the county, city, or district, as applicable, for the most recent election; and (ii) accessible without having to make more than four selections or view more than four network locations after accessing the Internet website home page of the county, city, or district, as applicable, for a previous election.

H.B. 2875 (Anchia) – Voter Identification: would provide that: (1) a student identification card issued to a person by a public or private high school or an institution of higher education is an acceptable form of identification for voting if the identification card contains the person's photograph and date of birth; and (2) any other identification card, form, or certificate containing a person's photograph and date of birth issued by the state, an agency or political subdivision of the state, or the United States, is an acceptable form of identification for voting.

H.B. 2908 (Dutton) – Application for Office: would: (1) require that a candidate's application for a place on the ballot must be submitted with an affidavit stating that the candidate lives at the residence address listed on the application form; (2) create the criminal offense of a third-degree felony for providing false information on an affidavit submitted with the application; and (3) create a civil penalty in an amount not to exceed \$10,000 for providing false information on the aforementioned affidavit.

H.B. 2993 (Morales Shaw) – Voter Identification: would provide that a Transportation Worker Identification Credential card issued by the Transportation Security Administration that has not expired or that expired no earlier than four years before the date of presentation for voting is acceptable documentation of proof of identification for voting.

H.B. 3019 (Moody) – Campaign Contributions: would provide that a campaign contribution made to a candidate for statewide office or the legislature or to a specific-purpose committee supporting or opposing the candidate may not be expended to support or oppose a candidate for an office of a municipality.

H.B. 3080 (Oliverson) – Unsolicited Vote by Mail Application: would, among other things: (1) create a Class A misdemeanor if the person mails or otherwise provides an application form for an early voting ballot to a person who did not solicit the form; and (2) require the early voting clerk to include with the balloting materials a card containing a space for the voter to: (a) place the voter's right thumbprint; and (b) sign the card.

H.B. 3086 (Beckley) – Voter Identification: would allow a person whose name has changed not more than two years before the date the person offers to vote to present identification that shows a name of the voter that does not match the name on the precinct list of registered voters if the person also presents certified documentation of the name change that shows: (1) the name of the voter shown on the precinct list of registered voters; and (2) the name of the voter shown on the identification presented.

H.B. 3107 (Clardy) – Election Practices and Procedures: would, among many other things: (1) provide that in the case of an election in which any members of a political subdivision's governing body are elected from territorial units such as single-member districts, the state laws governing the

election of unopposed candidates apply if each candidate for an office that is to appear on the ballot in that territorial unit is unopposed and no opposed at-large race is to appear on the ballot; (2) require the notice of a general or special election to state the internet website of the authority conducting the election; (3) provide that an election services contract may not change a political subdivision's requirement to keep an election officer's office open for election duties for at least three hours each day, during regular office hours, on regular business days during a specified period of time prior to election day and ending not earlier than the 40th day after election day; (4) expand the methods of notice that an election authority conducting the drawing to order names of candidates on the ballot may use to notify candidates of the date, hour, and place of the drawing in include telephone, email, and personal written notice; (5) require an election officer at the polling place to maintain a registration omissions list; (6) provide that if the name of a voter who is offering to vote is not on the precinct list of registered voters, an election officer may contact the voter registrar regarding the voter's registration status; (7) provide that provisional voting records are not available for public inspection until the first business day after the date the early voting ballot board completes the verification and counting of provisional ballots and delivers the provisional ballots and other provisional voting records to the general custodian of election records; (8) provide that a voter may deliver a marked mail ballot in person to the main early voting polling place only while the polls are open during the early voting period or on election day; (9) require the authority with whom an application for a place on the ballot must be filed to designate an email address in the notice of deadlines for filing an application for a place on the ballot; (10) provide that for cities conducting recall elections, a vacancy in an officer's office occurs on the date of the final canvass of a successful recall election; and (11) eliminate the requirement that an election precinct established for an election ordered by a city may not divide a county election precinct except as necessary to follow the city's boundary.

H.B. 3147 (Cole) – Early Voting: would provide that: (1) the early voting ballot board shall verify and count provisional ballots not later than the 10th day after the date of an election; (2) the early voting ballot board shall determine whether to accept mail ballots not later than the 10th day after the date of an election; and (3) the presiding judge of the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application not later than the 10th day after the local canvass.

H.B. 3152 (Noble) – Ineligible Candidates: would authorize the secretary of state to petition a district court for appropriate relief if the agency becomes aware of a candidate who has withdrawn, has died, or is ineligible but whose name has not been omitted from the ballot.

H.B. 3200 (Jetton) – Ballot by Mail: would, among other things: (1) add the ability to supply an e-mail address on an application form for an early voting ballot and voter's preferred contact method; (2) require, not later than 24 hours after a ballot is rejected, the presiding judge of the early voter's ballot board to: (a) notify the voter of the rejection of the voter's ballot using the voter's preferred contact method; (b) inform the voter that, time permitting, the voter may: (i) request new balloting materials; or (ii) vote by personal appearance; and (c) deliver written notice of the reason for the rejection of a ballot to the voter; (3) applies only to an early voting ballot voted by mail: (a) for which the voter did not sign the carrier envelope certificate; (b) for which it cannot immediately be determined whether the signature on the carrier envelope certificate is that

of the voter; (c) missing any required statement of residence; or (d) containing incomplete information with respect to a witness.

H.B. 3247 (Schofield) – Election Procedures During Disaster: would, among other things: (1) prohibit an election official of a political subdivision from seeking to alter, in response to a pandemic disaster, any voting standard practice, or procedure in a manner not otherwise expressly authorized by state law, unless the election official first obtains approval of the proposed alternation from the secretary of state by submitting a written request for approval to the secretary of state; (2) prohibit the secretary of state from approving a request under (1) unless a condition directly caused by the pandemic disaster has made the conduct of the election infeasible in the absence of the alteration; and (3) provide that, in the absence of the governor’s disaster declaration, an election official of a political subdivision may not alter any voting standard, practice, or procedure in a manner not otherwise expressly authorized by law.

H.J.R. 117 (Rogers) – State Candidate Qualifications: would, among other things, amend the Texas Constitution by adding a requirement that to be eligible to be a candidate for, or elected or appointed, to the office of State Senator or Representative, or to be a candidate for or elected to the office of Governor, must have paid all child support due and payable by the person unless: (a) the person has made all due payments under a payment plan; or (b) the child support due is being contested or negotiated. (See **H.B. 2764**, above.)

S.B. 1018 (Zaffirini) – 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. (Companion bill is **H.B. 1464** by **Hinojosa**.)

S.B. 1110 (Bettencourt) – Election Procedures: would, amongst other things, require: (1) that not later than the 60th day before the date of a regular or special election, the presiding judge of each administrative judicial region shall appoint not fewer than three retired judges to serve as emergency election review judges to preside over election violation complaints; and (2) create a review process by which an action alleging a violation of the election code, that is filed within 45 days of an election by a candidate in the election or a state or county chair of a political party that has a candidate in the election, to request emergency injunctive relief to prevent the alleged violation from continuing.

S.B. 1111 (Bettencourt) – Residency: would, among other things, modify the definition of “residence” for purposes of elections to provide that: (1) a person may not establish residence for the purpose of influencing the outcome of a certain election; (2) a person may not establish a residence at any place the person has not inhabited; and (3) a person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain.

S.B. 1112 (Bettencourt) – Voter Signature Verification: would: (1) prohibit a county clerk, elections administrator, early voting clerk, or early voting ballot board from suspending the signature verification requirements for accepting early voting ballots voted by mail; and (2) creates a Class A misdemeanor for a violation of this prohibition.

S.B. 1115 (Bettencourt) – Early Voting: would, among other things: (1) provide that, for any runoff election resulting from an election held on a uniform election date, the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day; (2) provide that, unless ordered by a court, voting time during early voting may not last more than 12 hours in one day; and (3) establish the following hours for early voting for any election in which a county clerk or city secretary is the early voting clerk: (a) on any weekday of the first week of the early voting period, from 8:00 a.m. until 5:00 p.m.; (b) on a Saturday during the early voting period; from 7:00 a.m. until 7:00 a.m.; (c) on a Sunday during the early voting period, from 1:00 p.m. until 6:00 p.m.; and (d) on any weekday of the last week of the early voting period, from 7:00 a.m. until 7:00 p.m.

S.B. 1116 (Bettencourt) – Posting Election Information: would require: (1) that a county that holds or provides election services, and a city or independent school district that holds an election, and maintains an Internet website, shall publish the following as soon as practicable after the election: (a) the results of each election; (b) the total number of votes cast; and (c) the total number of votes cast for each candidate or for or against each measure; and (2) such information to be accessible without having to make more than two selections or view more than two network locations after accessing the Internet website home page of the county, city, or district, as applicable.

Emergency Management

H.B. 2548 (Morrison) – Building Inspections: would: (1) provide that a building inspection in an area of a city subject to a state or a local disaster declaration may be performed by: (a) a person certified to inspect buildings by the International Code Council; (b) a person employed as building inspector by the city in which the building is located; or (c) a person employed as a building inspector by any city, if the city in which the building is located has approved the person to perform inspections during the disaster; and (2) prohibit a city from collecting an inspection fee related to an inspection performed under (1). (Companion bill is **S.B. 877** by **Hancock**.)

H.B. 2620 (Wilson) – Wineries: would provide that a winery shall be treated in the same manner as a restaurant for any order, proclamation, regulation, or directive issued by the governor or a

local governmental body that relates to the operation of an alcoholic beverage establishment during a declared state of disaster or local state of disaster or a proclaimed state of emergency.

H.B. 2696 (Morrison) – Disaster Recovery Loan: would provide that: (1) a political subdivision, including a city, may apply to the Texas Division of Emergency Management (TDEM) for a loan if TDEM determines that the political subdivision's estimated cost to appropriately respond to the disaster is greater than 50 percent of the political subdivision's total revenue for the current year as shown in the most recent operating budget of the political subdivision submitted to TDEM; and (2) TDEM may consult with the Federal Emergency Management Agency in making the determination required under (1), above.

H.B. 2729 (Slaton) – In-Person Hospital Visits: would provide, among other things, that: (1) a hospital may not prohibit in-person visitation, including visitation during a declared state of disaster declared of the following individuals with a patient at the hospital who is seriously ill or dying: (a) an immediate family member of the patient; or (b) religious counsel; and (2) a convalescent and nursing facility may not prohibit in-person visitation, including visitation during a declared state of disaster, of the following individuals with a resident of the facility who is seriously ill or dying: (a) an immediate family member of the patient; or (b) religious counsel.

H.B. 2760 (White) – Isolation or Quarantine Control Measures: would provide, among other things, that: (1) an individual retains the right to choose and make decisions regarding the medical treatment provided to the individual or the individual's child and the right to refuse: (a) a medical treatment or procedure; (b) medical test; (c) a physical or mental examination; (d) an immunization; (e) an experimental procedure or protocol; (f) the collection of a specimen; (g) participation in a tracking or tracing program; (h) participation in wearing a medical or other protective device; (i) participation in maintaining a measured distance from other individuals or animals, unless the distance is required by law or under a court order; and (j) involuntary disclosure of personal data or medical information; (2) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, the Department of State Health Services (DSHS) or a health authority must: (a) provide notice of the control measures to the individual or group of individuals; (b) provide to the individual or group of individuals an opportunity to demonstrate that the implementation of control measures is not necessary; and (c) obtain from a district court in a county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing DSHS or a health authority to order the individual or group of individuals to implement control measures; (3) to obtain a court order under (2)(c), above, DSHS or a health authority must demonstrate to the court by clear and convincing evidence that the individual or group of individuals is infected with or is reasonably suspected of being infected with a communicable disease that presents a threat to public health; (4) in ordering an individual or group of individuals to implement control measures under that involve isolation or quarantine, DSHS or a health authority to the greatest extent possible must: (a) use the least restrictive means available; and (b) allow an individual to isolate or quarantine in the individual's home or with a family member, a friend, or another individual with whom the individual is involved in a romantic relationship; and (5) repeal the provision that provides that during an emergency or an area quarantine or after a state declared disaster a medical treatment exemption does not apply to an individual who chooses treatment by prayer or spiritual

means as part of the tenets and practices of a recognized church of which the individual is an adherent or member.

H.B. 2812 (Murphy) – Disaster Response Loan Fund: would establish the disaster response loan fund to be used to provide short-term loans to political subdivisions affected by a disaster.

H.B. 3016 (Moody) – Suspension of Criminal Law: would provide that, during a declared state of disaster, an executive order, proclamation, or regulation issued by the governor may not suspend a provision in the Code of Criminal Procedure or Penal Code.

H.B. 3036 (Campos) – Evictions: would provide that: (1) an action to evict a tenant is automatically abated without a court order during the period a state of disaster is in effect and until the 61st day after the date a state of disaster ends; and (2) during the period a state of disaster is in effect and until the 61st day after the date a state of disaster ends, an officer may not execute a writ of possession relating to the eviction of a tenant.

H.B. 3241 (Schofield) – Compensation Damages: would provide, among other things, that: (1) a business owner is entitled to compensation from a governmental entity, including a city, for losses caused to the owner's business by an order, ordinance, or other regulation by a governmental entity, including an executive or local order issued during a declared state of disaster that: (a) closes a business permanently or temporarily; or (b) effectively closes a business by: (i) limiting the business's operations to the extent that the business owner cannot effectively maintain the business; or (ii) ordering customers not to patronize the business; (2) a business owner is not entitled to compensation under (1), above, if the governmental entity can demonstrate that the primary reason for the governmental action was: (a) a judicial finding that the business: (i) was a nuisance under the law; or (ii) violated other law; or (b) a finding that the business or owner failed to: (i) acquire or maintain a license required by the governmental entity for the business; (ii) file or maintain records required by the secretary of state; or (iii) pay taxes; and (3) sovereign and governmental immunity to suit and from liability is waived and abolished.

S.B. 967 (Kolkhorst) – Expiration of Public Health Orders: would provide that a public health order issued by a health authority that is imposed on more than one individual, animal, place, or object expires on the eighth day following the date the order is issued unless, before the eighth day, the governing body of a municipality or the commissioners court of a county that appointed the health authority by majority vote extends the order for a longer period.

S.B. 968 (Kolkhorst) – Public Health Disaster Preparedness: would provide that: (1) the Texas Division of Emergency Management (TDEM) shall enter into a contract with a manufacturer of personal protective equipment (PPE) that guarantees that TDEM is given priority in the purchase of the equipment over other persons, including other states and local governments, during a declared public health disaster; (2) TDEM may purchase PPE under a contract described by (1), above, only if: (a) a public health disaster is declared by the commissioner of state health services; and (b) TDEM determines the state's supply of PPE will be insufficient based on an evaluation of the PPE: (i) held in reserve in this state; and (ii) supplied by or expected to be supplied by the federal government.

S.B. 989 (Buckingham) – Disaster Orders: would limit an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act of 1975 that restricts: (1) the operation of or the hours of operation for a business: (a) that holds a permit or license issued by the Texas Alcoholic Beverage Commission; (b) in the manufacturing tier of the alcoholic beverage industry; and (c) that authorizes the business to sell alcoholic beverages for on-premises consumption; and (2) a Section 501(a) tax exempt nonprofit organization that benefits veterans of the United States armed forces.

S.B. 995 (Powell) – Disaster Reinvestment and Infrastructure Planning Fund: would establish the disaster reinvestment and infrastructure planning board and the disaster reinvestment and infrastructure planning revolving fund, which is designed to, among other things, provide public infrastructure loans and grants to political subdivisions impacted by a disaster. (See **S.J.R. 44**, below.)

S.J.R. 44 (Powell) – Disaster Reinvestment and Infrastructure Planning Board: would amend the Texas Constitution to provide that the legislature may authorize the disaster reinvestment and infrastructure planning board to issue general obligation bonds of the State of Texas in an amount not to exceed \$500 million and to enter into related credit agreements. (See **S.B. 995**, above.)

S.J.R. 45 (Birdwell) – Extension of Disaster Declaration: would amend the Texas Constitution to provide, among other things, that: (1) a state of disaster or emergency declared by the governor may not continue for more than 30 days unless it is renewed or extended by the legislature if the declared state of disaster or emergency: (a) exists in at least two-fifths of the counties; (b) affects at least half of the population, according to the most recent federal decennial census; or (c) affects at least two-thirds of the counties in three or more trauma service areas, as designated by the appropriate state agency; (2) the governor shall convene the legislature in special session when the governor proposes to renew an order or proclamation declaring a state of disaster or emergency described in (1), above or issue a new order regarding the same state of disaster or emergency; and (3) in a special session convened under (2), above, the legislature may: (a) renew or extend the state of disaster or emergency; (b) respond to the state of disaster or emergency, including by: (i) passing laws and resolutions the legislature determines are related to the state of disaster or emergency; and (ii) exercising the power to suspend laws as provided to the legislature by the Constitution and (iii) consider any other subject stated in the governor’s proclamation convening the legislature.

Municipal Courts

H.B. 2684 (Canales) – Expunctions: would: (1) require a court that issues an order of nondisclosure of criminal history record information to include in the order any other offense arising out of the same transaction as the offense for which the order is sought if: (a) the other offense has not resulted in a final conviction and is no longer pending; and (b) there was no court-ordered community supervision for the other offense; and (2) amends current law limiting nondisclosure of criminal history record information for certain individuals who are on community supervision by repealing the requirement that they must not have been previously convicted of or

placed on deferred adjudication community supervision for another offense other than a traffic offense that is punishable by fine only or other certain misdemeanors.

H.B. 2714 (Hernandez) – Implicit Bias Training: would, among other things, require: (1) justices and judges of state courts, including municipal courts, judicial officers, and certain court personnel to complete a two-hour implicit bias training course approved by the court of criminal appeals every two years; (2) attorneys licensed to practice law in this state to complete a one-hour implicit bias training course approved by the state bar every continuing education requirement compliance period; and (3) the implicit bias training course must address racial, ethnic, gender, religious, age, mental disability, and physical disability and sexual harassment issues in the legal system.

H.B. 2915 (Schofield) – Role of Jury: would, among other things: (1) repeal the provision allowing a juror to be struck for cause because the juror has a bias or prejudice against any phase of the law upon which the State is entitled to rely for conviction or punishment; (2) would prohibit a potential juror from being excused or disqualified from serving on a jury because the juror expresses a willingness to exercise a power granted to the jury under state law; (3) authorize the jury to determine that a defendant is guilty according to the law but that the law is unjust or unjustly applied to the defendant and may decide not to apply the law to the defendant and find the defendant not guilty or guilty of a lesser included offense; and (4) prohibits the court or state from infringing on this right, which if done, is grounds for a mistrial.

Open Government

H.B. 2560 (Martinez) – Open Meetings: would: (1) provide that, without regard to whether a member of the governmental body is participating in a meeting from a remote location by telephone conference call, a governmental body may allow a member of the public to speak at a meeting from a remote location by telephone conference call; (2) provide that, when a member of a governmental body loses audio or video during a videoconference meeting, the meeting may continue when a quorum of the body remain audible and visible to each other and, during the open portion of the meeting, to the public; (3) allow a meeting by videoconference so long as the presiding officer is present at a physical location open to the public where members of the public may observe and participate in the meeting; (4) set out the notice requirements for a videoconference meeting; and (5) provide that, without regard to whether a member of the governmental body is participating in a meeting from a remote location by videoconference call, a governmental body may allow a person to speak at a meeting from a remote location by videoconference call. (Companion bill is **S.B. 639** by **Menéndez**.)

H.B. 2618 (Hernandez) – Public Information: would: (1) provide that information contained in a citation issued for a violation of a state traffic law or local traffic ordinance is excepted from public disclosure if the information is the home address or personal telephone number of the person who is the subject of a citation; and (2) allow the information described in (1) to be disclosed to a FCC-licensed radio or television station and certain newspapers.

H.B. 2683 (Canales) – Open Meetings: would: (1) for an open meeting that is broadcast live over the Internet and held wholly or partly by telephone conference and/or videoconference: (a) require the governmental body ensure the public is able to listen and, if applicable, speak; (b) require the open meeting be audible to the public by telephone and at location described in (2), below; (c) require that the public have access to both audiovisual and audio-only feeds of the open meeting; and (d) if applicable, require that members of the public be able to address the governmental body by telephone and videoconference; (2) require that the notice of a meeting described in (1) include, among other things: (a) a list of each physical location where a member of the public may observe and participate in the meeting; (b) a toll free number for use by the public; (c) access information for any audiovisual or audio-only feeds; and (d) instructions for the public to speak at the meeting; (3) require that a meeting described in (1) be recorded and that the recording be made available to the public not later than 24 hours after adjourning the meeting; (4) require that a meeting notice indicate whether a subject will be considered in an open meeting or a closed session; and (5) require a meeting be broadcast over the Internet if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of a public emergency or disaster. (Companion bill is **S.B. 924** by **Zaffirini**.)

H.B. 2789 (Vasut) – Public Information Act Charges: would provide that a governmental body may not impose a charge for providing a copy of public information if: (1) the information is a political or campaign report required to be filed with the governmental body, unless all of those reports filed with the governmental body during the preceding three years are available to the public on the governmental body's internet website; (2) the governmental body fails to disclose the information on or before the 10th business day after the date of receiving the requestor's written request, unless the governmental body: (a) sends a written request for clarification to the requestor; or (b) requests a decision from the attorney general; or (3) the governmental body requests a decision from the attorney general and: (a) the governmental body fails to provide to the requestor: (i) a written statement that the governmental body wishes to withhold the requested information and has requested a decision from the attorney general; and (ii) a copy of the written request for a decision; or (b) the attorney general determines the requested information must be disclosed.

H.B. 2811 (Murphy) – Disclosure of Hazardous Chemicals: would provide: (1) that a political subdivision in possession of a tier two form listing hazardous chemicals is confidential and not subject to disclosure under the Public Information Act; and (2) a political subdivision may release a tier two form or information contained in the form to the public only if the tier two form or applicable information has been made publicly available by the Texas Commission on Environmental Quality.

H.B. 2969 (Cason) – Open Meetings: would provide that a person in attendance at an open meeting of a governmental body may: (1) record all or any part of the meeting by means of a recorder, video camera, or other means of aural or visual reproduction; or (2) stream live video and audio of all or any part of the meeting on the Internet.

H.B. 3015 (Hernandez) – Public Information: would provide that: (1) if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date

the request is received; (2) if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received, notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information; (3) if a governmental body fails to comply with the requirements in (1) or (2), the requestor may send a written complaint to the attorney general; and (4) if the attorney general determines the governmental body failed to comply with (1) or (2), the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it. (Companion bill is **S.B. 927** by **Zaffirini**.)

H.B. 3139 (Longoria) – Open Meetings: would: (1) authorize a governmental body to hold an open or closed meeting by conference call; (2) define “conference call” to mean a meeting held by telephone conference call, videoconference call, or telephone conference and videoconference call; (3) require that each part of a meeting held by conference call required to be open to the public: (a) be audible to the public; (b) be visible to the public if it is a videoconference call; and (c) have two-way communication with each participant; (4) provide that a member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting; (5) provide that a member of a governmental body who participates in a meeting by conference call shall: (a) be counted as present at the meeting for all purposes; and (b) be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, but allow the governmental body to continue the meeting if a quorum of the body continues to participate in the meeting; (6) provide that a governmental body may allow a member of the public to testify at a meeting by conference call; (7) provide that a meeting held by conference call is subject to the notice requirements applicable to other meetings and also must include certain instructions to the public; (8) require that a meeting held by conference call be recorded, and that the recording be made available to the public; and (9) require the Department of Information Resources by rule to specify minimum standards for the recording of a meeting held by conference call.

S.B. 923 (Zaffirini) – Open Meetings and Public Information: would make various changes to open government laws, and:

For purposes of the Open Meetings Act, would:

1. for an open meeting that is broadcast live over the Internet and held wholly or partly by telephone conference and/or videoconference: (a) require the governmental body ensure the public is able to listen and, if applicable, speak; (b) require the open meeting be audible to the public by telephone and at location described in (2), below; (c) require that the public have access to both audiovisual and audio-only feeds of the open meeting; and (d) if applicable, require that members of the public be able to address the governmental body by telephone and videoconference;
2. require that the notice of a meeting described in (1) include, among other things: (a) a list of each physical location where a member of the public may observe and participate in the meeting; (b) a toll free number for use by the public; (c) access information for any

audiovisual or audio-only feeds; and (d) instructions for the public to speak at the meeting;

3. require that a meeting described in (1) be recorded and that the recording be made available to the public not later than 24 hours after adjourning the meeting;
4. require that a meeting notice indicate whether a subject will be considered in an open meeting or a closed session; and
5. require a meeting be broadcast over the Internet if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of a public emergency or disaster.

For purposes of the Public Information Act, and certain other law, would:

1. 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”);
2. provide that a governmental body is not authorized to withhold a date of birth unless permitted by the Health Insurance Portability and Accountability Act, constitutional law, or statutory law;
3. provide that, if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received;
4. provide that, if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information;
5. provide that, if a governmental body fails to comply with the requirements in (3) or (4), the requestor may send a written complaint to the attorney general, and if the attorney general determines the governmental body failed to comply with (3) or (4), the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it;
6. impose various requirements when dealing with electronic public information; and
7. with some exceptions, require a governmental body to post on its website each contract for the purchase of goods or service from a private vendor along with certain other information.

S.B. 924 (Zaffirini) – Open Meetings: would: (1) for an open meeting that is broadcast live over the Internet and held wholly or partly by telephone conference and/or videoconference: (a) require the governmental body ensure the public is able to listen and, if applicable, speak; (b) require the open meeting be audible to the public by telephone and at location described in (2), below; (c) require that the public have access to both audiovisual and audio-only feeds of the open meeting; and (d) if applicable, require that members of the public be able to address the governmental body by telephone and videoconference; (2) require that the notice of a meeting described in (1) include,

among other things: (a) a list of each physical location where a member of the public may observe and participate in the meeting; (b) a toll free number for use by the public; (c) access information for any audiovisual or audio-only feeds; and (d) instructions for the public to speak at the meeting; (3) require that a meeting described in (1) be recorded and that the recording be made available to the public not later than 24 hours after adjourning the meeting; (4) require that a meeting notice indicate whether a subject will be considered in an open meeting or a closed session; and (5) require a meeting be broadcast over the Internet if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of a public emergency or disaster. (Companion bill is **H.B. 2683** by **Canales**.)

S.B. 925 (Zaffirini) – 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”). (Companion bill is **H.B. 1416** by **Capriglione**.)

S.B. 926 (Zaffirini) – Public Information: would provide that a governmental body is not authorized to withhold a date of birth unless permitted by the Health Insurance Portability and Accountability Act, constitutional law, or statutory law.

S.B. 927 (Zaffirini) – Public Information: would provide that: (1) if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received; (2) if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information; (3) if a governmental body fails to comply with the requirements in (1) or (2), the requestor may send a written complaint to the attorney general; and (4) if the attorney general determines the governmental body failed to comply with (1) or (2), the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it. (Companion bill is **H.B. 3015** by **Hernandez**.)

S.B. 928 (Zaffirini) – Electronic Public Information: would provide that: (1) data dictionaries and other indicia of the type or category of information held in each field of a database is public information under the Public Information Act (PIA); (2) a governmental body’s use of an electronic recordkeeping system may not erode the public’s right of access to public information under the PIA; (3) the contents of public information that is produced and maintained in an electronic spreadsheet or database that is searchable or sortable (electronic public information), including the information described in (1), above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property; (4) if a request for public information applies to electronic public information and the requestor requests the information in a searchable or sortable format, the governmental body shall provide an electronic copy of the requested

electronic public information in the searchable or sortable format requested using computer software the governmental body has in its possession, but if the requestor prefers, the governmental body shall provide a copy of electronic public information in the form of a paper printout; (5) a governmental body may not refuse to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require inputting range, search, filter, report parameters, or similar commands or instructions into the governmental body's computer system if the commands or instructions can be executed with computer software used by the governmental body in the ordinary course of business to access, support, or otherwise manage the information; (6) a requestor may request that a copy of electronic public information be provided in the format in which the information is maintained by the governmental body or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) if the governmental body's computer programs support exporting the information in that format, and the governmental body shall provide the copy in the requested format or in another format acceptable to the requestor; (7) if the electronic public information is maintained by a governmental body in a format that is: (a) searchable but not sortable, the governmental body shall provide an electronic copy of the information in a searchable format; or (b) sortable, the governmental body shall provide an electronic copy of the information in a sortable format; and (8) a governmental body shall use reasonable efforts to ensure that a contract entered into by the governmental body for the creation and maintenance of electronic public information does not impair the public's ability to inspect or copy the information or make the information more difficult for the public to inspect or copy than records maintained by the governmental body. (Companion bill is **H.B. 1810** by **Capriglione**.)

S.B. 930 (Zaffirini) – Public Information: would provide that certain information regarding the occurrence of communicable disease in residential facilities is subject to disclosure under the Public Information Act unless the information is made confidential under other law.

S.B. 972 (West) – Critical Incident Video Recordings: would provide, among other things, that:

1. the office of the attorney general shall establish and maintain on its internet website a publicly accessible database of required use of force reports submitted to the office;
2. a law enforcement agency shall make public any video recording in the agency's possession involving: (a) an officer-involved shooting, including an unintentional discharge of a firearm while in the course of duty or in response to a call, regardless of whether: (i) a person is hit by gunfire; or (ii) an allegation of misconduct is made; (b) use of force resulting in death or serious bodily injury; (c) the death of an arrestee or detainee while the person is in the custodial care of a law enforcement agency; and (d) any other police encounter in which a law enforcement agency determines release of a video recording furthers a law enforcement purpose (collectively, a "critical incident");
3. a law enforcement agency shall provide a video recording of a critical incident described in (2), above, to a person who requests such recording, not later than the 60th day after the date the critical incident occurs, except that if the law enforcement agency determines as described in (4), below, that the video recording cannot be released, the agency shall, not later than the 45th day after the date the

- critical incident occurs, begin notifying persons who request a copy of the video recording of the reasons for the agency's decision and providing an explanation as to when the agency will make copies of the video recording available to requestors;
4. a law enforcement agency may: (a) withhold a video recording of a critical incident if the agency is prohibited from releasing the recording by law or a court order; (b) redact or edit the video recording to protect juveniles and victims of certain crimes or to protect the privacy interests of other individuals who appear in the recording; (c) not redact or edit a video recording in a manner that compromises the depiction of what occurred during the critical incident, including the officers; (d) delay the release of a video recording of a critical incident to protect: (i) the safety of the individuals involved in the critical incident, including officers, witnesses, bystanders, or other third parties; (ii) the integrity of an active criminal or administrative investigation or a criminal prosecution; (iii) confidential sources or investigative techniques; or (iv) the constitutional rights of an accused involved in the incident;
 5. if a law enforcement agency determines that the provisions of (4)(d), above, apply to a video recording of a critical incident, the agency shall: (a) not later than the 45th day after the date the critical incident occurs, begin notifying persons who request a copy of the recording of the specific, factual reasons for the delay; and (b) update persons who request a copy of the recording every 15 days regarding the continuing justification for the delay until the copies are released;
 6. not later than 48 hours before the time a law enforcement agency releases a video recording of a critical incident, the agency shall make a reasonable attempt to notify and consult with: (a) the officers depicted in the recording or significantly involved in the use of force; (b) the individual upon whom force was used or the individual's: (i) next of kin if the individual is deceased; (ii) parent or legal guardian if the individual is a juvenile; or (iii) legal counsel if the individual is represented by legal counsel; (c) the district attorney's office, county attorney's office, or city attorney's office that has jurisdiction over the critical incident depicted in the video; and (d) any other individual or entity connected to the critical incident the law enforcement agency deems appropriate; and
 7. the law enforcement exception under the Public Information Act does not apply to a video recording of a critical incident in a law enforcement agency's possession.

S.B. 973 (West) – Body Worn Camera Recordings: would:

1. provide that a body worn camera recording that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of a peace officer may be released to the public regardless of whether all criminal matters have been finally adjudicated and all related administrative investigations have concluded;
2. provide that any portion of a recording described in (1), above, that is made in a private space is confidential and excepted from the requirements of the Public

Information Act (PIA), and may not be released without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative;

3. repeal the provisions that provide that: (a) a law enforcement agency may permit a person who is depicted in a recording described in (1), above, or, if the person is deceased, the person's authorized representative, to view the recording, provided that the law enforcement agency determines that the viewing furthers a law enforcement purpose and provided that any authorized representative who is permitted to view the recording was not a witness to the incident; (b) a person viewing a recording may not duplicate the recording or capture video or audio from the recording; and (c) a permitted viewing of a recording under (a), above, is not considered to be a release of public information for purposes of the PIA;
4. repeal the provision that provides that a law enforcement agency may release to the public a recording described in (1), above, if the law enforcement agency determines that the release furthers a law enforcement purpose;
5. repeal the provision that provides that a recording described in (1), above, may be withheld under the law enforcement exception of the PIA if related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision;
6. repeal the provision that provides information recorded by a body worn camera as described in (1), above, and held by a law enforcement agency is not public information under the PIA;
7. repeal the provision that provides that information that is or could be used as evidence in a criminal prosecution is public information under the PIA; and
8. repeal the provision that provides that a recording described in (1), above, is confidential and excepted from the PIA if the recording: (a) was not required to be made under a law or under a policy adopted by the appropriate law enforcement agency; and (b) does not relate to a law enforcement purpose.

S.B. 974 (West) – Access to Law Enforcement Records: would provide that:

1. the following information is public information: (a) information that is basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv) a mug shot; (v) a report relating to an officer-involved shooting or an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vi) a report relating to a peace officer's use of force resulting in death or serious bodily injury; or (vii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;
2. the law enforcement exception that allows for withholding information related to detection, investigation or prosecution of an investigation that did not result in conviction or deferred adjudication or internal records or notations related to an

- investigation that did not result in a conviction or deferred adjudication does not apply to information, records or notations if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;
3. a governmental body that releases information, records, or notations to a family member of a deceased or incapacitated person who is a subject of the information, record, or notation is not considered to have voluntarily made that information available to the public and does not waive the ability to assert in the future that the information is excepted from required disclosure;
 4. a fire or police department in a civil service city may maintain a department personnel file (commonly referred to as the “g” file) on a police officer or fire fighter to store sensitive personal information, including the individual ’s home address, home telephone number, personal cellular telephone number, emergency contact information, social security number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
 5. a letter, memorandum, or document regarding a peace officer’s alleged misconduct maintained in the “g” file is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document; and
 6. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency’s complete factual findings and analysis of the conduct and appropriate discipline of the covered employee.

S.B. 975 (West) - Access to Law Enforcement Records: would provide, among other things, that:

1. the office of the attorney general shall establish and maintain, on its internet website, a publicly accessible database of officer-involved injury or death reports that are required to be submitted to the office;
2. the following information is public information under the Public Information Act (PIA): (a) basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv)

- a mug shot; (v) a report relating to an officer-involved shooting; (vi) a report relating to an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vii) a report relating to a peace officer's use of force resulting in death or serious bodily injury; or (viii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;
3. law enforcement information that deals with the detection, investigation or prosecution of a crime that does not result in conviction or deferred adjudication, or an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution, that does not result in conviction or deferred adjudication is public information if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;
 4. a letter, memorandum, or document regarding a peace officer's alleged misconduct in the peace officer's departmental civil service personnel file (commonly referred to as the "g" file) is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document;
 5. a law enforcement agency shall, with exceptions, make public any video recording in the agency's possession involving a critical incident, including an officer-involved shooting, use of force that results in death or serious bodily injury, or a custodial death, not later than the 60th day after the date of the critical incident;
 6. a fire or police department in a civil service city may maintain a "g" file to store sensitive personal information, including the individual's home address, home telephone number, personal cellular telephone number, emergency contact information, social security number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
 7. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency's: (i) complete factual findings; and (ii) analysis of the conduct and appropriate discipline of the covered employee;

8. a written request for information recorded by a body worn camera shall be treated as a request for public information under the PIA; and
9. provisions of current law related to withholding from release a portion of a body worn camera recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative are repealed.

(Companion bill is **H.B. 2383** by **Moody**.)

Other Finance and Administration

H.B. 2549 (Dutton) – Tort Claims Act: would provide that the election of remedies provision in the Tort Claims Act may not be construed to restrict a plaintiff's ability to bring a suit against an employee of a governmental unit for assault, battery, false imprisonment, or any other intentional tort, including a tort involving disciplinary action by school authorities.

H.B. 2554 (Gates) – Joint Vocational School Districts: would, among other things: (1) establish joint vocational school districts to provide public education to high school students whose educational needs are better served by focused vocational education and training; (2) authorize a city to join a petition by the board of trustees of two or more school districts to establish a joint vocational school district if: (a) the board of trustees of each member district votes to approve the participation of the city; and (b) the city council votes to approve participation in the joint vocational school district; (3) provide that a city that participates in the petition to establish the joint vocational school district may appoint one trustee to the district's board of trustees; and (4) require the board of trustees of a joint vocational school district to provide to each participating city an end-of-year financial report for the district.

H.B. 2574 (Beckley) – Nepotism: would amend current law by expanding the exception to the nepotism prohibition for appointing an election clerk. (Note: Current law provides an exception to nepotism for the appointment of an election clerk who is not related in the first degree by consanguinity or affinity to an elected official of the authority that appoints the election judges for that election.)

H.B. 2578 (Leach) – Newspaper Notice: would: (1) require the comptroller to develop and maintain an Internet website of public information; (2) define the term "public information" to mean a public or legal notice that a governmental entity is required to publish or other information submitted for publication by a governmental entity; (3) require that the public information Internet website be designed to, among other things, allow a governmental entity to easily post public information, and allow a person to subscribe to e-mail notices of public information associated with a specific governmental entity; (4) require a governmental entity to submit for inclusion on the public information Internet website any public or legal notice a statute or rule requires the entity to publish in a newspaper (except those an entity must publish on the Office of Court Administration website); (5) provide a governmental entity's submission of public information to the public information Internet website satisfies a requirement imposed by a statute or rule to

publish notice in a newspaper; and (6) provide that a governmental entity that in good faith attempts to submit public information to the public information Internet website is not subject to liability or other penalty for failing to post the public information to the website or to deliver an e-mail notice of the posted public information.

H.B. 2590 (Leach) – Building Permits: would: (1) repeal the statute giving a city the ability to reach a written agreement with a building permit applicant providing for an alternative deadline for granting or denying the permit; and (2) prohibit a city from: (a) denying a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit; and (b) requiring a building permit applicant to waive the 45-day time period for granting or denying a building permit.

H.B. 2624 (Ordaz Perez) – Credit Access Businesses: would provide: (1) that the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction (including a payday or motor vehicle title loan) that is entered into by a consumer residing in a disaster area and that a credit access business obtains for the consumer or assists the consumer in obtaining may not exceed 30 percent during the designated disaster period and the two-year period immediately following that period; and (2) that, for purposes of (1), above, the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction is calculated including the total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit access business.

H.B. 2662 (Krause) – Regulations: would permanently eliminate various regulations waived during the COVID-19 pandemic, and:

For city meetings held by telephone conference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by telephone conference;
2. remove the requirement that an emergency or public necessity exist;
3. require the notice of the meeting: (a) include the statement “Telephone conference call under Section 551.125, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may listen to or participate in the meeting; (c) include access information for an audio feed of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
4. require that any method of access that is provided to the public for listening to or participating in the telephone conference call meeting be widely available at no cost to the public;
5. require that each part of the meeting that is required to be open to the public shall be audible to the public and shall be recorded, and the recording shall be made available to the public;
6. require the identification of each party to the telephone conference be clearly stated prior to speaking; and
7. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be

available electronically so that members of the public listening remotely can follow along with the meeting.

For city meetings held by videoconference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by videoconference;
2. allow a member of the governmental body to participate remotely in a meeting by videoconference call if the audio feed and, if applicable, video feed of the member's or employee's participation complies with the other requirements for a videoconference meeting;
3. provide that a member of a governmental body who participates as described in Number 2, above, shall be counted as present at the meeting for all purposes;
4. provide that a member of a governmental body shall be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, and that the body may continue the meeting only if members in a number sufficient to constitute a quorum remain audible and visible to each other and, during the open portion of the meeting, to the public;
5. require the notice of the meeting: (a) include the statement "Videoconference call under Section 551.127, Government Code" in lieu of the place of the meeting; (b) list each physical location where members of the public may observe or participate in the meeting; (c) include access information for both audio-only and audiovisual feeds of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
6. require that any method of access that is provided to the public for the purpose of observing or participating in a meeting be widely available at no cost to the public;
7. require each portion of a meeting held by videoconference call that is required to be open to the public shall be audible and, if applicable, visible to the public;
8. provide that if a problem occurs that causes a meeting to no longer be audible to the public, the meeting must be recessed until the problem is resolved;
9. require an audio recording of the meeting, and that the recording be made available to the public;
10. provide that the face of each participant who is participating in the call using video communication, while that participant is speaking, be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
11. provide that participant using solely audio communication: (a) shall, while speaking, be clearly audible to each other participant and, during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
12. authorize the Department of Information by rule to specify minimum technical quality standards for the meeting, and require that access information described by Number 5(c) be of sufficient quality so that members of the public can observe the demeanor or hear the voice, as applicable, of each participant in the open portion of the meeting;
13. provide that a governmental body: (a) may allow a member of the public to testify at a meeting from a remote location by videoconference call; and (b) must allow a member of the public testify from a remote location using video or audio communication if holding a meeting by videoconference call where public testimony is taken; and

14. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public observing remotely can follow along with the meeting.

For licensed food services establishments (i.e., a place where food is prepared for individual portion service), allow the establishment to sell directly to an individual consumer food, other than prepared food, that:

1. is in its original condition or packaging as received by the establishment;
2. is labeled with the name and source of the food and the date the food is sold;
3. bears an official mark of USDA inspection, if the food is meat or poultry;
4. does not exceed the shelf life as displayed on the packaging; and
5. has been properly refrigerated, if applicable.

For first responder organizations:

1. require the executive commissioner of State Health Services during a state of disaster to provide a first responder organization a grace period of not more than 30 days from the date the organization's license expires to submit the application and other materials necessary to renew the license.

For emergency medical services providers operating during a state disaster:

1. allow a medical director of an emergency medical services system to authorize certain individuals who are not certified as EMS personnel to provide EMS services; and
2. allow the executive commissioner of State Health Services to temporarily waive skills proficiency testing requirements for EMS personnel and out-of-state advanced emergency medical technicians seeking reciprocity in Texas.

H.B. 2730 (Deshotel) – Eminent Domain: Eminent Domain: would make several changes to the eminent domain process. Of primary importance to cities, the bill would:

1. require the attorney general to establish an ombudsman office for the purpose of providing information to landowners whose real property may be acquired by a governmental or private entity through the use of the entity's eminent domain authority;
2. require the attorney general to make available on the attorney general's website a landowner's bill of rights that is written in plain language designated to be easily understood by the average property owner, and include the required language in statute;
3. provide that a person may not receive state certification to buy, sell, lease, or transfer an easement or right-of-way for another for compensation in connection with telecommunication, utility, railroad, or pipeline service unless the person successfully completes at least 16 classroom hours of coursework every two years approved by the Texas Real Estate Commission in:
 - a. the law of eminent domain, including the rights of property owners;
 - b. appropriate standards of professionalism in contacting and conducting negotiations with property owners; and
 - c. ethical considerations in the performance of right-of-way acquisition services;

4. provide that an entity with eminent domain authority must provide a copy of the landowner's bill of rights statement to a landowner at or before the first in-person contact unless the entity expressly states, at that time, it will not seek to file a condemnation petition;
5. provide that an entity with eminent domain authority makes a bona fide offer when the entity's initial offer is made in writing and includes:
 - a. a copy of the landowner's bill of rights, unless the entity has previously provided a copy of the statement to the property owner;
 - b. an offer of compensation in an amount equal to or greater than one of the following:
 - i. the market value of the property rights sought to be acquired, based on an appraisal of the property prepared by a certified general appraiser;
 - ii. the estimated price or market value of the property rights sought to be acquired based on data for at least three comparable arm's-length sales of a property;
 - iii. the estimated price or market value of the property rights sought to be acquired based on a comparative market analysis prepared by a licensed real estate broker or certified general appraiser;
 - iv. the estimated price of the property rights sought to be acquired based on a broker price opinion prepared by a licensed real estate broker;
 - v. the estimated market value of the property rights sought to be acquired based on a market study prepared by a licensed real estate broker or a certified general appraiser; or
 - vi. 150 percent of the per acre value for each acre or part of an acre sought to be acquired, based on the total land value for the whole property out of which the property rights are sought to be acquired, as reflected in the most recent tax rolls;
 - c. as applicable, the complete written report, or a brief written summary, that forms the basis of the amount of the offer of compensation in 5b above;
 - d. an instrument of conveyance, as applicable; and e. the name and telephone number of a representative of the entity;
6. specify the exact terms that must be included in an instrument of conveyance of an easement associated with the exercise of eminent domain authority;
7. require the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned to, not later than the 15th calendar day after the date the petition is filed, appoint three special commissioners and two alternate special commissioners;
8. provide that each party shall have seven calendar days after the date of the order appointing the special commissioners to strike one of the three special commissioners, in which case an alternate special commissioner shall serve as a replacement for the special commissioner based on the order that the alternate special commissioners are listed in the initial order of appointment;
9. require the special commissioners in an eminent domain proceeding to schedule a hearing to occur not earlier than the 20th day or later than the 40th day after the date the special commissioners were appointed, unless otherwise agreed to by the parties; and
10. authorize a special commissioners hearing to be held by videoconference at the request of either party.

H.B. 2809 (Murphy) – Contingent Fee Contracts: would except a contingent fee contract entered into by a city or county for the collection of an unpaid local alcohol permit and license fees that are more than 60 days past due from the state approval procedures generally applicable when a political subdivision enters into a contingent fee contract for legal services.

H.B. 2813 (C. Turner) – Extensions of Consumer Credit: would provide that: (1) the annual percentage rate of an extension of consumer credit is calculated including the total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit services organization or a representative of the organization; (2) the annual percentage rate of an extension of consumer credit that a credit services organization obtains for a consumer or assists a consumer in obtaining may not exceed 36 percent; and (3) that a credit access business may assess fees for its services only in accordance with (1) and (2), above.

H.B. 2829 (White) – Mixed Beverage Sales Tax: would, among other things: (1) lower the rate of the state sales tax from 6.25 percent to 3.125 percent on the sales price of a taxable item sold by a restaurant or certain alcohol permittee, with the rate gradually increasing over time back to 6.25 in September 2023; and (2) lower the rate of the mixed beverage sales tax from 8.25 percent to 2.25 percent of the sales price of an item sold by a alcohol permittee, with the rate gradually increasing over time back to 8.25 in September 2023.

H.B. 2894 (Holland) – Comptroller Contracts for Travel Services: would, among other things, prohibit the comptroller from charging a city a fee if a city officer or employee who is engaged in official city business participates in the comptroller's contract for travel services for the purpose of obtaining reduced airline fares and reduced travel agent fees. (Companion bill is **S.B. 1122** by **Zaffirini**.)

H.B. 2913 (Capriglione) – Website Postings: would: (1) with some exceptions, require a governmental body to post on its website each contract for the purchase of goods or services from a private vendor along with certain other information; and (2) require that a contract in (1): (a) be posted on the website within a specified period of time; and (b) have certain information redacted. (Companion bill is **S.B. 929** by **Zaffirini**.)

H.B. 2916 (Schofield) – Attorney General: would provide that the attorney general may prosecute the offense of sedition, bribery, corrupt influence, riot, and obstructing of a highway/passageway.

H.B. 2928 (Jetton) – Newspaper Notice: would, among other things: (1) authorize a governmental entity, including a city, required by other law to provide notice by publication in a newspaper to, as an alternative, satisfy that requirement by posting the notice on the governmental entity's Internet website; (2) provide that internet notice posted as an alternative to required newspaper notice: (a) to the extent possible, must meet requirements provided by law for the publication of the newspaper notice that can be applied to an Internet website posting, including requirements related to the timing, duration, content, and appearance of the notice; and (b) is not required to meet requirements provided by law for the publication of the newspaper notice that by their nature cannot be applied to an Internet website posting, including requirements relating to

circulation; (3) provide that a governmental entity that chooses to post internet notice as an alternative to newspaper notice is not required to also publish notice in a newspaper; and (4) provide that a notice posted on a governmental entity's Internet website as an alternative to required newspaper notice must be posted at least one day before the occurrence of the event to which the notice refers.

H.B. 2930 (Schofield) – Federal Action: would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

H.B. 3027 (Canales) – 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.

H.B. 3046 (Middleton) – Cooperation with Federal Agency: would, among other things, prohibit a political subdivision from cooperating with a federal government agency in implementing an agency rule that a report published by the Texas attorney general indicates has been found by a court to violate the rights guaranteed to the citizens of the United States by the United States Constitution. (Companion Bill is **S.B. 1248** by **Creighton**.)

H.B. 3056 (Goodwin) – Cemetery Billboards: would, among other things: (1) prohibit a person from erecting or maintaining a billboard on cemetery property; (2) prohibit a cemetery organization from entering into a contract or lease authorizing a billboard on cemetery property; and (3) provide that the attorney general may bring an action for an injunction and civil penalties in the amount of \$1,000 per day for each violation against a person who is in violation or threatens to violate the bill and may recover reasonable expenses, including court costs, attorney's fees, investigative costs, witness fees and deposition expenses.

H.B. 3069 (Holland) – Claims: would, with certain exceptions, require a governmental entity to bring suit for damages for certain claims against: (1) a registered or licensed architect, engineer, interior designer, or landscape architect in this state, who designs, plans, or inspects the construction of an improvement to real property or equipment attached to real property, not later than five years after the substantial completion of the improvement or the beginning of operation of the equipment in an action arising out of a defective or unsafe condition of the real property, the improvement, or the equipment; and (2) a person who constructs or repairs an improvement to real property not later than five years after the substantial completion of the improvement in an

action arising out of a defective or unsafe condition of the real property or a deficiency in the construction or repair of the improvement.

H.B. 3100 (Campos) – Nonprofit Contracts: would prohibit a governmental entity, including a city, from entering into a contract with a nonprofit organization unless the contract contains a written verification from the organization that the organization will not use more than 20 percent of the money provided under the contract for an administrative purpose, including for payment of the organization's employee or officer salaries.

H.B. 3199 (Meza) – Cemeteries: would, in a city in a county with a population of more than 750,000 or a city in a county adjacent to a county with a population of more than 750,000, provide that: (1) an individual, corporation, partnership, firm, trust, or association may file a written application with the governing body of a municipality to establish or use a cemetery located inside the limits of the municipality; and (2) the governing body by ordinance shall prescribe the information to be included in the application in (1), and may authorize the establishment or use of the cemetery if the governing body determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.

H.B. 3221 (Leach) – Claims: would: (1) for purposes of certain construction liability claims, provide that a cause of action accrues on the date the written report identifying the construction defect is postmarked by the United States Postal Service; and (2) provide that certain other dates of accrual are unaffected by (1).

H.J.R. 116 (Burns) – Unfunded Mandates: would amend the Texas Constitution to: (1) provide that a state law enacted through a bill that takes effect on or after January 1, 2022, and that requires a political subdivision to establish, expand, or modify a duty or activity that request the political subdivision to spend revenue must provide for reimbursement to each political subdivision affected by the requirement in an amount equal to the estimated cost to the political subdivision to comply with the requirement or rules adopted under the requirement; (2) provide that (1), above, does not apply to: (a) a law that imposes a requirement on a political subdivision that employs in any capacity a person required to register as a lobbyist under state law; or (2) a law that imposes a requirement that is required to be enacted by: (i) the Texas Constitution; (ii) the United States Constitution; (iii) a federal law; or (iv) an order of a state or federal court; and (3) provide that, notwithstanding (2)(a), above, a political subdivision is entitled to reimbursement under (1) regardless of whether the political subdivision spends public money for membership fees and dues of a nonprofit state association or organization of similar political subdivisions that exists for the betterment of local government and the benefit of all local officials.

S.B. 911 (Hancock) – Third-Party Food Delivery Service: would, among other things: (1) define “third-party food delivery service” as a website, mobile application, or other Internet-based service that acts as an intermediary between consumers and multiple restaurants not owned or operated by the service to arrange for the delivery of food or beverages from those restaurants; (2) preempt a city or county from adopting or enforcing an ordinance or regulation that: (a) applies requirements to a third-party food delivery service that are more restrictive than the requirements that apply to the service under state law; (b) affects the fees charged to a restaurant by a third-party food delivery service; or (c) affects the terms of an agreement between a third-party food delivery service and a

restaurant; (3) provide that the Department of State Health Services or a local health authority may not require a third-party food delivery service employee or independent contractor to complete an education program on basic food safety accredited under the bill; and (4) provide that local health authority may not charge a fee to an employee or contractor who provides proof of completion of an education program on basic food safety accredited under the bill. (Companion bill is **H.B. 2119** by **Burrows**.)

S.B. 929 (Zaffirini) – Website Postings: would: (1) with some exceptions, require a governmental body to post on its website each contract for the purchase of goods or services from a private vendor along with certain other information; and (2) require that a contract in (1): (a) be posted on the website within a specified period of time; and (b) have certain information redacted. (Companion bill is **H.B. 2913** by **Capriglione**.)

S.B. 982 (Powell) – Data Collection: would require the Health and Human Services 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. (Companion bill is **H.B. 1608** by **Rosenthal**.)

S.B. 986 (Kolkhorst) – Eminent Domain: would, among other things: (1) require the attorney general, before making any changes to the landowner’s bill of rights statement, to make the proposed statement available on the attorney general’s website and accept public comment regarding the proposed statement for at least 90 days after the date the proposed statement is made available; (2) require the Texas Real Estate Commission to establish an ombudsman office for the purpose of providing information to landowners whose real property may be acquired by a governmental or private entity through the use of the entity’s eminent domain authority; (3) provide that a person may not receive state certification to buy, sell, lease, or transfer an easement or right-of-way for another for compensation in connection with telecommunication, utility, railroad, or pipeline service unless the person successfully completes at least 16 classroom hours of coursework every two years approved by the Texas Real Estate Commission in: (a) the law of eminent domain, including the rights of property owners; (b) appropriate standards of professionalism in contacting and conducting negotiations with property owners; and (c) ethical considerations in the performance of right-of-way acquisition services; (4) require the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned to appoint two disinterested real property owners who reside in the county as alternate special commissioners; and (5) provide that if a person fails to serve as a commissioner or is struck by a party to the suit, an alternate special commissioner shall serve as a replacement for the special commissioner based on the order that the alternate special commissioners are listed in the initial order of appointment.

S.B. 1001 (Hughes) – Biometric Identifiers: would: (1) expand the definition of “biometric identifier”; (2) with certain exceptions, prohibit a governmental entity from: (a) capturing an individual’s biometric identifier without the individual’s voluntary consent; and (b) retaining and using an individual’s biometric identifier that is captured using a photo, video recording or audio

recording; (3) require a governmental entity that captures an individual's biometric identifier to destroy all records of the identifier if it was collected under a warrant and charges are not filed, or if it was collected in connection with the investigation of a crime for which the person is acquitted or charges are dropped; (4) provide that the attorney general may seek injunctive relief and civil penalties for a violation of (2) or (3) (as well as other state laws regarding biometric identifiers); and (5) waive governmental immunity from suit and liability.

S.B. 1045 (Eckhardt) – Health Benefits: would provide that a political subdivision's third-party health benefits administrator or other health benefits vendor is liable for a claim based on a dispute under an employment benefit, including health benefit plan coverage, provided to an employee of the political subdivision by the political subdivision if the underlying claim is based on the vendor's duty under the vendor's agreement.

S.B. 1064 (Alvarado) – Fleet Vehicles: would: (1) provide that a county or city that owns and operations a motor vehicle, trailer, or semitrailer that is exempt from the payment of a registration fee under certain law may choose to register some or all of those vehicles for an extended registration and inspection period of three years; and (2) require a county or city that chooses to register a vehicle as described in (1) to provide for the timely inspection of the vehicle before registration. (Companion bill is **H.B. 2262** by **Schofield**.)

S.B. 1066 (Blanco) – Common Nuisance: would authorize a court to issue a temporary restraining order in a suit to abate certain common nuisances. (Companion bill is **H.B. 167** by **Ortega**.)

S.B. 1077 (Paxton) – Digital Identity Work Group: would, among other things: (1) define "digital identity" as including: (a) credentials issued by federal, state, and local governmental agencies to a person for identification, licensure, registration, and other purposes; (b) credentials conferred to a person to verify the person's skills and qualifications; (c) digital credentials issued for user authentication and access management; and (d) digitally-verifiable claims; and (2) establish the digital identity work group to develop recommendations for the use of digital identity, and to identify optimal policies and state investments related to digital identity technology. (Companion Bill is **H.B. 2199** by **Parker**.)

S.B. 1121 (Johnson) – Change of Name and Sex: would, among other things: (1) establish a process by which a person may apply to the state registrar for the issuance of a new birth certificate to reflect and incorporate into the new birth certificate a change to the person's name and sex or only to the person's sex; (2) require a person who applies for a new birth certificate under (1) to notify the appropriate local law enforcement authority of the proposed change to the person's name and sex or only to the person's sex, as applicable; and (3) provide that for each person to whom the state registrar issues a new birth certificate under (1), the state registrar shall provide a copy of the new birth certificate and accompanying certificate of change to the applicable local law enforcement authority. (Companion bill is **H.B. 2024** by **Rosenthal**.)

S.B. 1122 (Zaffirini) – Comptroller Contracts for Travel Services: would, among other things, prohibit the comptroller from charging a city a fee if a city officer or employee who is engaged in official city business participates in the comptroller's contract for travel services for the purpose

of obtaining reduced airline fares and reduced travel agent fees. (Companion bill is **H.B. 2894** by **Holland**.)

S.B. 1189 (Buckingham) – Emergency Services Districts: would: (1) authorize an emergency services district (ESD) to object to the removal of annexed territory by a city if the removal would have the effect of: (a) reducing the level of emergency services provided to the ESD territory inside or outside the annexed area; or (b) reducing ESD revenue to a level that would be insufficient to carry out the ESD’s purposes in territory outside the annexed area or require the ESD to increase the tax burden on territory outside the annexed area in order to maintain current services and commitments; and (2) provide that if an ESD objects to the removal of territory under (1), above, the city may not remove the annexed territory from the district.

S.B. 1248 (Creighton) – Cooperation with Federal Agency: would, among other things, prohibit a political subdivision from cooperating with a federal government agency in implementing an agency rule that a report published by the Texas attorney general indicates has been found by a court to violate the rights guaranteed to the citizens of the United States by the United States Constitution. (Companion Bill is **H.B. 3046** by **Middleton**.)

Personnel

H.B. 8 (Pacheco) – Request for Employment Records: would provide that: (1) a law enforcement agency that obtains written consent from a person licensed by the Texas Commission on Law Enforcement (TCOLE) to view the person’s employment history shall make an electronic copy of the person’s employment history available to a hiring law enforcement agency on request; and (2) TCOLE, by rule, shall prescribe the manner by which a law enforcement agency shall make a person's employment records electronically available to a hiring law enforcement agency, and such rules must provide appropriate privacy and security protections.

H.B. 2542 (Rose) – Criminal History: would provide, among other things, that: (1) an employer that employs at least 15 individuals for each working day in at least 20 or more calendar weeks in the current or preceding calendar year may evaluate an individual’s suitability for an employment position by performing an assessment of the individual’s criminal history; (2) the assessment performed under (1), above, must include an evaluation of the: (a) nature and gravity of any offense in the individual’s criminal history; (b) length of time that has elapsed since the date: (i) the offense was committed; and (ii) the individual fully discharged the individual’s sentence; and (c) nature and duties of the employment position for which the individual has applied; (3) an employer may not: (a) publish or cause to be published information about an employment position that states or implies that an individual’s criminal history automatically disqualifies the individual from consideration for the position; (b) solicit or otherwise inquire about the criminal history of an individual in an application for an employment position; (c) solicit criminal history record information about an individual or consider an individual’s criminal history unless the employer has first made a conditional employment offer to the individual; (d) refuse to make a conditional employment offer to an individual solely because the individual did not provide criminal history record information before an offer was made; or (e) take an adverse action against an individual because of the individual’s criminal history unless the employer has determined that the individual

is unsuitable for the employment position based on an assessment conducted by the employer under (2), above; (4) an employer who takes an adverse action against an individual based on the individual's criminal history shall inform the individual in writing that the adverse action was based on the individual's criminal history; (5) the Texas Workforce Commission (TWC) may assess an administrative penalty against an employer in an amount not to exceed \$500 for each employment position posting or adverse action that is in violation of the provisions of this bill, provided that on an employer's first violation, TWC may issue a warning notice to the employer in lieu of assessing the administrative penalty and provide training materials to the employer about compliance; and (6) this bill does not apply to an employment position for which an individual may be disqualified based on the individual's criminal history under a federal, state, or local law or in compliance with a legally mandated insurance or bond requirement.

H.B. 2598 (Patterson) – Workers' Compensation: would provide that, for purposes of workers' compensation coverage for post-traumatic stress disorder (PTSD), the date of injury for PTSD suffered by certain first responders is the 30th day after the date on which the first responder is first diagnosed with the disorder.

H.B. 2810 (C. Turner) – Unemployment Benefits: would provide that an individual is not disqualified for unemployment benefits: (1) for a benefit period in which the individual's total or partial unemployment is caused by: (a) a labor dispute at another place that: (i) is owned or operated by the same employing unit that owns or operates the premises where the individual is or was last employed; and (ii) supplies material or services necessary to the continued and usual operation of the premises where the individual is or was last employed; and (2) if the individual has been locked out of the individual's place of employment or has been placed on emergency leave without pay by the individual's employer.

H.B. 2823 (Bonnen) – E-Verify: would provide, among other things, that:

1. an employer, excluding a governmental entity, may not knowingly employ a person not lawfully present in the United States;
2. an employer who violates (1), above, is subject to the suspension of each license held by the employer;
3. a licensing authority, including a city, that receives, from the Texas Workforce Commission, a final order suspending a license shall immediately determine if the authority has issued a license to the person named on the order and, if a license has been issued: (a) record the suspension of the license in the licensing authority's records; (b) report the suspension as appropriate; and (c) demand surrender of the suspended license if required by law for other cases in which a license is suspended;
4. a licensing authority shall implement the terms of a final order suspending a license without additional review or hearing, provided that the authority may provide notice as appropriate to the license holder or to others concerned with the license;
5. a licensing authority may not modify, remand, reverse, vacate, or stay an order suspending a license and may not review, vacate, or reconsider the terms of a final order suspending a license;
6. person who is the subject of a final order suspending a license is not entitled to a refund for any fee or deposit paid to the licensing authority;

7. a person who continues to engage in the business, occupation, profession, or other licensed activity after the implementation of the order suspending a license by the licensing authority is liable for the same civil and criminal penalties provided for engaging in the licensed activity without a license or while a license is suspended that apply to any other license holder of that licensing authority;
8. a licensing authority is exempt from liability to a license holder for any authorized act performed by the authority;
9. the licensing authority may not issue or renew any other license for the person during the suspension period;
10. a licensing authority may charge a fee to a person who is the subject of an order suspending a license in an amount sufficient to recover the administrative costs incurred by the authority;
11. a political subdivision, including a city, shall register and participate in the E-verify program to verify information of all new employees; and
12. an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (11), above, is subject to immediate termination of employment if the employee fails to comply with that provision.

H.B. 2826 (Bonnen) – Law Enforcement Employment Records: would provide that: (1) in a civil service city: (a) a police officer is entitled to view the contents of the officer’s personnel file maintained by the department (commonly known as the “g” file), and is entitled, on request, to a copy of any document in the officer’s file; (b) a police department shall include in an officer’s “g” file any statement that the officer requests to be included in the file; (2) before a law enforcement agency may hire a person licensed by the Texas Commission on Law Enforcement (TCOLE), the agency head or the agency head’s designee must submit to TCOLE, on a form prescribed by TCOLE, confirmation that the agency reviewed the person’s employment records from each of the person’s previous law enforcement employers; (3) TCOLE, by rule, shall prescribe the manner by which a law enforcement agency shall make a person’s employment records available to a hiring law enforcement agency; and (4) a law enforcement agency’s failure to review a person’s employment records as required under (2), above, or to make a person’s employment records available as required under (3), above, constitutes grounds for imposing an administrative penalty in an amount set by TCOLE not to exceed \$1,000 per day per violation.

H.B. 2869 (Longoria) – Collective Bargaining: would provide, among other things, that: (1) a public employer and an association that is a bargaining agent for police officers or fire fighters, as applicable, shall submit to binding interest arbitration if the parties: (a) reach an impasse in collective bargaining; or (b) are unable to settle after the 61st day after the date the appropriate lawmaking body fails to approve a contract reached through collective bargaining.

H.B. 2939 (Muñoz) – Certification Election: would provide that, for purposes of meet and confer, in a certification election to determine whether a police officer’s association represents a majority of the covered police officers, the association may not be recognized as the association to represent a majority of the covered police officers unless a majority of covered officers voting at the election vote in favor of the recognition.

H.B. 2962 (Muñoz) – Petitions: would provide that a city may not adopt or enforce a charter provision, ordinance, policy, or other measure that prohibits an employee of the city’s police or fire department from signing a petition authorized by the meet and confer, civil service, and collective bargaining laws.

H.B. 2972 (P. Morales) – Pay Discrimination: would provide, among other things, that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; and (2) liability may accrue, and an aggrieved person may obtain relief, including recovery of back pay for the allowed period, if the unlawful employment practices that have occurred during the period for filing a complaint are similar or related to unlawful employment practices with regard to discrimination in payment of compensation that occurred outside the period for filing a complaint.

H.B. 3120 (Capriglione) – Workers Compensation: would provide that lifetime income benefits are paid until the death of the employee for, among other things: (1) a physically traumatic injury to the brain resulting in permanent cognitive defects that: (a) render the employee permanently unemployable without significant accommodations; or (b) affect the non-vocational quality of the employee’s life so as to eliminate the employee’s ability to engage in a range of usual cognitive processes; (2) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (a) both hands; (b) both feet; (c) one hand and one foot; or (d) one hand or foot and the face; or (3) permanent and total disability in certain circumstances if the employee is: (a) a first responder; and (b) employed by a political subdivision that self-insures, either individually or collectively.

H.B. 3124 (Vasut) – Employees Carrying Handguns: would provide that: (1) an employer that is a governmental entity may not prohibit an employee of the entity from carrying a handgun that the employee is not otherwise prohibited by state or federal law from carrying: (a) on premises owned or leased by the governmental entity; (b) while performing the employee's duties on premises other than premises owned or leased by the governmental entity; or (c) in any other location or circumstance in which the employee would otherwise be permitted to carry a handgun under law; and (2) the term “premises” includes a building or a portion of a building, but does not include any public or private driveway, street, sidewalk or walkway, parking lot, parking garage, or other parking area.

H.B. 3149 (Bucy) – Drug Testing Policies: would provide that: (1) a state agency or a political subdivision of this state may not: (a) establish a drug testing policy that requires an employee or independent contractor of the agency or political subdivision, as a condition of employment or contract, to submit to a drug test the intent of which is to screen for the presence of cannabinoids; (b) as a condition of employment or contract with the agency or political subdivision, administer or require the administration of a drug test to the employee or contractor the intent of which is to screen for the presence of cannabinoids; (c) establish for the employee or contractor as a condition

of employment or contract a test result that is negative for the presence of cannabinoids; or (d) prohibit an employee or contractor as a condition of employment or contract from: (i) prescribing or obtaining a prescription for low-THC cannabis or using low-THC cannabis for authorized medical use; or (ii) using a consumable hemp product; (2) a state agency or a political subdivision of this state may not question an employee about the employee's use of low-THC cannabis or hemp and shall comply with all relevant state and federal privacy laws; (3) a person may assert an actual or threatened violation of (1) or (2), above, as a claim or defense in a judicial or administrative proceeding and obtain: (a) compensatory damages; (b) injunctive relief; (c) declaratory relief; and (d) other appropriate relief, including reasonable attorney's fees; (4) a person may commence an action for a violation of (1) or (2) and relief may be granted regardless of whether the person has sought or exhausted available administrative remedies; (5) sovereign or governmental immunity, as applicable, is waived and abolished to the extent of liability for the relief provided in (3), above; (6) the following persons are not subject to arrest, prosecution, or penalty in any manner, or denial of any right or privilege, including any administrative or civil penalty or disciplinary action imposed by a court or state licensing board, for conduct involving authorized medical use: (a) a patient for whom authorized medical use is prescribed, or the parent or caregiver of the patient; (b) a dispensing organization; or (c) a director, manager, or employee of a dispensing organization who is registered with the Department of Public Safety; (7) a person described by (6), above, may not be presumed to have engaged in conduct constituting child abuse, neglect, or endangerment solely because the person engaged in conduct involving authorized medical use; (8) property used in the cultivation, research, testing, processing, distribution, transportation, and delivery of low-THC cannabis for authorized medical use is not contraband for purposes of asset forfeiture, and is not subject to seizure or forfeiture solely for the use of the property for the authorized activities; and (9) a person is not subject to arrest, prosecution, or the imposition of any sentence or penalty for the delivery, possession with intent to deliver, or manufacture of any item that meets the definition of drug paraphernalia, if that item is delivered, possessed with intent to deliver, or manufactured for the sole purpose of providing that item to: (a) person for whom authorized medical use is prescribed; or (b) a licensed dispensing organization.

H.B. 3173 (Lopez) – Police Credit History Hiring Policy: would provide that: (1) a law enforcement agency of a city or county may not adopt or enforce a hiring policy provision that: (a) automatically disqualifies from consideration peace officer position applicants because of poor credit history; and (b) considers credit history information about events that occurred more than five years before the date of application.

H.B. 3174 (Lopez) – Police Marihuana Hiring Policy: would provide that: (1) law enforcement agency of a city or county may not adopt or enforce a hiring policy provision that: (a) automatically disqualifies peace officer position applicants because of prior marihuana use; and (b) considers marihuana use that occurred more than three years before the date of application; (2) a law enforcement agency is not prohibited from adopting or enforcing a hiring policy provision that disqualifies applicants for other acts or conditions related to marihuana, including: (a) the sale or distribution of marihuana by the applicant; or (b) an applicant's criminal history related to the possession of marihuana.

H.B. 3226 (Hinojosa) – Essential Workers Minimum Wage: would provide that an employer, including a city, shall pay to each individual who is designated as an essential critical infrastructure

worker by the United States Department of Homeland Security, Cybersecurity and Infrastructure Security Agency and employed by the employer not less than the greater of: (1) \$15 an hour; or (2) the federal minimum wage (currently \$7.25 an hour).

S.B. 1105 (Hughes) – TMRS Return To Work: would provide, among other things, that: (1) the retirement annuity of a person who is reemployed by a city in which the employee most recently performed creditable service before the person’s retirement shall not be suspended, provided that the person does not become an employee of the reemploying city at any time during the 12 consecutive months after the effective date of the person’s last retirement from the reemploying city; and (2) if the annuity payments of a person who resumed employment with the person’s reemploying municipality before September 1, 2021, were discontinued and suspended, on filing of a written application with TMRS, TMRS shall resume making the annuity payments to the person, provided: (a) the person’s retirement that preceded the resumption of employment was based on a bona fide termination of employment; (b) the person did not become an employee of the person’s reemploying municipality at any time during the 12 consecutive months after the effective date of the person’s retirement; and (c) the person has not terminated employment with the reemploying municipality.

Purchasing

H.B. 2558 (Capriglione) – Firearms: would: (1) prohibit a governmental entity from entering into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it: (a) doesn’t have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and (2) provide that the prohibition in (1) applies only to a contract paid partly or wholly from public funds between a governmental entity and a company with at least 10 full-time employees that has a value of at least \$100,000.

H.B. 2581 (Kacal) – Construction and Civil Works Projects: would, among other things: (1) allow a governmental entity to: (a) implement a prequalification process to eliminate unqualified offerors from and prequalify potential offerors meeting minimum standards for consideration for a civil works project for which a request for bids, proposals, or qualifications is authorized; and (b) directly solicit qualifications from potential offerors 30 days before the project solicitation is issued if the competitive requirements and other applicable law are followed; (2) provide that: (a) an offeror who submits a bid, proposal, or response to a request for qualifications for a construction contract under certain law may, after the contract is awarded, make a request in writing to the governmental entity to provide documents related to the evaluation of the offeror’s submission; and (b) not later than the 30th day after the date a request is made, the governmental entity shall deliver to the offeror the documents relating to the evaluation of the submission including, if applicable, its ranking of the submission; (3) provide that for civil works projects, the weighted value assigned to price must be at least 50 percent of the total weighted value of all selection criteria; however, if the governing body of a governmental entity determines that assigning a lower weighted value to price is in the public interest, the governmental entity may assign to price a weighted value of not less than 40 percent of the total weighted value of all selection criteria; and

(4) provide that when the competitive sealed proposal procurement method is used, the governmental entity shall make the evaluations, including any scores, public and provide them to all offerors not later than the seventh business day after the date the contract is awarded.

S.B. 19 (Schwertner) – Firearms: would: (1) prohibit a governmental entity from entering into a contract with a company for the purchase of goods or services unless the contract contains a written verification from the company that it: (a) doesn't have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association; and (b) will not discriminate during the term of the contract against a firearm entity or firearm trade association; and (2) provide that the prohibition in (1) applies only to a contract paid partly or wholly from public funds between a governmental entity and a company with at least 10 full-time employees that has a value of at least \$100,000.

S.B. 1014 (Buckingham) – 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. (Companion bill is **H.B. 1477** by **K. Bell**.)

S.B. 1097 (Creighton) – Public Works Contracts Retainage: would provide that:

1. "warranty period" means the period of time specified in a contract during which certain terms applicable to the warranting of work performed under the contract are in effect;
2. a governmental entity: (a) shall include in each public works contract a provision that establishes the circumstances under which a public works project is considered substantially complete; (b) may release the retainage for substantially completed portions of the project, or fully completed and accepted portions of the project; (c) shall maintain an accurate record of accounting for the retainage withheld on periodic contracts payments and the retainage released to the prime contractor for a public works contract; and (d) shall, for certain public works contracts with a value of \$10 million or more, pay any remaining retainage on periodic contract payments, and the interest earned on the retainage, to the prime contractor on completion of the contract;
3. if the total value of a public works contract is \$1 million or more, a governmental entity may not withhold retainage in an amount that exceeds five percent of the contract price, and the rate of retainage may not exceed five percent for any item in a bid schedule or schedule of values for the project;
4. except certain contracts funded through the Texas Water Development Board from the limitation described in (3), above;
5. for a competitively awarded contract with a value of \$10 million or more, and for a contract awarded using a method other than competitive bidding, a governmental entity and prime contractor may agree to deposit in an interest-bearing account the retainage withheld on periodic contract payments;
6. a governmental entity may not withhold retainage: (a) after completion of the contract by the prime contractor, including during the warranty period; or (b) for the purpose of requiring the prime contractor, after completion of the contract, to perform work on

manufactured goods or systems that were specified by the designer of record and properly installed by the contractor;

7. on application to a governmental entity for final payment and release of retainage, the governmental entity may withhold retainage if there is a bona fide dispute between the governmental entity and the prime contractor and the reason for the dispute is that labor, services, or materials provided by the prime contractor or the prime contractor's subcontractors were not provided in compliance with the contract; and
8. if there is no bona fide dispute as described (7), above, and neither party is in default, a prime contractor is entitled to: (a) cure any noncompliant labor, services, or materials; or (b) offer the governmental entity a reasonable amount of money as compensation for any noncompliant labor, services, or materials that cannot be promptly cured. (Companion bill is **H.B. 692** by **Shine**.)

S.B. 1098 (Creighton) – Airport Contracts: would provide that: (1) a local government, including a city, or a person operating an airport on behalf of a local government may not enter into a contract for the acquisition, construction, improvement, or renovation of airport infrastructure or equipment, including a terminal, security system, or passenger boarding bridge, used at an airport or an air navigation facility associated with an airport (an “airport infrastructure or equipment contract”) with the following entities: (a) an entity that a federal court determines has misappropriated intellectual property or trade secrets from another entity organized under federal, state, or local law and is owned wholly or partly by, is controlled by, or receives subsidies from the government of a country that: (i) is identified under federal law as a priority foreign country; or (ii) is subject to monitoring by the Office of the United States Trade Representative for compliance with a measure or trade agreement; or (b) any entity that owns, controls, is owned or controlled by, is under common ownership with, or is a successor to an entity described by (1)(a), above; and (2) an airport infrastructure or equipment contract for goods or services entered into by a local government or a person operating an airport on behalf of a local government must contain a written statement by the entity with which the local government or person is contracting verifying that the entity is not an entity described by (1), above. (Companion bill is **H.B. 1739** by **Romero**.)

Transportation

H.B. 2637 (Cook) – Urban Air Mobility: would require the Texas Transportation Commission to appoint an advisory committee to assess current state law and any potential changes to state law that are needed to facilitate the development of urban air mobility operations and infrastructure in this state. (Companion bill is **S.B. 763** by **Powell**.)

H.B. 2673 (Guillen) – Grants: would provide that, for a grant awarded by the Texas Department of Transportation for the construction of a transportation project in a county with a population of less than 25,000 or a city with a population of less than 15,000, the department must reimburse a grant recipient for costs incurred by the recipient that exceed the amount of the grant if the project is managed by the department.

H.B. 2700 (Martinez) – Highway Maintenance: would: (1) provide that the Texas Department of Transportation and a city may enter into an agreement to allow the city to maintain all or a

portion of the state highway right-of-way located in the city or the city's extraterritorial jurisdiction; and (2) provide that an agreement under (1) must provide compensation to the city that is equal to the cost the department would incur if the department or a contractor acting on behalf of the department maintained the right-of-way.

H.B. 2931 (Israel) – Gas Tax: would increase the rate of the state gasoline tax from 20 to 40 cents per gallon. (Companion bill is **S.B. 1041** by **Eckhardt**.)

S.B. 1041 (Eckhardt) – Gas Tax: would increase the rate of the state gasoline tax from 20 to 40 cents per gallon. (Companion bill is **H.B. 2931** by **Israel**.)

S.B. 1055 (Huffman) – Crosswalk: would provide that it is a criminal offense for a person, with criminal negligence, to operate a motor vehicle within the area of a crosswalk and cause bodily injury to a pedestrian or a person operating a bicycle, scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart. (Companion bill is **H.B. 2081** by **Reynolds**.)

Utilities and Environment

H.B. 11 (Paddie) – Extreme Weather Emergency Preparedness: would: (1) define “extreme weather emergency” as a period when: (a) the previous day's highest temperature did not exceed 10 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports; or (b) the National Weather Service issues a heat advisory for any county in the relevant service territory, or when such an advisory has been issued on any one of the previous two calendar days; (2) require the Public Utility Commission (PUC) to adopt rules that require each provider of generation in the ERCOT power region to: (a) implement measures to prepare generation facilities to provide adequate electric generation service during an extreme weather emergency; (b) make all reasonable efforts to prevent interruptions of service during an extreme weather emergency; (c) reestablish service within the shortest possible time, should an interruption occur due to an extreme weather emergency; and (d) make reasonable efforts to manage emergencies resulting from a failure of service caused by an extreme weather emergency, including issuing instructions to its employees on procedures to be followed in the event of an extreme weather emergency; (3) require the PUC to adopt rules to require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to: (a) implement measures to prepare facilities to maintain service quality and reliability during a weather emergency; (b) make all reasonable efforts to prevent interruptions of service during an extreme weather emergency; (c) reestablish service within the shortest possible time, should an interruption occur due to an extreme weather emergency; and (d) make reasonable efforts to manage emergencies resulting from a failure of service caused by an extreme weather emergency, including issuing instructions to its employees on procedures to be followed in the event of an extreme weather emergency; and (4) provide that the rules adopted under (2) and (3) may not neglect any local neighborhood or geographic area, including rural areas, communities or less than 1,000 people, and low-income areas.

H.B. 12 (Raymond) – Study on Statewide Extended Power Outage: would:

1. require the Texas Division of Emergency Management to conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout this state and the feasibility of establishing a statewide disaster alert system;
2. provide that the study in (1) must: (a) identify the costs to local governmental entities associated with existing local disaster alert or notification systems; (b) examine the potential benefits to local governmental entities of implementing an alert system in coordination with this state, including: (i) improving this state's ability to coordinate state and local responses to disasters; and (ii) eliminating barriers to successful mass notification and communication encountered by local governmental entities during disasters; (c) examine the importance of a local governmental entity's discretion regarding the entity's level and manner of participation in the alert system; (d) examine potential costs to local governmental entities or this state associated with implementing the alert system; (e) examine the ability of local governments to communicate with ERCOT, the PUC, and electric utilities that serve their area; and (f) identify any state or local governmental entity actions necessary to implement a comprehensive alert system that would include alerts related to extended power outages;
3. provide that TDEM shall prepare a report on the findings of the study and submit it to the governor, lieutenant governor, and the legislature;
4. provide that an electric utility, ERCOT, and the PUC shall provide information related to the comprehensive alert system to TDEM on request and such information is confidential and excepted from disclosure under the Public Information Act;
5. provide that TDEM, with the cooperation of the office of the governor, the PUC, and ERCOT, may develop and implement a statewide disaster alert system to activate in the event of a disaster affecting any location in this state;
6. provide that if, based on the findings of the study conducted in Number 1, above, the division and office of the governor conclude that the benefits to this state and local governmental entities of implementing a coordinated alert system outweigh any additional costs, TDEM, with the cooperation of the office and other appropriate state agencies and using money available for the purpose, shall develop and implement the alert system;
7. provide that a local governmental entity that chooses to participate in an alert system in Number 5, above, may use available local funds for that purpose and may contract with TDEM for services associated with the alert system and that a local governmental entity is not required to use local funds to allow an electric utility to participate in the alert system;
8. provide that an alert system in Number 5, above may be: (a) operated in conjunction with any other emergency alert system required by federal or state law; and (b) designed to notify persons statewide of a disaster affecting any location in this state;
9. provide that an alert system in Number 5, above, designed to communicate about an extended power outage must apply to areas served by non-ERCOT utilities;
10. provide that when TDEM determines a disaster has occurred or the occurrence or threat of disaster is imminent or is notified of a declaration of disaster, TDEM may immediately activate any alert system implemented in Number 5, above, and that a participating local governmental entity may, in coordination with TDEM, choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region;

11. provide that TDEM, or local governmental entity, as appropriate, may issue updated notifications for the duration of the disaster;
12. require an electric utility to notify ERCOT, the PUC, and TDEM of an interruption in service that is likely to last more than 24 hours;
13. provide that a notification issued under Number 5, above, may include information necessary to: (a) assist a person affected by the disaster with making informed decisions regarding the person's safety; and (b) enable a person in another location in this state to assist an affected person;
14. provide that TDEM may terminate the activation of an alert system when: (a) the division determines that the threat or danger has passed or the disaster has been addressed to the extent that emergency conditions no longer exist; (b) the service interruption caused by the extended power outage has ended; or (c) the state of disaster is terminated; and
15. provide that TDEM may adopt rules to implement the alert system and may consult with the PUC, ERCOT, or an electric utility when drafting the rules.

H.B. 17 (Deshotel) – Restriction on Regulation of Utility Services: would: (1) define “regulatory authority” as the Public Utility Commission, Railroad Commission, or the governing body of a municipality, in accordance with the context; (2) define “utility” as a person, company, or corporation engaged in furnishing water, gas, telephone, light, power, or sewage service to the public; (3) prohibit a regulatory authority, planning authority, or political subdivision of this state from adopting or enforcing an ordinance, resolution, regulation, code, order, policy, or other measure that has the purpose, intent, or effect of directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the connection or reconnection of a utility service or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer; (4) prohibit an entity, including a regulatory authority, planning authority, political subdivision, or utility, from imposing any additional charge or pricing difference on a development or building permit applicant for utility infrastructure that: (a) encourages those constructing homes, buildings, or other structural improvements to connect to a utility service based on the type or source of energy to be delivered to the end-use customer; or (b) discourages the installation of facilities for the delivery of or use of a utility service based on the type or source of energy to be delivered to the end-use customer; and (5) provide that the bill does not limit the ability of a regulatory authority or political subdivision to choose utility services for properties owned by the regulatory authority or political subdivision.

H.B. 2563 (Crockett) – Solar Energy: would provide that a transmission and distribution utility or electric utility must allow the owner of a solar energy device that is interconnected to the utility's electricity distribution system, at the discretion of the owner, to: (1) decline to sell electricity produced by the solar energy device to the distribution system; or (2) temporarily disconnect from the utility's electricity distribution system to use on site the electricity produced by the solar energy device during a power outage or interruption.

H.B. 2573 (Kuempel) – Water Regulations: would provide that a city may not extend into its extraterritorial jurisdiction a city ordinance that imposes cut and fill depth requirements or other water quality regulations on a project that are more stringent than the applicable minimum state

and federal water quality requirements unless the project is located in an area that is an aquifer recharge or contributing zone.

H.B. 2604 (Allison) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a public elementary or secondary school facility from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2638 (Meza) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates to rotate customer curtailment so that no part of the distribution system that serves a multifamily property with more than 25 units is subject to an outage of more than 6 hours.

H.B. 2642 (Campos) – Load Shedding: would provide that a municipal housing authority, in cooperation with the municipality in which the authority is located and with any electric utility, municipally owned utility, or electric cooperative that provides power to housing facilities operated by the authority, shall prioritize in an emergency the provision of electric utility services to each housing facility that is operated by the authority and that has residents that are elderly or disabled individuals.

H.B. 2646 (Jarvis Johnson) – Concrete Plant: would provide that, in determining whether to approve an application for a standard permit for a concrete batch plant, the executive director of the Texas Commission on Environmental Quality must base the decision, in part, on a consideration of the potential harm to local property values and the location of the facility relative to homes, schools, churches, parks, and other community assets.

H.B. 2652 (Larson) – Surface Water and Groundwater Study: would establish an advisory board to study surface water and groundwater interaction and require the board to provide a report of its findings to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature. (Companion bill is **S.B. 1039** by **Eckhardt**.)

H.B. 2661 (Muñoz) – Rolling Blackouts: would require the Public Utility Commission to: (1) adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization to rotate customer curtailment so that no customer is subject to an outage of more than 12 hours; and (2) conduct a study on: (a) methods to make the imposition of a rolling blackout equitable across Texas; and (b) measures needed in Texas to prevent the necessity of rolling blackouts.

H.B. 2686 (Reynolds) – Interconnection of Transmission Facilities: would require the Public Utility Commission to: (1) identify transmission facilities in ERCOT that may be interconnected with transmission facilities outside of ERCOT for the purpose of allowing federal regulation of transmission service and wholesale power sales in ERCOT; and (2) require an electric utility,

municipally owned utility, or electric cooperative that owns a transmission facility identified in (1) to make requests, obtain approvals, enter into contracts, and construct facilities as necessary to interconnect the facility with a transmission facility outside of ERCOT.

H.B. 2687 (Reynolds) – Prevention of Power Blackouts: would, among other things: (1) require the Public Utility Commission to adopt rules that require a power generation company operating in the ERCOT power region to: (a) weatherize the company's generation facilities and associated equipment on an annual basis so that the facilities and equipment are able to operate in extreme cold and heat; and (b) submit annual weatherization plans to the PUC and the independent organization for the ERCOT power region; (2) provide that if the PUC or independent organization for the ERCOT power region determines that changes in the amounts of existing ancillary service obligations required by load serving entities are needed: (a) the PUC by rule may address the imbalance; and (b) the independent organization may make changes to its ancillary service obligations through a stakeholder process to address the imbalance; (3) require the PUC to adopt rules to establish a process for obtaining emergency response services in addition to ancillary services as appropriate to prevent rolling blackout conditions caused by shortages of supply in the ERCOT power region; (4) require the PUC to ensure that the total cost for ensuring emergency response services does not exceed \$100 million annually; (5) in accordance with the rules in (3), require the independent organization for the ERCOT power region to contract with qualified loads, electric storage companies, and power generation companies, including aggregation of loads and generators, for a defined amount of emergency response service capacity the organization may call on to ensure that power shortages or demand spikes do not create a need for rolling blackouts; and (6) provide that before the independent organization for the ERCOT power region calls on the emergency response service capacity to prevent rolling blackouts, the organization shall use all market sources of power, including electric energy storage and demand reduction, in accordance with PUC rules.

H.B. 2708 (Patterson) – Hazardous and Solid Waste Remediation Fee: would provide that money in the account attributable to fees on the sale of batteries may be used for environmental remediation at the site of a closed battery recycling facility located in the city limits of a city if the city submits to the Texas Commission on Environmental Quality a voluntary compliance plan for the site and is paying or has paid for part of the costs of the environmental remediation of the site.

H.B. 2717 (Landgraf) – Boil Water Notices: would: (1) require the operator of a public drinking water supply system, when required by a Texas Commission on Environmental Quality rule to issue a boil water notice to its customers, to: (a) provide the notice in writing to each customer as prescribed by TCEQ rule to the street address of the customer; and (b) attempt to reach each customer by electronic means to provide notice as prescribed by TCEQ rule; (2) require the operator of a public drinking water supply system to notify each customer that the boil water notice has expired in the manner described by (1); and (3) provide that TCEQ may require that a public utility that furnishes water to the public complete a program of weatherization if TCEQ finds that the public utility is at risk of being unable to provide water to customers for a significant period of time due to weather-related failures in equipment or infrastructure.

H.B. 2762 (Rogers) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to

exclude any circuits that provide power to a hospital facility or to a facility necessary to provide water to wholesale customers from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2768 (Rogers) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a commercial or public radio or television broadcasting facility from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2786 (Vasut) – Load Shedding: would: (1) define “critical customer” as a customer for whom electric service is considered crucial for the protection or maintenance of public safety, including a: (a) hospital facility; (b) nursing facility, assisted living facility, or facility that provides hospice services; (c) police or fire station; or (d) critical water and wastewater facility; (2) define “critical industrial or residential customer” as: (a) an industrial customer for whom an interruption or suspension of electric service would create a dangerous or life-threatening condition on the customer's premises; or (b) a residential customer who has a person permanently residing in the customer's home who has been diagnosed by a physician as: (i) having a serious medical condition that requires an electric-powered medical device or electric heating or cooling to prevent the impairment of a major life function through a significant deterioration or exacerbation of the person's medical condition; or (ii) being dependent upon an electric-powered medical device to sustain life; (3) except as provided by (4) and (5), require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization to: (a) exclude any parts of the utility's or cooperative's distribution system that provide power to a critical customer from participation in the utility's or cooperative's attempt to shed load; and (b) rotate curtailment of all other parts of the distribution system so that no customer is subject to an outage of more than: (i) 24 hours; or (ii) 12 hours during an extreme weather emergency; (4) provide that the PUC may allow an electric utility, municipally owned utility, or electric cooperative to maintain an outage for more than 24 hours for a part of the distribution system if necessary to supply critical customers; and (5) provide that the PUC may require that an electric utility, municipally owned utility, or electric cooperative exclude a critical industrial or residential customer from load shedding under (3)(a).

H.B. 2805 (Goodwin) – Public Utility Agency Boards: would: (1) provide that if a public utility agency has a service area that includes the unincorporated area of a county that is outside the boundaries of the agency's participating public entities, the commissioners court of the county that is outside the boundaries of the agency's participating public entities may appoint the same number of directors as the number appointed by the participating public entity with the largest population that is less than the population of the unincorporated area; and (2) require a director of a public utility agency to be a customer of the public utility agency and reside in the area served by the agency.

H.B. 2814 (C. Turner) – Oil and Gas Wells: would provide that: (1) the Railroad Commission of Texas must require an applicant for a permit to drill a new oil or gas well to indicate in the application whether the proposed well site is located within 1,500 feet of the property line of a child-care facility, private school, or primary or secondary public school; (2) the Railroad Commission may not grant an application for a permit to drill a new oil or gas well that is located within 1,500 feet of the property line of a child-care facility, private school, or primary or secondary public school unless: (a) the commission holds a public hearing in the county in which the proposed well site is located to receive public comments on whether granting the permit application is in the public interest; and (b) the commission considers the comments received when determining whether to grant the application; and (3) the bill does not affect the authority of a political subdivision to enact, amend, or enforce an ordinance or other measure related to the drilling of new oil or gas wells.

H.B. 2816 (Thierry) – Electric Reliability Standards: would require the independent organization to determine the amount of reserve capacity necessary to maintain a one-in-ten reliability standard in the ERCOT power region.

H.B. 2828 (Canales) – One-Time Payment to Utility Customers: would, among other things: (1) require the Public Utility Commission to establish a program to provide onetime cash payments from state funds appropriated for that purpose to retail customers of municipally owned utilities, electric cooperatives, and retail electric providers in the ERCOT power region in the amount of: (a) \$250 for each residential retail account; and (b) \$250 for each commercial retail account; and (2) require each municipally owned utility, electric cooperative, and retail electric provider to provide to the PUC a list of each retail account served by the utility, cooperative, or provider after February 13, 2021, and before February 19, 2021.

H.B. 2838 (Longoria) – Rolling Blackouts: would: (1) require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative that is subject to a rolling blackout initiated by an independent organization to rotate customer curtailment so that no customer is subject to an outage of more than 12 hours; and (2) provide that the PUC may make exceptions to the requirements in (1) to the extent necessary to supply facilities the PUC determines are critical to maintaining public health and safety.

H.B. 2849 (Larson) – Winter Weather Emergency Preparedness: would require the Public Utility Commission to adopt rules that require each provider of generation in the ERCOT power region to implement measures to prepare the provider's generation facilities to provide adequate electric generation during a winter weather emergency.

H.B. 2861 (Bucy) – Load Shedding: would require the Public Utility Commission to adopt rules to require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a facility that treats patients with end stage renal disease from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 2877 (Beckley) – Notice of Widespread Outage: would provide that as soon as practicable after: (1) an electric utility, municipally owned utility, or electric cooperative experiences a widespread power outage or a widespread electric service emergency, the utility or cooperative shall notify by telephone and e-mail each: (a) United States senator who represents Texas; (b) member of the United States House of Representatives who represents a district affected by the disruption or emergency; (c) statewide elected official; (d) member of the legislature who represents a district affected by the disruption or emergency; (e) elected official of a county government who represents an area affected by the disruption or emergency; and (f) elected official of a municipal government who represents an area affected by the disruption or emergency; (2) an electric utility, municipally owned utility, or electric cooperative experiences a widespread natural gas shortage or a widespread natural gas emergency, the utility or cooperative shall notify by telephone and e-mail each: (a) United States senator who represents Texas; (b) member of the United States House of Representatives who represents a district affected by the disruption or emergency; (c) statewide elected official; (d) member of the legislature who represents a district affected by the disruption or emergency; (e) elected official of a county government who represents an area affected by the disruption or emergency; and (f) elected official of a municipal government who represents an area affected by the disruption or emergency; and (3) a retail public utility experiences a widespread water service outage or a widespread water service emergency, the utility shall notify by telephone and e-mail each: (a) United States senator who represents Texas; (b) member of the United States House of Representatives who represents a district affected by the disruption or emergency; (c) statewide elected official; (d) member of the legislature who represents a district affected by the disruption or emergency; (e) elected official of a county government who represents an area affected by the disruption or emergency; and (f) elected official of a municipal government who represents an area affected by the disruption or emergency.

H.B. 2898 (Lopez) – Utility Shutoff Notice: would provide that: (1) not later than three hours after an electric utility, municipally owned utility, or electric cooperative intentionally shuts off electric power to a customer in response to an emergency event, the utility or cooperative shall notify the customer by e-mail or text message of: (a) the shutoff; (b) the estimated time and date that the utility or cooperative will restore electric power to the customer; and (c) whether the shutoff is part of a rolling outage; and (2) not later than three hours after a retail public utility intentionally shuts off water service to a customer in response to an emergency event, the utility shall notify the customer of the shutoff and the estimated time and date that the utility will restore water service to the customer by e-mail or text message.

H.B. 2905 (Morrison) – Public-Private Partnership Water Projects: would provide that: (1) a person that receives money from the state water implementation revenue fund may enter into an agreement with a private entity to design, develop, finance, or construct a certain projects funded by the Texas Water Development Board and may use money received from the fund to make payments for the agreement; (2) an eligible political subdivision that receives money from the flood infrastructure fund may enter into a contract as provided for by law with a private entity to design, develop, finance, or construct a flood project and may use money from the fund to make payments under a contract; and (3) an eligible political subdivision that receives money from the water infrastructure fund may enter into a contract as provided for by law with a private entity to design, develop, finance, or construct a flood project and may use money from the fund to make payments under a contract.

H.B. 2979 (Paul) – Backup Power Supply: would: (1) require the Commission on State Emergency Communications to develop minimum performance standards for equipment and operation of 9-1-1 service to be followed in developing regional plans, including requirements that the plans provide for the installation and use of a backup power supply for a power outage; (2) require a city that owns or operates a utility service to provide water service to ensure that the utility system has a backup power supply for water treatment during a power outage; and (3) provide that the Texas Commission on Environmental Quality may not grant a new certificate of convenience and necessity to an applicant unless the applicant demonstrates that the applicant has a backup power supply for water treatment during a power outage.

H.B. 2990 (Shaw) – Permit Applications Available Online: would, among other things, require an applicant: (1) for certain environmental and water use permits issued by the Texas Commission on Environmental Quality to post a copy of the application on a publicly accessible Internet website and provide to TCEQ the address of the website; and (2) applying to appropriate unappropriated state water to post a copy of the application, the map, and any supporting materials on a publicly accessible Internet website and provide TCEQ with the address of that website in its application. (Companion bill is **S.B. 348** by **Zwiener**.)

H.B. 2991 (Shaw) – Rolling Blackouts: would require the Public Utility Commission to adopt rules to require each electric utility, municipally owned utility, and electric cooperative: (1) to exclude any circuits that provide power to an assisted living facility, a facility that provides hospice services, or a nursing facility from participating in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates; and (2) to rotate customer curtailment so that no part of the distribution system is subject to an outage of more than 12 hours in a 24 hour period when it is subject to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 3030 (Goodwin) – Notice of Outage: would: (1) define "significant interruption of service" as an interruption of essential products and services provided by a public service provider that lasts one or more hours and affects the provider's entire system, a major division of the provider's system, a community, a critical load, or service to interruptible customers, and a scheduled interruption lasting more than four hours that affects customers who are not notified in advance and includes: (a) a loss of service to 20 percent or more of the provider's customers, or 20,000 customers for a provider serving more than 200,000 customers; and (b) interruptions adversely affecting a community such as interruptions of governmental agencies, military bases, universities and schools, major retail centers, and major employers; (2) require all public service providers to enter into a contract for an emergency notification system for use in informing the provider's customers, governmental entities, and other affected persons regarding: (a) notice of a disaster, emergency, or significant interruption of service; and (b) any actions a recipient is required to take during a disaster, emergency, or significant interruption of service; (3) require the emergency notification system under a contract in (2) to provide notice of a significant interruption of service as soon as reasonably possible after the interruption occurs and include in the notification: (a) the general location of the interruption; (b) the cause of the interruption, if known; (c) the date and time that the interruption began; (d) the estimated date and time that service will be restored; and

(e) the name and telephone number of the public service provider; and (4) provide that if the duration of a significant interruption of service is longer than 24 hours, the emergency notification system under a contract in (2) must provide an update to the information required in (3) not less than once every 24 hours that the interruption continues.

H.B. 3038 (Goodwin) – Electric Distribution Upgrades: would, among other things: (1) require each transmission and distribution utility, municipally owned utility, and electric cooperative to install and connect to an information network, for each customer, an advanced meter capable of allowing the utility or cooperative to shut off the customer's power when a rolling blackout is necessary; (2) require a transmission and distribution utility, municipally owned utility, and electric cooperative to develop or acquire the equipment or software necessary to shut off a customer's power in the event of a rolling blackout by using an advanced meter in (1); (3) require a utility or cooperative to make the software in (2) available to: (a) a county or municipal government, for the purpose of identifying critical load public safety customers; and (b) a retail electric provider, for the purpose of providing the utility or cooperative with a preferential order for customer curtailment; (4) require each transmission and distribution utility, municipally owned utility, and electric cooperative to make upgrades to the distribution system operated by the utility or cooperative for the purpose of more evenly distributing a rolling blackout; (5) require each transmission and distribution utility, municipally owned utility, and electric cooperative to install under-frequency relays throughout the distribution system operated by the utility or cooperative and rotate which relays are active every year; (6) provide that a transmission and distribution utility, municipally owned utility, and electric cooperative may recover reasonable and necessary costs incurred in implementing (1)-(5); (7) require each transmission and distribution utility, municipally owned utility, and electric cooperative to make a plan for using advanced metering technology, software, equipment, and other upgrades to a distribution system authorized by the bill to deploy a rolling blackout; (8) provide that a critical load public safety customer includes: (a) long-term care facilities; (b) food pantries; (c) homeless shelters; (d) temporary shelters identified by the county government; and (e) critical telecommunications facilities; (9) require the Public Utility Commission to allow the county to designate a critical load public safety customer; (10) require a transmission and distribution utility, municipally owned utility, or electric cooperative to identify customers in the utility's or cooperative's service area who qualify as critical load public safety customers under PUC rules and are not designated as critical load public safety customers; and (11) require a utility or cooperative to notify the following entities of any critical load public safety customers identified in (10): (a) the PUC; (b) the independent system operator for the ERCOT power region, if applicable; and (c) a county or municipality where the customer resides.

H.B. 3059 (Guerra) – Load Shedding: would require the Public Utility Commission to adopt rules to require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a facility necessary to provide water to wholesale customers and a facility necessary to provide natural gas transmission services from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 3061 (Davis) – Electricity Generation: would: (1) require the Public Utility Commission to adopt rules that require each provider of generation in the ERCOT power region to: (a) submit to the PUC annual maintenance plans showing how the provider will maintain generation assets; (b) periodically inspect and maintain generation assets to ensure that the assets can withstand extreme weather conditions; and (c) report to the independent organization for the ERCOT power region annual forecasts of the provider’s generation capacity for a five-year period beginning with the year following the year in which the forecast is submitted; (2) require the PUC to require a person who operates a natural gas generation facility to maintain at the site of the facility an amount of natural gas as a reserve that will allow the facility to provide generation for at least 48 hours that equals at least 10 percent of the net dependable capability of the facility in the event of a natural gas shortage; (3) define “net dependable capability” as the maximum load in megawatts, net of station use, which a generating unit or generating station can carry under specified conditions for a given period of time, without exceeding approved limits of temperature and stress; and (4) require the PUC to submit a report to the legislature on the potential costs and benefits of establishing an emergency strategic electric energy reserve, including the feasibility of establishing a natural gas reserve and of constructing a state-owned power plant.

H.B. 3079 (Larson) – Water and Sewer Rates: would, among other things: (1) provide that the Public Utility Commission may not hold a hearing or otherwise prescribe just and reasonable amounts to be charged under a contract for the rates a municipally owned utility charges if it furnishes wholesale water or sewer service to another political subdivision unless the PUC determines the amount charged under the contract harms the public interest; and (2) provide a judicial review process to challenge a PUC decision in (1). (Companion bill is **S.B. 997** by **Nichols**.)

H.B. 3084 (Larson) – Interregional Water Projects: would, among other things: (1) provide that the purpose of the interregional water planning council is to: (a) identify and propose water projects for the state water plan that involve multiple water planning areas; (b) develop proposals for innovative funding mechanisms for the projects identified in (1)(a); and (c) share best practices regarding operation of the regional, interregional, and state water planning processes; and (2) require the council to prepare a report to the Texas Water Development Board on the council’s work, including projects and funding methods proposed under (1)(a) and (b).

H.B. 3090 (Vasut) – Power Generation: would: (1) define “intermittent power generation facility” as a power generation facility with a power output that, in the course of the facility’s ordinary and proper operation, cannot be predicted, controlled, or varied at will and includes a solar or wind generation facility; and (2) provide that an intermittent power generation facility, the construction of which began after September 1, 2021, may not operate in Texas unless the owner of the facility certifies to the Public Utility Commission that, in the event of a power output disruption at the facility: (a) the owner can supply or has a contract that guarantees the supply of not less than 50 percent of the facility’s average output over a 48-hour period; and (b) the owner’s additional or contracted power supply comes from: (i) a power generation facility with a power output that, in the course of the facility’s ordinary and proper operation, can be predicted, controlled, or varied at will, including a hydroelectric, biomass, natural gas, coal, or nuclear generation facility; or (ii) an electric energy storage facility.

H.B. 3177 (Rosenthal) – Power Generation: would provide that a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (1) access transmission service from outside of the ERCOT power region; and (2) purchase power at wholesale from outside of the ERCOT power region.

H.B. 3181 (Rosenthal) – Electric Emergency Preparedness: would require the Public Utility Commission to: (1) adopt rules that require each provider of generation in the ERCOT power region to implement measures to prepare the provider's generation facilities to provide full electric generation service at ambient temperatures between 0 degrees Fahrenheit and 120 degrees Fahrenheit; and (2) reduce the base capacity rating of a generation facility that is operated in violation of a rule adopted under (1) by 10 percent annually until the generation facility is no longer in violation or until the base capacity rating is reduced to zero.

H.B. 3182 (Rosenthal) – Gas Pipeline and Electric Emergency Preparedness: would, among other things: (1) require the Public Utility Commission to adopt rules that require each provider of generation in the ERCOT power region to: (a) prepare, submit to the PUC, and update as necessary an emergency operations plan for providing adequate electric generation service during a weather emergency; and (b) implement measures to prepare generation facilities to provide adequate electric generation service during a weather emergency; (2) require the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to: (a) prepare, submit to the PUC, and update as necessary an emergency operations plan for maintaining service quality and reliability during a weather emergency; and (b) implement measures to prepare facilities to maintain service quality and reliability during a weather emergency; (3) provide that an emergency operations plans under (1) and (2) are public information except for the portions considered confidential under the Public Information Act or other state or federal law; (4) require the Railroad Commission to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during a weather emergency; (5) require the PUC to analyze the emergency operations plans in (1) and (2) and prepare an annual weather emergency preparedness report on power generation, transmission, and distribution for submission to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature; and (6) provide that the PUC may require an updated report from a utility in (1) and (2) if the PUC finds that an emergency operations plan on file does not contain adequate information to determine whether the entity can provide adequate service during a weather emergency.

H.B. 3183 (Rosenthal) – Gas Pipeline and Wells Emergency Preparedness: would, among other things: (1) require the Railroad Commission to adopt rules that require an operator of a gas well to: (a) implement measures to prepare the well to operate during sustained periods of cold weather; and (b) provide to the RRC a biannual report of the efforts the operator has taken to implement the measures required in (1)(a); (2) provide that a failure to submit a report under (1)(b) is punishable by: (a) for a first violation, a fine of \$5,000; and (b) for a subsequent or continuing violation of more than four months: (i) a fine of \$7,500; or (ii) a revocation of each permit authorizing the operation of a well for which a report has not been submitted; (3) require the RRC to submit an annual report to the legislature regarding the rules adopted under (1); (4) require the

RRC to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during sustained periods of cold weather, including requiring: (a) the installation of condensate drains in pipelines; (b) that drains installed in (4)(a) be installed in a manner that ensures the drain remains free of frost at all times; and (c) that valves, pumps, and other pressure-sensitive equipment be protected from weather by insulation or heaters; (5) require a pipeline facility operator to submit to the RRC a biannual report of the efforts the operator has taken to implement the measures in (4)(c); and (6) provide that a failure to submit a report in (5) is punishable by: (a) for a first violation, a fine of \$5,000; and (b) for a subsequent or continuing violation of more than four months: (i) a fine of \$7,500; or (ii) a revocation of each permit authorizing the operation of the pipeline facility.

H.B. 3213 (Sherman) – Electric and Gas Emergency Preparedness: would: (1) require the Railroad Commission to adopt rules that require an operator of a gas well to implement measures to prepare the well to operate during a weather emergency; (2) require the Public Utility Commission to adopt rules that require each provider of generation in the ERCOT power region to: (a) ensure that adequate maintenance and inspection of freeze protection elements is conducted on a timely and repetitive basis; (b) inspect and maintain generating unit heat tracing equipment; (c) inspect and maintain generating unit thermal insulation; (d) make a plan to erect adequate windbreaks and enclosures, where needed; (e) develop and annually conduct winter-specific and plant-specific operator awareness and maintenance training; (f) ensure that winterization supplies and equipment are in place before the winter season; (g) ensure that adequate staffing is in place for cold weather events; (h) take preventative action in anticipation of cold weather events in a timely manner; (i) install insulation and heated pipes as necessary; (j) use crushers to break up frozen coal; (k) ensure that equipment can withstand ambient temperatures of -40 degrees Fahrenheit for at least two days; and (l) heat any wind turbines and ensure that the turbines can withstand temperatures of -22 degrees Fahrenheit for at least two days; (3) require the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to: (a) ensure that transmission facilities are capable of performing during cold weather conditions; (b) ensure that communications responsibility is placed on more than one system operator or on several key personnel during an emergency; (c) consider using persons who are not otherwise responsible for emergency operations for communications during an emergency or likely emergency; (d) conduct critical load review for gas production and transmission facilities and determine the level of protection such facilities should be accorded in the event of system stress or load shedding; (e) train operators in proper load shedding procedures and conduct periodic drills to maintain load shedding skills; (f) install insulation and heated pipes as necessary; and (g) ensure that equipment can withstand ambient temperatures of -40 degrees Fahrenheit for at least two days; and (4) require an independent organization for the ERCOT power region to: (a) communicate with transmission and distribution utilities, municipally owned utilities, and electric cooperatives about deteriorating weather conditions in a timely manner; and (b) provide transmission and distribution utilities, municipally owned utilities, and electric cooperatives with access to information about loads on the systems of the utilities and cooperatives that could be curtailed by the organization to provide operating reserves or as emergency interruptible load service.

S.B. 952 (Hinojosa) – Concrete Batch Plants: would require a plot plan for an application for a standard permit for a concrete batch plant issued by the Texas Commission on Environmental Quality. (Companion bill is **H.B. 416** by **Walle**.)

S.B. 953 (Hinojosa) – Concrete Plants: would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards. (Companion bill is **H.B. 56** by **Jarvis Johnson**.)

S.B. 997 (Nichols) – Water and Sewer Rates: would, among other things: (1) provide that the Public Utility Commission may not hold a hearing or otherwise prescribe just and reasonable amounts to be charged under a contract for the rates a municipally owned utility charges if it furnishes wholesale water or sewer service to another political subdivision unless the PUC determines the amount charged under the contract harms the public interest; and (2) provide a judicial review process to challenge a PUC decision in (1). (Companion bill is **H.B. 3079** by **Larson**.)

S.B. 1039 (Eckhardt) – Surface Water and Groundwater Study: would establish an advisory board to study surface water and groundwater interaction and require the board to provide a report of its findings to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature. (Companion bill is **H.B. 2652** by **Larson**.)

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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