



Legislative UPDATE

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Number 27

Special Session Comes to a Halt

On Monday afternoon, a majority of Texas House Democrats left the state and headed to Washington, D.C. in an effort to break quorum to prevent passage of new voting legislation. When the House met on Tuesday, a lack of quorum was established by a test vote of 80-0. A motion for a “Call of the House” was made to secure and maintain a quorum, a procedural vote to compel absent members to return to the chamber. A second motion passed that the sergeant at arms, or officers appointed by him, send for all absentees under warrant of arrest if necessary. The impact of these actions remain unclear due to the lack of jurisdiction Texas law enforcement has in Washington, D.C.

Under House rules, no business can be conducted during a lack of quorum except to compel the attendance of absent members. This means committee meetings will stop and the chamber cannot take up any legislation until a quorum is present.

On the Senate side, many Senate Democrats also travelled to Washington D.C. However, a quorum of the Senate’s 31 members remained. On Tuesday, the Senate passed 1S.B.1 (Hughes) relating to election integrity by a vote of 18 to 4. Due to the lack of quorum in the House, 1S.B. 1—and any other legislation passed by the Senate—cannot be considered by the House at this time.

House Democrats have indicated they will not return to Texas for the remainder of special session. The governor stated he will call for a second special session, if needed.

Bills on the Move

[1H.B. 3 \(Murr\)](#), relating to election integrity and security. Voted from House Select on Constitutional Rights and Remedies.

[1S.B. 1 \(Hughes\)](#), relating to election integrity and security. Passed the Senate.

[1S.B. 8 \(Bettencourt\)](#), relating to homestead exemptions. Passed the Senate.

Stay Engaged During Special Session: Grassroots Involvement Program

When the Texas Legislature meets, TML will need to mobilize our membership at key points. 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.

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.

Post-Session Update: Legislature Clarifies Contiguity of Roads for Annexation

Until the passage of [S.B. 374](#) (2021), which is effective now, annexation reform legislation from 2017 and 2019 threw a wrench in the works of many voluntary annexations. Why? Property to be annexed must be in a city's extraterritorial jurisdiction and generally must touch (i.e., be adjacent or contiguous to) the existing city limits. It's very common that property a person wants to be annexed into a city is across a road from the existing city limits.

The reform legislation meant that no city could include the road to make the area across it contiguous. Rather, the owner of the road (e.g., TxDOT or a county) had to request that it be

annexed, which was a difficult process. That process is left in place, but a new, easier process has been added.

Under the new law – S.B. 374 – 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 the right-of-way of a street, highway, alley or other public way or of a railway line spur, or roadbed that is: (1) contiguous and runs parallel to the city’s boundaries; and (2) contiguous to the area being annexed.

However, a city may annex the right-of-way only if: (1) the city provides written notice of the annexation to the owner of the right-of-way – in the manner prescribed by a governmental entity owner – not later than the 61st day before the date of the proposed annexation; and (2) the owner of the right-of-way does not submit a written objection to the city before the date of the proposed annexation.

Finally, statutory width requirements don’t apply to the annexation of the right-of-way.

Voluntary annexation is commonly driven by the property owner’s desire for city water, sewer, or other services. In other words, it’s very frequently an economic development, safety, and/or development issue.

For more information, please check out the League’s updated, [comprehensive paper on municipal annexation](#).

Post-Session Update: Legislature Expands Workers’ Compensation “Disease Presumption” to Include COVID-19

[S.B. 22](#), which has been signed by the governor and became effective June 14, 2021 (and which retroactively applies to a COVID-19 diagnosis on or after the date of the governor’s disaster declaration on March 13, 2020), provides a disease “presumption” for first responders diagnosed with COVID-19.

What is a disease presumption? In 2005, during a nationwide trend, the Texas Legislature enacted Subchapter B of Chapter 607 of the Texas Government Code. The law originally provided that certain diseases contracted by firefighters and EMTs were presumed to have been contracted while on duty for workers’ compensation purposes. Since then, the disease presumption has been extended to peace officers (including detention and custodial officers), but for a smaller number of diseases because the duties and exposures are different for peace officers, detention officers, and custodial officers.

The new COVID-19 presumption, which expires September 1, 2023, applies to peace officers, firefighters, EMTs, and detention and custodial officers only if various conditions are met. It applies only when the first responder:

- is employed during a gubernatorially-declared disaster and contracts the disease during that time;
- is employed on a full-time basis and diagnosed with COVID-19 using a test authorized or approved by the U.S. Food and Drug Administration;
- had been on duty within 15 days before being diagnosed;
- if deceased, had been diagnosed using a U.S. Food and Drug Administration-approved test or by another means, including by a physician; and
- if deceased, had been on duty within 15 days before the diagnosis, began to show symptoms, or was hospitalized for such symptoms.

The bill has some retroactive effect. For example, a first responder who filed a claim between March 13, 2020 and June 14, 2021, and whose claim was denied, is entitled to request reprocessing of the claim under the new presumption. A request to reprocess a claim must be filed no later than June 14, 2022 (one year after the effective date of the bill). If a first responder contracted COVID-19 between March 13, 2020 and June 14, 2021, and never filed a claim, he is entitled to file a claim no later than December 14, 2021.

A city that decides to rebut a COVID-19 presumption can't do so based solely on evidence relating to the risk of exposure to COVID-19 of a person with whom a first responder resides. However, there is no prohibition to using a rebuttal when the person with whom the first responder resides tests positive for COVID-19.

The above is just a short summary of the new COVID-19 presumption. Each individual case must be reviewed in accordance with the facts surrounding it and other minutiae in the law.

Post-Session Update: Legislature Passes Pandemic-Related Liability Protections

Congress has yet to pass federal legislation providing general, pandemic-related liability protections (some existing federal laws provide some protections for administering vaccines, etc.), but the good news is cities already have immunity from many pandemic-related claims. Even so, the Texas Legislature passed [S.B. 6](#), which is effective now.

The bill, which expressly provides that its provisions neither constitute a waiver of governmental immunity nor create a civil cause of action, provides pandemic-related liability protections for schools and drug manufacturers. It also – through additional, “belt-and-suspenders” protections – further protects first responders, city officials, and cities.

- **General Liability Protections:** S.B. 6 provides that a “person,” which includes an individual and a city, is not liable for injury or death caused by exposing an individual to a pandemic disease during a pandemic state of disaster declared by the governor.

That protection applies to a city official or city, unless the claimant establishes that “reliable scientific evidence shows that the failure to warn the individual of the condition, remediate the condition, or implement or comply with the government-promulgated standards, guidance, or protocols was the cause in fact of the individual contracting the disease,” and the person who exposed the individual:

1. knowingly failed to warn the individual of or remediate a condition that the person knew was likely to result in the exposure of an individual to the disease, provided that the person: (a) had control over the condition; (b) knew that the individual was more likely than not to come into contact with the condition; and (c) had a reasonable opportunity and ability to remediate the condition or warn the individual of the condition before the individual came into contact with the condition; or
2. failed to implement or comply with government-promulgated standards (essentially one of many if federal, state, or local standards conflict), guidance, or protocols intended to lower the likelihood of exposure to the disease that were applicable to the person or the person’s business, provided that: (a) the person had a reasonable opportunity and ability to implement or comply with the standards, guidance, or protocols; (b) the person refused to implement or comply with or acted with flagrant disregard of the standards, guidance, or protocols; and (c) the government-promulgated standards, guidance, or protocols that the person failed to implement or comply with did not, on the date that the individual was exposed to the disease, conflict with government-promulgated standards, guidance, or protocols that the person implemented or complied with.

The bill further provides for numerous litigation procedures designed to protect a city official or city from unsubstantiated claims. For example, not later than the 120th day after the date a city files an answer to a claim under the bill, the claimant must provide to the city: (1) a report authored by at least one qualified expert that provides a factual and scientific basis for the assertion that the city’s failure to act caused the individual to contract a pandemic disease; and (2) a curriculum vitae for each expert whose opinion is included in the report. City attorneys should review the bill’s many other procedural requirements.

What actions should city officials take to avail themselves and their city of the protections afforded by S.B. 6? Probably the same things you’ve been doing. First, if a city official is aware that any person or employee or area is infected with a disease, take steps in accordance with local, state, and federal guidelines (including medical privacy laws) to notify those affected if possible and to contain the disease. Second, always make best and good faith efforts follow and implement appropriate government-promulgated standards, and – most importantly – clearly explain the guidelines to employees and visitors. Information related to those actions is still available on the League’s [COVID-19 Resources](#) webpage, and League staff would update them in the case of a future pandemic.

- **First Responders:** S.B. 6 also provides that, except in a case of certain misconduct, and subject to other limited exceptions, a physician, health care provider, or first responder is not liable for an injury (including economic and noneconomic damages) or death arising

from care, treatment, or failure to provide care or treatment during a gubernatorially or presidentially declared pandemic.

The protection applies only if the physician, health care provider, or first responder proves by a preponderance of the evidence that: (1) a pandemic disease or disaster declaration related to a pandemic disease was a producing cause of the care, treatment, or failure to provide care or treatment that allegedly caused the injury or death; or (2) the individual who suffered injury or death was diagnosed or reasonably suspected to be infected with a pandemic disease at the time of the care, treatment, or failure to provide care or treatment.

Municipal first responders typically have in place treatment protocols to protect against lawsuits. However, now may be an appropriate time to review those protocols in light of S.B. 6's additions to existing law.

Liability questions are notoriously difficult to answer, but S.B. 6 provides additional ways to avoid a claim. Always consult with local legal counsel on complex legal matters such as these.

Post-Session Update: International Building Codes

[H.B. 738](#), which generally becomes effective on January 1, 2022, updates the statutory editions of the International Residential and Building Codes to their 2012 versions. (For more than two decades, state law referenced the older, 2001 edition of those codes.)

The bill also confirms that a city can establish procedures to adopt local amendments “that may add, modify, or remove requirements” set by the codes, but only if the city holds a public hearing on the local amendment and adopts it by ordinance.

Finally, it recodifies the prohibition (and existing grandfathering for ordinances in place prior to January 1, 2009) against a city requiring fire protection sprinkler systems in a new or existing one- or two-family dwellings.

League staff has updated its [detailed Q&A](#) on the subject of building codes.

Post-Session Update: Property Tax Rate Calculation Following a Disaster

With the passage of sweeping property tax reform in 2019 in the form of S.B. 2, the Texas Legislature's approach to local property tax issues in 2021 was, in large part, focused on addressing some of the unintended consequences of S.B. 2. The main example of this approach was the passage of [S.B. 1438](#), which became effective immediately upon being signed by the governor on June 16, 2021.

Pandemic-Related Changes

The primary goal of S.B. 1438 was to eliminate the ability of a taxing unit, including a city, to opt into greater flexibility in calculating and adopting a tax rate during a pandemic. Under the plain language of S.B. 2, cities had the ability to calculate their voter-approval tax rates using an eight percent multiplier, instead of the new 3.5 percent multiplier, if the city was located in an area declared to be a disaster by either the president or the governor. According to the author, S.B. 2 was not intended to allow taxing units to opt into the higher voter-approval rate calculation during a pandemic.

S.B. 1438 clarifies that in order for a taxing unit to calculate the voter-approval tax rate at eight percent due to a disaster declaration, there needs to be physical damage to property within the taxing unit's jurisdiction. The way the legislature decided to measure whether or not there is physical damage to property is to authorize the ability of a taxing unit to opt into the higher rate calculation only if a person within the taxing unit is granted a [temporary property tax exemption](#) for property that is physically damaged in a disaster. This means that, moving forward, a city may not use the higher eight percent calculation due to a pandemic disaster, among certain other types of disasters that don't cause physical damage to property.

S.B. 1438 also modified a separate disaster-related property tax provision. S.B. 2 provided that when increased expenditure of money by a taxing unit was necessary to respond to a governor-declared disaster that impacted the taxing unit, an election was not required to approve the tax rate adopted by a taxing unit that exceeded the voter-approval tax rate or de minimis tax rate, as applicable, in the year after the year in which the disaster occurred. S.B. 1438 leaves that provision largely intact, but clarifies that the election exemption does not apply to a pandemic or epidemic disaster.

Voter-Approval Rate Disaster Adjustment

In addition to S.B. 1438's modifications to existing statutory provisions governing tax rate setting following a pandemic, the bill also added a couple of new provisions that could impact cities in a more general sense. First, the bill creates a new negative adjustment to a city's voter-approval tax rate if the city does opt-in to an eight percent voter-approval rate during a disaster. Under S.B. 1438, if a city decides to calculate an eight percent voter-approval rate due to a disaster, in the first year following last year for calculating voter-approval rate in manner provided for special taxing unit, voter-approval rate is reduced by the "emergency revenue rate". The emergency revenue rate is essentially the difference between the previous year's adopted rate and the voter-approval rate calculated as if the taxing unit adopted the 3.5 percent voter-approval rate at each opportunity during the disaster.

What this all means is that while cities may continue to opt-into the eight percent voter-approval rate calculation during a disaster in which property is damaged, doing so is almost like taking out a loan to recover from the disaster that a city will "pay back" later in the form of a voter-approval rate reduction once the impact of the disaster has passed. As a result, cities should consider the

future impact to property tax revenue prior to deciding to opt into a higher voter-approval rate calculation due to a disaster.

How does the negative adjustment impact cities that opted into an eight percent voter-approval rate in 2020 due to the pandemic? In short, it doesn't. The voter-approval rate adjustment in S.B. 1438 was drafted to only apply to the calculation of a voter-approval rate following a disaster in 2021 and beyond. That's because the bill actually repealed the former statute, which authorized a city to use the higher voter-approval rate calculation more broadly, including during a pandemic. With that old statute repealed, a city no longer has the ability to opt into the higher calculation during a pandemic, which means that the new negative adjustment does not apply to any action taken by a city under previous law.

Temporary Exemption for Property Damaged in Disaster

One additional change made by S.B. 1438 relates to the applicability of a relatively new property tax exemption for property damaged in a disaster. In 2019, the legislature passed, and the governor signed, H.B. 492. The accompanying constitutional amendment, H.J.R. 34, was approved by the voters at the November 2019 election. H.B. 492 is codified in Tax Code Sec. 11.35 and grants a temporary property tax exemption for certain property that is physically damaged in a disaster, with the amount of the exemption corresponding to the amount of damage to the property as determined by the chief appraiser.

Of particular interest to cities, the 2019 disaster property tax exemption was designed to be automatic if the disaster occurred before a city's adoption of a local tax rate, but purely local option for a disaster that occurred after the adoption of a city's tax rate for the year. This was a carefully negotiated provision designed to bring some level of predictability to city budgets, as granting an automatic property tax exemption after the adoption of the tax rate could potentially dismantle cities' general funds at a time city recovery efforts are needed most.

Despite the negotiated language from the 2019 session, S.B. 1438 contained a provision repealing the local option exemption for property damaged in a disaster. Effective immediately, the temporary exemption for property damaged in a disaster may be granted regardless of when a disaster occurs relative to the adoption of a local property tax rate.

Interested city officials can access information on S.B. 1438, in addition to the tax rate setting process in general, in TML's [updated explanatory Q&A](#) on the property tax rate setting process following the passage of S.B. 2 (2019).

City-Related Bills

Property Tax

1H.B. 70 (Schofield) – **Property Tax Limitation:** would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **1H.J.R. 2**, below.)

1H.B. 105 (Bernal) – **Sales Price Disclosure:** would require the comptroller to conduct a study of the impact, feasibility, and advisability of adopting a property tax system in which the disclosure of the sales price of real property is required by law.

1H.B. 172 (Vasut) – **Appraisal Cap:** would establish a 3.5 percent appraisal cap on all real property. (See **1H.J.R. 17** below.)

1H.B. 182 (Jetton) – **Property Tax Appraisal:** would provide that: (1) if the appraised value of a residence homestead in a tax year is lowered as a result of an agreement between the property owner and the appraisal district or as a result of a protest or appeal, the appraised value of the property as specified in the agreement or as finally determined in the protest or appeal is considered to be the appraised value of the property for that tax year; and (2) if the appraised value of property in a tax year is lowered under the circumstances described in (1), above, the chief appraiser generally may not increase the appraised value of the property in the next tax year in which the property is appraised by an amount that exceeds the lesser of: (a) the market value of the property for the tax year; or (b) the sum of the appraised value of the property in the tax year in which the appraised value of the property is lowered and the market value of all new improvements to the property.

1H.B. 205 (Crockett) – **Property Tax Credit:** would provide that a person who owns real property and installs a solar energy device on the property is entitled to a credit against the property taxes imposed on the property by each taxing unit that taxes the property. (See **1H.J.R. 19**, below.)

1H.B. 224 (Shine) – **Homestead Exemption:** would provide that a person who acquires property after January 1 of a tax year may receive certain homestead exemptions for the applicable portion of that tax year immediately on qualification for the exemption. (Companion bill is **1S.B. 8** by **Bettencourt**.)

1H.B. 2 (Schofield) – **Property Tax Limitation:** would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **1H.B. 70**, above.)

1H.J.R. 17 (Vasut) – **Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to limit increases in the appraised value of real property for property tax purposes to 3.5 percent per year. (See **1H.B. 172**, above.)

1H.J.R. 19 (Crockett) – **Property Tax Exemption:** would amend the Texas Constitution to provide that a person who owns real property and installs a solar energy device on the property is entitled to a credit against the property taxes imposed on the property by each taxing unit that taxes the property. (See **1H.B. 205**, above.)

1S.B. 8 (Bettencourt) – **Homestead Exemption:** would provide that a person who acquires property after January 1 of a tax year may receive certain homestead exemptions for the applicable portion of that tax year immediately on qualification for the exemption. (Companion bill is **1H.B. 224** by Shine.)

Public Safety

1H.B. 21 (Gervin-Hawkins) – **Class B Misdemeanors:** would, among other things, provide that a peace officer may dispose of a case based on certain Class B misdemeanors without taking the alleged offender before a magistrate if: (1) the disposition is authorized by and is performed in accordance with guidelines adopted by either: (a) the district criminal judges and county court criminal judges in the respective district and county where the alleged offender is arrested; or (b) the community justice council serving the county in which the alleged offender is arrested; and (2) the peace officer makes a written report of the officer's disposition to the law enforcement agency employing the officer, identifying the alleged offender and specifying the grounds for the disposition.

1H.B. 36 (Gervin-Hawkins) – **Passing School Bus:** would, among other things: (1) define a “school bus monitoring system” as a camera installed on a school bus for the purpose of detecting passing school bus violations; and (2) provide an exception to the prohibition of using photographic traffic signal enforcement systems, in order for a local authority or a school district to issue a civil or criminal charge or citation, as applicable, for a passing school bus violation based on a recorded image produced by a school bus monitoring system.

1H.B. 43 (Reynolds) – **Law Enforcement Agencies:** would provide, among other things, that: (1) a law enforcement agency of a city or county shall adopt a policy requiring a peace officer to participate in at least eight hours of community events in the city or county not later than the 60th day after the date the peace officer begins employment with the agency; (2) a law enforcement agency may grant an extension of the period described in (1), above, based on reasonable grounds; (3) the Texas Commission on Law Enforcement (TCOLE) shall establish and administer a grant program through which eligible cities and counties may apply for a grant to provide increased compensation to peace officers employed by a law enforcement agency based on the extent to which the peace officers employed by the law enforcement agency of the applicant city or county: (a) hold a bachelor’s degrees or higher; (b) reside in the applicable city or county; and (c) have received certificates of distinction for certain achievements, including performing more than 40 hours of community service, completing more than 50 hours of continuing education programs, or providing more than 25 hours of instruction in continuing education programs; (4) TCOLE shall annually evaluate each law enforcement agency of a city or county for professionalism based on the following criteria and any additional criteria TCOLE adopts by rule: (a) whether at least half of the peace officers of the agency reside in the applicable city or county; (b) whether the peace

officers of the agency in supervisory positions hold bachelor's degrees or higher; (c) the peace officers of the agency each perform 30 or more hours of community service annually; (d) the agency has a citizens academy or youth enrichment program; and (e) the peace officers of the agency are certified as special officers for offenders with mental impairments; (5) TCOLE may establish and administer a grant program to award grants to agencies that receive positive evaluations; (6) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete a training program on implicit bias that consists of not less than eight hours of training; and (7) as part of the continuing education programs, a peace officer must complete a training and education program developed by the commission that includes not less than: (a) four hours of training on implicit bias; and (b) eight hours of training on de-escalation and crisis intervention techniques.

1H.B. 44 (Reynolds) – **Civilian Complaint Board:** would create, in a city with a population of 500,000 or more, a civilian complaint review board with, among other things, the authority to: (1) investigate complaints alleging peace officer misconduct that involve: (a) excessive use of force; (b) improper use of power to threaten, intimidate, or otherwise mistreat a member of the public; (c) a threat of force; (d) an unlawful act, search, or seizure; or (e) other abuses of authority; and (2) issue subpoenas.

1H.B. 47 (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 (c) 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: (i) 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 (ii) 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) provide that 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.

1H.B. 163 (Collier) – **Unlawful Restraint of Dog:** would, among other things: (1) prohibit and create an offense for the unlawful restraint of a dog; and (2) provide that the prohibition in (1) does

not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement: (a) is compatible with and equal to, or more stringent than, the prohibition; or (b) relates to an issue not specifically addressed by the prohibition.

1H.B. 196 (Crockett) – **Release of Defendant:** would reduce the amount of time a defendant may be detained in jail, before the defendant must be released on personal bond or by reducing the amount of bail, if the state is not ready for the trial of the criminal action: (1) from 90 days to 60 days from the commencement of the detention if the defendant is accused of a felony; (2) from 30 days to 10 days from the commencement of the detention if the defendant is accused of a misdemeanor punishable by a sentence of imprisonment in jail for more than 180 days; (3) from 15 days to five days from the commencement of the detention if the defendant is accused of a misdemeanor punishable by a sentence of imprisonment for 180 days or less; and (4) from five days to three days from the commencement of the detention if the defendant is accused of a misdemeanor punishable by a fine only.

1H.B. 203 (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.

1H.B. 208 (Holland) – **Border Operations Training Program:** would, among other things, provide that the Department of Public Safety, in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (1) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (2) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the

investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region.

1H.B. 222 (Reynolds) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, a court may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (2)(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 the bill with respect to the firearm.

1S.B. 21 (Creighton) – Border Operations Training Program: would provide that: (1) the Texas 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; (2) DPS shall identify opportunities for a peace officer described by (1) to assist in the DPS’s duties related to border operations and may authorize the officer to assist in carrying out those duties; (3) a peace officer authorized by DPS to assist in carrying out duties related to the DPS’s border operations as described by (2) shall not be entitled to compensation from DPS for the assistance provided; and (4) the Texas Commission on Law Enforcement may: (a) recognize, or with the consent of DPS, administer or assist in administering, the border operations training program established under (1), as a continuing education program for officers; and (b) credit an officer who successfully completes the program described by (4)(1) with the appropriate number of continuing education hours.

1S.B. 29 (Hall) – Immigration: would provide, among other things, that a local law enforcement agency may apply to the office of the governor for a grant created by the office to pay for expenses incurred by the agency related to the attendance of the agency’s law enforcement officer in a

training program operated by the United States Immigration and Customs Enforcement for training local law enforcement officers to enforce federal immigration law.

Community and Economic Development

1H.B. 107 (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.

1H.B. 110 (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.

1H.B. 250 (White) – **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 statue, portrait, plaque, seal, symbol, 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 sworn complaint with the attorney general asserting 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.

1S.B. 26 (Powell) – **School Property Tax Limitations**: would extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2024.

1S.B. 69 (Hall) – **Community Advocacy**: would: (1) prohibit a political subdivision from spending public funds to: (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or (b) pay a nonprofit state association or organization that: (i) primarily represents political subdivisions; and (ii) hires or contracts with an individual required to register as a lobbyist; (2) provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent further prohibited activity and further payments of public funds related to that activity; 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.

Elections

1H.B. 3 (Murr) – **Election Integrity**: this bill, known as the Election Integrity Protection Act of 2021, would make numerous changes to election law. Of significance to cities and city elections, the bill would, among other things:

1. require the governing body of a political subdivision to declare each unopposed candidate elected to office upon receipt of the certification of unopposed status;
2. provide that, for elections in which the city secretary is the early voting clerk, early voting by personal appearance at the main early voting polling place shall be conducted at least nine hours each weekday of the early voting period that is not a legal state holiday, unless the territory covered by the election has fewer than 1,000 registered voters, in which case the voting shall be conducted at least four hours each day;
3. provide that a voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time;
4. prohibit a presiding election judge from having an election watcher removed from the polling place for violating any law related to the conduct of elections unless the violation was observed by an election judge or clerk after the watcher was previously warned that the watcher’s conduct violated the law;
5. provide that an election officer commits an offense if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by the Election Code;
6. authorize an election watcher to observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment;
7. entitle an election watcher to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, central counting station, or any other location designated to process election materials;
8. provide that an in-person delivery of a marked early voting mail ballot must be received by an election official at the time of delivery, and the election official shall record the voter’s name, signature, and type of identification provided on a roster prescribed by the secretary of state;
9. for an early voting mail ballot that is not timely returned, require the election clerk to enter the time of receipt on the carrier envelope and retain it in a locked container for the period for preserving the precinct election records;

10. impose requirements on the signature verification committee and early voting ballot board to give would-be voters an opportunity to cure certain defects regarding an early voting mail ballot;
11. require ballots voted by mail to be tabulated and stored separately from the ballots voted by personal appearance and to be separately reported on the returns;
12. require the early voting electronic system ballots counted at a central counting station, the ballots cast at precinct polling places, and the ballots voted by mail to be tabulated separately and be separately reported on the returns;
13. provide that a person commits a Class C misdemeanor if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly:
 - (a) refuses to permit the other person to be absent from work on election day or while early voting is in progress for the purpose of attending the polls to vote; or
 - (b) subjects or threatens to subject the other person to a penalty for attending the polls on election day or while early voting is in progress to vote;
14. provide that a public official commits a state jail felony if the official, while acting in an official capacity, knowingly:
 - (a) solicits the submission of an application to vote by mail from a person who did not request an application;
 - (b) distributes an application to vote by mail to a person who did not request the application unless the distribution is expressly authorized by another provision of the Election Code;
 - (c) authorizes or approves the expenditure of public funds to facilitate third-party distribution of an application to vote by mail to a person who did not request the application; or
 - (d) completes any portion of an application to vote by mail and distributes the application to an applicant; and
15. provide that an early voting clerk or other election official commits a Class A misdemeanor if the clerk or official knowingly mails or otherwise provides an early voting ballot by mail or other early voting by mail ballot materials to a person who the clerk or official knows did not submit an application for a ballot to be voted by mail.

1H.B. 39 (Reynolds) – Voter Registration: would, among other things: (1) provide that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) require two voter registrars to be present at each polling place while the polls are open; (3) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person’s residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a form of photo identification that complies with state law and states the person’s current address; (4) require the election officer to return the original proof of residence to the voter; and (5) require a person voting under (3), above, to vote a provisional ballot in accordance with state law, except that the person is not required to submit an affidavit stating the person is a registered voter and is eligible to vote in the election.

1H.B. 41 (Reynolds) – Voter Identification: would, among other things, eliminate the photo identification requirement and expand the types of documentation that are considered acceptable forms of identification for purposes of voting.

1H.B. 49 (Bucy) – Voter Registration: would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and

(2) provide that a person may register to vote at a polling place at which the person would be allowed to vote if the person submits a voter registration application, presents adequate proof of identification, and submits an affidavit stating the person is eligible to vote and voting only once in the election on the day the person offers to vote.

1H.B. 54 (Bucy) – **Voter Identification**: would provide that the following documents are acceptable forms of photo identification for purposes of voting: (1) an official Native American identification card or tribal document that contains the voter’s photograph and address; (2) an identification card issued by a public or private institution of higher education in Texas that contains the voter’s photograph; and (3) an identification card issued by a state agency that contains the voter’s photograph.

1H.B. 57 (Bucy) – **Early Voting by Mail**: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **1S.B. 40** by Menéndez.)

1H.B. 58 (Bucy) – **Election Day Holiday**: would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday. (Companion bill is **1S.B. 52** by West.)

1H.B. 59 (Bucy) – **Early Voting**: would, among other things, provide that: (1) the authority ordering an election may order early voting by personal appearance to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (2) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

1H.B. 60 (Bucy) – **Election Database**: would, among other things: (1) require the secretary of state to post on the secretary of state’s public Internet website a database containing election information provided by each authority responsible for giving notice of an election, (2) require a city that gives notice of an election to deliver to the county, in January of each year, information for the secretary of state’s database of election information in an electronic format; (3) provide that the secretary of state’s database include the following information about the office of mayor or a position on the city council: (a) name; (b) office title, including any district, place, or position and a notation that the person is an incumbent; (c) if the office is elected at large or by district; (d) date of the previous and next election for the office; (e) public mailing address; (f) public telephone number, if available; and (g) public email address, if available; (4) provide that the secretary of state’s database include the following information about a candidate for the office of mayor or a position on the city council: (a) name; (b) office sought, including any district, place, or position; (c) if the office is elected at large or by district; (d) date of the election; (e) public mailing address; (f) public telephone number, if available; (g) public email address, if available; and (h) if the candidate has filed as a write-in candidate; and (5) require a political subdivision to provide information about a candidate or officeholder to the county in which the political subdivision is located and the county shall forward that information to the secretary of state.

1H.B. 61 (Bucy) – Changing Residence: would, among other things: (1) provide that an election officer serving a polling place shall be a deputy voter registrar and shall have the same authority as a regular deputy registrar; (2) provide that, after changing residence to another county, a person must be accepted for provisional voting if: (a) the person would have been eligible to vote in the county the person formerly resided in on election day if the person was still residing in that county; (b) the person is registered to vote in the county the person formerly resided in at the time the person offers to vote in the county the person currently resides in or submitted a voter registration application in the county the person currently resides in; (c) the person’s voter registration for the county the person currently resides in is not effective on or before election day; and (d) in the county the person currently resides in, the person offers to vote: (i) at any polling place during the early voting period; (ii) at any polling place on election day if the county participates in the countywide polling place program; or (iii) at the polling place of the precinct in which the person resides on election day if the county does not participate in the countywide polling place program; and (3) require the form for a provisional voting affidavit to include a space for entering the precinct number of the precinct in which the voter voted and the name of the county in which the voter is registered to vote. (Companion bill is **1S.B. 36** by West.)

1H.B. 62 (Bucy) – Ballots Voted by Mail: would: (1) require election notice posted on a county’s website to include: (a) the location of each polling place that will be open on election day; (b) the location of each polling place that will be open for early voting; and (c) each location that will be available to voters to deliver a marked ballot voted by mail; (2) authorize a voter to deliver a marked ballot voted by mail in person to the early voting clerk’s office or to another designated at any time after receiving the ballot; (3) provide that a voter delivering a marked ballot in person may return only the voter’s own ballot; and (4) authorize the county clerk to designate any of the following locations for delivering marked ballots under (2), above: (a) the early voting clerk’s office; (b) any polling place open for early voting or for election day; or (c) any suitable location that meets criteria prescribed by the secretary of state.

1H.B. 65 (Bucy) – Runoff Election Date: would: (1) set a runoff election date on the sixth Saturday after the date of the main election; and (2) repeal current state law that allows a runoff election date later than the 45th day after the date the final canvass of the main election is completed, if prescribed by a home-rule city charter.

1H.B. 66 (Bucy) – Early Voting by Mail: would provide that an application for a ballot to be voted by mail serves as an application both for a ballot for the main election and for any resulting runoff election, unless the applicant indicates otherwise on the application. (Companion bill is **1S.B. 53** by Eckhardt.)

1H.B. 67 (Bucy) – Voter Registration and Campaigning: would, with the exception of reasonable restrictions on the time, place, or manner, prevent a political subdivision, property owners’ association, homeowners’ association, or property manager from adopting or enforcing a rule, order, ordinance, or policy, that prevents an individual from accessing private property for the purpose of registering voters or communicating political messages.

1H.B. 68 (Gervin-Hawkins) – Early Voting by Mail: would, among other things, establish a procedure by which the early voting ballot board must notify a person who submitted an early

voting mail ballot of certain defects relating to the mail ballot and the voter has an opportunity to correct the defect.

1H.B. 76 (Israel) – **Unopposed Candidates**: would, among other things, require the governing body of a political subdivision to declare each unopposed candidate elected to office upon receipt of the certification of unopposed status.

1H.B. 86 (Reynolds) – **Election Day Holiday**: would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday. (Companion bill is **1S.B. 52** by **West**.)

1H.B. 88 (Paul) – **Poll Watchers**: would repeal: (1) the minimum hours of continuous service a watcher may serve at the polling place; and (2) 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.

1H.B. 92 (Collier) – **Early Voting Hours**: would provide that the authority ordering voting on a Saturday or Sunday shall determine the hours during which voting is to be conducted, except that voting on Sunday may not begin later than 11 a.m.

1H.B. 93 (Collier) – **Voter Identification**: would provide that an identification document or card issued to enrolled students by an institution of higher education that contains the person's photograph and full legal name and the letterhead or seal of the institution, is an acceptable form of identification for voting.

1H.B. 94 (Shaheen) – **Poll Watchers**: would provide that a person is ineligible to serve as a poll watcher in an election if the person has been finally convicted of a felony of the first or second degree or an offense in connection with conduct directly attributable to an election.

1H.B. 96 (M. Gonzalez) – **Early Voting by Mail**: would, among other things, establish a procedure by which the early voting ballot board must notify a person who submitted an early voting mail ballot of certain defects relating to the mail ballot and the voter has an opportunity to correct the defect.

1H.B. 98 (J. González) – **Polling Place Parking**: would: (1) require an election officer to designate a clearly-marked parking space at each polling place for voters that are unable to enter the polling place; and (2) provide that an election officer must ensure that a voter has the ability to request assistance from an election officer at the polling place from inside a vehicle parked in the space designated for such use, through use of: (a) a telephone number displayed on the sign in large font readable from the vehicle that the voter may text or call; or (b) a button the voter may use to access an intercom.

1H.B. 100 (Paul) – **Early Voting by Mail**: would, among other things: (1) move the deadline for a voter to submit an application for a mail ballot from the 11th day before election day to the 15th day before election day; (2) generally provide that a marked ballot voted by mail must arrive at the address on the carrier envelope not later than 5 p.m. on the day before election day and be

placed for delivery on or before the fourth day before election day; (3) require the early voting clerk to post notice of each delivery of balloting materials for ballots voted by personal appearance and for early voting ballots voted by mail on the Internet website of the entity conducting the election continuously for at least 24 hours immediately preceding the delivery; (4) require the notice in (3), above, to include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice; and (5) provide the early voting ballot board or officer of a central counting station may not accumulate the results of early voting ballots until: (a) 12 p.m. on election day, if the entity conducting the election will count the ballots by hand; (b) 3 p.m. on election day, if the entity conducting the election will not count the ballots by hand and has a population of 150,000 or more; or (c) 6 p.m. on election day, if the entity conducting the election will not count the ballots by hand and has a population of less than 150,000.

1H.B. 101 (Schofield) – **Voting Standards and Procedures:** would prohibit an election officer of the state or of a political subdivision from creating, altering, or suspending any voting standard, practice, or procedure in a manner not expressly authorized by the Texas Election Code.

1H.B. 102 (Schofield) – **Voting Standards and Procedures:** would prohibit an election official of the state or of a political subdivision from creating, altering, or suspending any voting standard, practice, or procedure in a manner not expressly authorized by the Texas Election Code.

1H.B. 106 (Bernal) – **Voter Identification:** would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of certain types of identification from the expanded list as proof of identification, so long as one form of identification contains the name and address of the voter.

1H.B. 118 (Zwiener) – **Voter Identification:** would provide that an identification card issued by a public institution of higher education of this state that contains the person’s photograph, full legal name, and a date of expiration that has not expired or that expired no earlier than four years before the date of presentation, is an acceptable form of identification for voting.

1H.B. 125 (Parker) – **Voting System:** would require the custodian of election records to maintain a maintenance log signed by the individuals and containing the serial number or other unique identifier of the medium.

1H.B. 129 (Hinojosa) – **Early Voting by Mail:** would impose requirements on the signature verification committee and early voting ballot board to give would-be voters an opportunity to cure certain defects regarding an early voting mail ballot. (Companion bill is **1S.B. 38** by **Zaffirini**.)

1H.B. 138 (Dominguez) – **Voter Identification:** would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of certain types of identification from the expanded list as proof of identification, so long as one form of identification contains the name and address of the voter. (Companion is **1S.B. 45** by **Menéndez**.)

1H.B. 140 (Dominguez) – **Voter Identification:** would, among other things, eliminate the photo identification requirement and expand the types of documentation that are considered acceptable forms of identification for purposes of voting.

1H.B. 152 (Meza) – **Voter Registration:** would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at the polling place located in the precinct of the person’s residence if the person submits a voter registration application and presents adequate proof of identification on the day the person offers to vote.

1H.B. 155 (Dominguez) – **Early Voting by Mail:** would, among other things, provide that a marked ballot voted by mail must arrive at the address on the carrier envelope not later than the fifth day after the date of the election, if the carrier envelope was placed for delivery by mail or common or contract carrier before election day and bears a cancellation mark of a common or contract carrier or a courier indicating a time not later than 7:00 p.m. at the location of the election on election day.

1H.B. 177 (Vasut) – **Early Voting by Mail:** would, among many other things: (1) require the early voting ballot board to inspect and open each jacket envelope and carrier envelope for an early voting ballot voted by mail and determine whether to accept the voter’s ballot for counting based on certain specified criteria, including signature verification; (2) require the early voting ballot board to reject and may not open the carrier envelope if the aforementioned criteria is not met; (3) prohibit the early voting ballot board and the signature verification committee from opening the official ballot envelope of an accepted ballot which must be processed separately; and (4) authorize a poll watcher to observe: (a) the acceptance of early voting ballots voted by mail, including the work of the early voting ballot board and any signature verification committee; (b) how the ballots are opened and distributed and how the early voting ballot board and any signature verification committee are making decisions about the acceptance of ballots, if applicable; (c) the work of the central counting station, including the counting of ballots; and (d) how the presiding and alternate judges of the central counting station are making decisions about the acceptance of ballots, if applicable.

1H.B. 188 (Swanson) – **Polling Place Parking:** would: (1) require an election officer to designate a clearly-marked parking space at each polling place for voters that are unable to enter the polling place; and (2) provide that an election officer must ensure that a voter has the ability to request assistance from an election officer at the polling place from inside a vehicle parked in the space designated for such use, through use of: (a) a telephone number displayed on the sign in large font readable from the vehicle that the voter may text or call; or (b) a button the voter may use to access an intercom.

1H.B. 192 (Crockett) – **Illegal Voting:** would: (1) require, before an election officer provides a person with an affidavit to be executed for proof of residency, the election officer to orally inform the person of each requirement to be eligible to register as a voter; (2) amend current state law regarding the offense of illegal voting by adopting additional elements for the offense if the person: votes or attempts to vote in an election if the person knows: (a) of particular circumstances that make the person not eligible to vote in the election; and (b) that those circumstances make the

person not eligible to vote in the election; and (3) create an exception if the person: (a) voted or attempted to vote a provisional ballot; and (b) did not receive the information required from the election officer as stated above.

1H.B. 195 (Crockett) – **Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **1S.B. 40** by **Menéndez**.)

1H.B. 198 (Crockett) – **Voting by Mail:** would modify current law to allow for the delivery of ballots voted by mail to be deposited in an authorized depository box.

1H.B. 199 (Crockett) – **Voter Registration:** would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at a polling place at which the person would be allowed to vote if the person submits a voter registration application, presents adequate proof of identification, and submits an affidavit stating the person is eligible to vote and voting only once in the election on the day the person offers to vote.

1H.B. 201 (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.

1H.B. 202 (Crockett) – **Recall Election:** would: (1) apply to a city that has a single-member district form of representation for the city council; and (2) provide that the city may not adopt or enforce an ordinance or charter provision authorizing an election by the city at large for the recall of a member of the city council 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 city council who was elected from the district.)

1H.B. 204 (Crockett) – **Residence of Incarcerated Persons:** would, among many other things: (1) provide for the determination of an incarcerated person’s residence for voter registration; (2) require, not later than the 14th day following the date on which the tract-level population counts from the federal decennial census are released, the comptroller, in coordination with the Texas Demographic Center, the Texas Legislative Council, and the Texas Department of Criminal Justice, to prepare and disseminate adjusted population counts for each geographic unit included in the census counts based on information reported by state and local governments that operate a facility for incarcerated persons; and (3) require state and local government entities that operate a facility for incarcerated persons to prepare a report with certain information that will be used to adjust the decennial census based on the residence of the incarcerated persons for redistricting purposes.

1H.B. 209 (Swanson) – **Anonymized Ballots:** would: (1) provide that a cast ballot that contains no specific individual voter identifying information is public information under the Public Information Act; (2) authorizes the redaction of any individual voter identifying information contained on a cast ballot prior to a cast ballot being made available for inspection or copying; and

(3) authorizes a governmental body, in responding to a request under the Public Information Act, for portions of a ballot cast in a precinct containing five or fewer registered voters as of the date of the election, to take reasonable measures to ensure the release of the records does not have the effect of disclosing the votes taken by the voters in that precinct, including redacting precinct identifying information, modifying the request to include portions of ballots from additional precincts and aggregating responsive records from multiple precincts.

1H.B. 226 (Jetton) – **Election Judges:** would: (1) require a presiding judge and an alternate presiding judge in each election precinct to appoint the election clerks to assist the presiding judge and alternate presiding judge in the conduct of an election at the polling place served by the presiding judge and alternate presiding judge; (2) require the presiding judge and alternate presiding judge to each appoint the same number of clerks to the extent possible given the total number of clerks to be appointed; (3) authorize an alternate presiding judge to have access to the voting area at all times the polling place is open for voting; (4) prohibit a presiding judge from assigning any duty to an alternate presiding judge that prevents continuous access to that area; (5) authorize the alternate presiding judge to assume the responsibilities of the presiding judge if the presiding judge is not present at the polling place; and (6) repeal any nepotism regulations applicable to the appointment of an election clerk.

1H.B. 227 (Toth) – **Early Voting Ballots:** would require, among other things: (1) an early voting ballot voted by mail to include a unique code readable by an electronic device that may be used to verify the authenticity of the ballot; (2) the early voting ballot board to identify the unique code included on each ballot with an electronic device and compare the code on the ballot to the codes recorded by the early voting clerk; and (3) rejection of the ballot if the recorded code on the ballot does not match that recorded by the early voting clerk.

1H.B. 229 (Bucy) – **Accommodating Disabled Voters:** would, among other things: (1) require an election officer to give voting order priority to individuals with a mobility problem that substantially impairs the person’s ability to move around; (2) require the posting, in an accessible manner, of all procedures and accommodations related to voting available for voters with disabilities on the county clerk’s Internet website; (3) require that a polling place have two parking spaces reserved for the use of a voter with disabilities; (4) require that each parking space must be clearly marked with a sign indicating that the space is reserved for use by a voter who is unable to enter the polling place and displaying, in large font, a telephone number that a voter may call or text to request assistance from an election official at the polling place; (5) define “tactile marking” as a method of identifying certain materials based on touch, and includes a hole punch, a cut corner, or a tactile sticker; (6) require the secretary of state to implement a program to allow a voter eligible for early voting on the ground of disability to remotely receive and mark an early voting ballot to be voted by mail using assistive technology equipment; (7) require a voter receiving and marking a ballot using tactile marking to print the marked ballot and return it in a manner provided by the Election Code; (8) require the early voting clerk to provide an official ballot envelope and carrier envelope to the voter by mail, which must include tactile markings to help the voter identify and distinguish between the envelopes; and (9) provide that a ballot may not be rejected under on the sole basis that: (a) the marked ballot is printed on regular paper; or (b) the voter’s signature is not in the correct location on the carrier envelope, if the voter’s signature is clearly visible and determined to be the signature of the voter.

1H.B. 234 (Schofield) – **Inapplicability of Federal Law to State and Local Elections:** would, among other things, provide that a federal election is a separate election from any other election in Texas, and that any federal law regulating the conduct of an election shall apply in Texas only to a federal election and not to a state or local election.

1H.B. 235 (Bucy) – **Early Voting by Mail:** would, among other things, provide that a voter voting by mail based on the ground of absence from the county of residence may elect to receive the balloting materials by electronic transmission on the voter’s application for an early voting ballot to be voted by mail.

1H.B. 238 (Dominguez) – **Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures.

1H.B. 244 (Fierro) – **Vote by Mail Application:** would: (1) provide that the officially prescribed application form for an early voting ballot must include, among other things, a space for entering an applicant’s email address; (2) require the early voting clerk, before rejecting an application for a ballot to be voted by mail, to make a reasonable effort to contact the applicant by telephone or e-mail to notify the applicant of the error; (3) authorize the applicant to appear at the early voting clerk's office to make clerical corrections to the application or submit a new application after receiving notice; and (4) provide that if the applicant does not appear at the early voting clerk's office before the fourth day after the date the early voting clerk contacted the applicant at the telephone number or e-mail address provided on the application, the clerk may reject the application.

1H.B. 248 (Hefner) – **Voting Systems:** would: (1) define “embedded software” as programmable instructions provided on software that is delivered with voting system equipment or with a replacement part for that equipment for the purpose of equipment operation, including all relevant patches and fixes made by the original equipment manufacturer of the voting system equipment or replacement part for that purpose; and (2) require, beginning September 1, 2021, a voting system to have all software used in the voting system be developed and operated entirely within the United States and all hardware used in the voting system, if manufactured outside the United States, be delivered to the United States without any embedded software installed.

1H.B. 268 (Jetton) – **Fiscal Notes for City Ballot Propositions:** would: (1) for an election on a city ballot proposition stating a measure, require the city secretary to prepare a fiscal note outlining the fiscal implications and projected cost of the measure; (2) require the city secretary to include in the fiscal note a projection of the annual cost of the measure for the five-year period that begins on the effective date of the measure; (3) allow an estimate of benefits or cost savings to be described separately in the fiscal note; (4) require the city secretary to include in the fiscal note the projected annual cost of the measure per resident, calculated by dividing the average annual cost determined under (2) by the number of adult residents of the city according to the most recent decennial census; (5) require, not later than the 14th day before the date the ballots are printed, the city secretary to make available in the city secretary’s office and on the city’s Internet website, a document that includes the details of the projection described by (2) and the methodology used to calculate the projection; (6) require the projected annual cost per resident to be printed on the ballot

immediately following the text of the applicable ballot proposition in a specific format; (7) authorize a qualified voter in the city or the attorney general to file a civil action in district court to compel the city secretary to comply with the fiscal note requirements above; (8) provide that a plaintiff who substantially prevails in an action under (7), through judgment or through a change in behavior resulting from the litigation, is entitled to court costs, reasonable attorney's fees, and a penalty equal to the greater of: (a) 2.5 times the party's attorney's fees; or (b) \$10,000; and (9) waive and abolish sovereign and governmental immunity from suit and liability to the extent of liability created under (7), above.

1S.B. 3 (Hughes) – **Election Integrity**: would make numerous changes to election law. Of significance to cities and city elections, the bill would, among other things:

1. prohibit a polling place from being located in a tent or similar temporary moveable structure or in a facility primarily designed for motor vehicles;
2. prohibit a voter from casting a vote from inside a motor vehicle, unless the voter is physically unable to enter a polling place;
3. beginning January 1, 2024, provide that equipment to tabulate votes may not be used if any wireless connectivity capability of the equipment has not been disabled or removed;
4. provide that, for elections in which the city secretary is the early voting clerk, early voting by personal appearance at the main early voting polling place shall be conducted at least nine hours each weekday of the early voting period that is not a legal state holiday, unless the territory covered by the election has fewer than 1,000 registered voters, in which case the voting shall be conducted at least four hours each day;
5. provide that a voter who has not voted before the scheduled time for closing a polling place is entitled to vote after that time if the voter is in line at the polling place by closing time;
6. provide that an election officer commits a Class B misdemeanor if the officer intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required by the Election Code;
7. authorize an election watcher to observe all election activities relating to closing the polling place, including the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment;
8. entitle an election watcher to follow the transfer of election materials from the polling place at which the watcher was accepted to a regional tabulating center, central counting station, or any other location designated to process election materials;
9. prohibit an early voting clerk from making an attempt to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party;
10. impose requirements on the signature verification committee and early voting ballot board to give would-be voters an opportunity to cure certain defects regarding an early voting mail ballot;
11. provide that an election judge commits a state jail felony if the judge knowingly provides a voter with a form for an affidavit stating that the voter is the person on the list of registered voters if the form contains information that the judge entered on the form knowing it was false;
12. prohibit a public official from creating, altering, modifying, waiving, or suspending any election standard, practice, or procedure in a manner not expressly authorized by the Election Code; and

13. prohibit a person from serving as an election official if the person has been finally convicted under an offense under the Election Code.

1S.B. 22 (Creighton) – Early Voting by Mail: would: (1) require that an application for an early voting ballot to be voted by mail be signed by the applicant using ink on paper; (2) provide that an electronic signature or photocopied signature is not permitted; (3) require on the application: (a) the number of the applicant’s driver’s license or personal identification card issued by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of application; or (b) the last four digits of the applicant’s social security number; (4) provide that a person 70 years of age or older may use the number of a driver’s license or personal identification card that has expired if the license or identification is otherwise valid; (5) require the early voting clerk to reject the application if the information included on the application for an early voting ballot does not match the information on the applicant’s application for voter registration; and (6) provide that a ballot may only be accepted if the carrier envelope includes: (a) the number of the applicant’s driver’s license or personal identification card issued by the Department of Public Safety that has not expired or that expired no earlier than four years before the date of application; or (b) the last four digits of the applicant’s social security number, that matches the voter’s application for voter registration.

1S.B. 23 (Alvarado) – Early Voting by Mail: would, among other things, require the secretary of state to implement a program allowing a person to complete an application for an early voting ballot by mail over the internet from the official website of the state.

1S.B. 25 (Campbell) – Voting by Mail: would, among other things, provide that: (1) except as specifically permitted by statute, the qualifications and procedures for early voting by mail or voting by mail may not be amended or suspended for any reason; (2) the governor may not suspend a provision of a statute, an order, or rule under the governor’s emergency management authority if the provision, order, or rule is related to the qualifications or procedures for early voting by mail and voting by mail; (3) the presiding officer of the governing body of a political subdivision may not suspend a provision of a statute, order, or rule under the officer’s disaster authority if the provision, order, or rule is related to the qualifications or procedures for early voting by mail or voting by mail.

1S.B. 27 (Hall) – Polling Place Management: would, among other things: (1) define “election period” as the period beginning on the first day of early voting by personal appearance and ending when the polls close on election day; (2) require, immediately before opening the polls for voting on the first day of the election period, the presiding election judge to confirm that each voting machine has any public counter reset to zero and must print the zero tape: (a) that shows the counter was set to zero; and (b) that shows the summary for each candidate and measure on the ballot for each voting machine is set to zero; (4) require, immediately after closing the polls for voting on the last day of the election period, the presiding election judge to print the results tape to show the summary of votes for each candidate or ballot measure for each voting machine at that polling location; (5) require the precinct election judge, and an election official aligned with a different political party, to sign the tape printed; (6) expand the period for early voting by personal appearance for an election by beginning on the 14th, rather than the 17th, day before election day and continue through the opening of the polls on election day, rather than the 4th day before

election day; except that an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 10th, rather than the 12th, day before election day and continues through the opening of the polls on election day, rather than the 4th day before election day; and (7) require a piece of electronic voting machine equipment that fails and taken out of service during the election period to be securely isolated, including any associated memory card, until the end of the election period.

1S.B. 36 (West) – Changing Residence: would, among other things: (1) provide that an election officer serving a polling place shall be a deputy voter registrar and shall have the same authority as a regular deputy registrar; (2) provide that, after changing residence to another county, a person must be accepted for provisional voting if: (a) the person would have been eligible to vote in the county the person formerly resided in on election day if the person was still residing in that county; (b) the person is registered to vote in the county the person formerly resided in at the time the person offers to vote in the county the person currently resides in or submitted a voter registration application in the county the person currently resides in; (c) the person’s voter registration for the county the person currently resides in is not effective on or before election day; and (d) in the county the person currently resides in, the person offers to vote: (i) at any polling place during the early voting period; (ii) at any polling place on election day if the county participates in the countywide polling place program; or (iii) at the polling place of the precinct in which the person resides on election day if the county does not participate in the countywide polling place program; and (3) require the form for a provisional voting affidavit to include a space for entering the precinct number of the precinct in which the voter voted and the name of the county in which the voter is registered to vote. (Companion bill is **1H.B. 61** by **Bucy**.)

1S.B. 38 (Zaffirini) – Early Voting by Mail: would impose requirements on the signature verification committee and early voting ballot board to give would-be voters an opportunity to cure certain defects regarding an early voting mail ballot. (Companion bill is **1H.B. 129** by **Hinojosa**.)

1S.B. 40 (Menéndez) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bills are **1H.B. 57** by **Bucy** and **1H.B. 195** by **Crockett**.)

1S.B. 45 (Menéndez) – Voter Identification: would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of certain types of identification from the expanded list as proof of identification, so long as one form of identification contains the name and address of the voter. (Companion is **1H.B. 138** by **Dominguez**.)

1S.B. 49 (Miles) – Return of Mail Ballots: would authorize: (1) a voter to deliver a marked mail ballot in person to the early voting clerk’s office or to another designated location while the polls are open on election day or during the early voting period; and (2) the early voting clerk to designate any number of suitable locations for in-person delivery of ballots.

1S.B. 52 (West) – **Election Day Holiday**: would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday. (Companion bills are **1H.B. 58** by **Bucy** and **1H.B. 86** by **Reynolds**.)

1S.B. 53 (Eckhardt) – **Early Voting by Mail**: would provide that an application for a ballot to be voted by mail serves as an application both for a ballot for the main election and for any resulting runoff election, unless the applicant indicates otherwise on the application. (Companion bill is **1H.B. 66** by **Bucy**.)

1S.B. 55 (Eckhardt) – **Preferential Voting**: would, among other things, provide that: (1) the governing body of a city, county, or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city; and (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

1S.B. 61 (West) – **Fair Elections**: this bill, known as the Barbara Jordan Fair Elections Act, would make numerous changes to election law. Of significance to cities and city elections, the bill would, among other things:

1. provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of identification a form of photo identification that complies with state law and states the person's current address;
2. provide that any qualified voter is eligible for early voting by mail;
3. impose requirements on the early voting ballot board to give would-be voters an opportunity to cure certain defects regarding an early voting mail ballot;
4. provide that the period for early voting by personal appearance begins on the 21st day before election day and continues through the fourth day before election day;
5. establish the first Tuesday after the first Monday in November of an even-numbered year as a state holiday;
6. require the governing body of a political subdivision to declare each unopposed candidate elected to office upon receipt of the certification of unopposed status; and
7. require the governing body that appoints election judges, election clerks, or election workers to completely indemnify the election judge, election clerk, or election worker against any damages, legal fees, attorney's fees, or any costs and fees associated with litigation arising out of their work in an official capacity as an election judge or clerk.

1S.B. 68 (Blanco) – **Early Voting Period**: would extend the starting date of the period for early voting by personal appearance from the 17th day before election day to the 21st day before election day.

1S.B. 71 (Miles) – **Temporary Branch Polling Places**: would, among other things: (1) provide that voting at a temporary branch polling place may be conducted on any days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch; and (2) repeal the requirement that voting at a temporary branch polling

place must be conducted on at least two consecutive business days and for at least eight consecutive hours on each of those days.

Emergency Management

1H.B. 99 (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.

1H.B. 144 (Dominguez) – **Emergency Notices:** would provide that a governmental entity, including a city, shall post in a prominent location on the home page of the entity’s Internet website: (1) each emergency notification issued by the entity; and (2) any other official notice issued by the entity, including notices regarding the entity’s ability or inability to provide services the entity normally provides to the public.

1H.B. 145 (Dominguez) – **Expansion of Emergency Management:** would amend current law to clarify the purpose of the Texas Disaster Act of 1975 to include cybersecurity events.

1H.B. 173 (Vasut) – **Emergencies:** would, among other things:

1. for purposes of emergency management, amend the definition of: (a) “energy emergency” to include a temporary statewide, regional, or local shortage of electricity generation that makes emergency measures necessary to reduce demand or allocate supply; and (b) “epidemic emergency” to mean the occurrence or imminent threat of an outbreak of a communicable disease that threatens widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause related to the outbreak, except if the occurrence or imminent threat of an outbreak of a communicable disease for which there is widespread availability of an effective vaccine against infection;
2. provide that a business or an entity operating during a disaster for an epidemic emergency is not liable for an injury caused by exposing or potentially exposing an individual to a disease if on the date of the exposure or potential exposure: (a) the business or entity is authorized to do business in Texas; and (b) the act or omission giving rise to the exposure or potential exposure was not willful, reckless, or grossly negligent;
3. provide that a person who provides goods or renders services during a disaster in support of disaster response efforts and at the request of the governor or the governor’s designee is not liable for an injury caused by the goods or services, regardless of the circumstances, so long as the act or omission giving rise to the injury was not willful, reckless, grossly negligent, or inconsistent with a limit specified in the governor’s request;
4. provide that in the event of a conflict between executive orders, proclamations, or regulations enacted by the governor and a presiding officer of a political subdivision, an executive order, proclamation, or regulation enacted by the governor controls;
5. provide that unless expressly authorized by statute, the governor and the presiding officer of a governing body of a political subdivision may not issue an executive order, proclamation, or regulation that: (a) requires a person other than a public employee or licensed professional providing medical services to wear a mask or personal protective equipment during a declared state of disaster; (b) prohibits or limits a person from attending or participating in a religious service or activity; (c) violates state and federal law related

- to religious freedom; (d) prohibits or limits the sale, dispensing, or transportation of firearms or ammunition; or (e) alters any voting standard, practice, or procedure; (f) restricts the otherwise lawful operation of a business or industry or the activities of an individual by distinguishing between essential and nonessential services provided or obtained by the business, industry, or individual;
6. provide that a state of disaster may not: (a) continue for more than 30 days unless renewed by the governor, except that a state of disaster for an epidemic emergency, energy emergency, or any man-made cause affecting more than half of Texas counties may not continue for more than 60 days unless renewed by the legislature; and (b) not continue for longer than 180 days unless renewed by the legislature;
 7. provide that the governor may not declare a state of disaster based on the same or a substantially similar finding for which a state of disaster was declared by the governor within the preceding 12 months;
 8. eliminate the provision that allows the governor, on request of a political subdivision, including a city, to waive or suspend a deadline imposed by a statute if the waiver or suspension is reasonably necessary to cope with a disaster;
 9. eliminate the provision that allows the governor to temporarily suspend or modify for a period of not more than 60 days any law if the governor considers the suspension or modification essential to provide temporary housing or emergency shelter for disaster victims;
 10. repeal the provision that allows the governor to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles during a declared state of disaster;
 11. provide that if the presiding officer of the governing body of a political subdivision, including a city, issues an order or proclamation during a declared local state of disaster that restricts the operation of a business or nonprofit entity or a category of businesses, a business or nonprofit entity whose operation is restricted by the order or proclamation may not be assessed any fee, including a permit fee, by the political subdivision during the time the operation of the business or nonprofit entity is restricted by the order or proclamation;
 12. provide that if a business or nonprofit entity paid an annual fee or other fee in advance to a political subdivision for the business's or nonprofit entity's operations, the business or nonprofit entity is entitled to a pro rata refund of the fee for the period of time its operations were restricted by an order or proclamation of the political subdivision described by (11);
 13. provide that a state, local, or interjurisdictional emergency management plan may provide that the intentional or knowing violation of a state, local, or interjurisdictional emergency management plan or a rule, order, or ordinance adopted under the plan is an offense, and the plan may prescribe a fine-only punishment for the offense in an amount that does not exceed \$500;
 14. eliminate the authority of the governor to prohibit, during a state of emergency, the: (a) control of the sale, transportation, and use of alcoholic beverages, weapons, and ammunition, except for limited exceptions; and (b) control of the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety; and
 15. provide that a declaration of a public health disaster may continue for not more than 30 days unless renewed by the legislature.

1H.B. 211 (Tinderholt) – **COVID-19 Passports:** would provide that a governmental entity, including a city, that issues to a third party a vaccine passport, vaccine pass, or other standardized documentation to certify an individual’s COVID-19 vaccination status or otherwise publishes or shares any individual’s COVID-19 immunization record or similar health information, other than for health care purposes, shall be liable for a civil penalty in an amount not to exceed \$5,000 for each violation.

Municipal Court

1H.B. 2 (Smith) – **Bail Release:** would, among other things, provide that: (1) if a magistrate issues an order imposing a condition of release on bond for a defendant or modifies or removes a condition previously imposed, the clerk of the court shall send a copy of the order to, among others, the police chief in the city where the defendant resides, if the defendant resides in a city; and (2) a police chief who receives a copy of an order described by (1) or the chief’s designee, shall, as soon as practicable but not later than the 10th day after the date the copy is received, enter information relating to the condition of release into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety or modify or remove information, as appropriate. (Companion bill is **1S.B. 6** by **Huffman**.)

1S.B. 6 (Huffman) – **Bail Release:** would, among other things, provide that: (1) if a magistrate issues an order imposing a condition of release on bond for a defendant or modifies or removes a condition previously imposed, the clerk of the court shall send a copy of the order to, among others, the police chief in the city where the defendant resides, if the defendant resides in a city; and (2) a police chief who receives a copy of an order described by (1) or the chief’s designee, shall, as soon as practicable but not later than the 10th day after the date the copy is received, enter information relating to the condition of release into the appropriate database of the statewide law enforcement information system maintained by the Department of Public Safety or modify or remove information, as appropriate. (Companion bill is **1H.B. 2** by **Smith**.)

Open Government

1H.B. 175 (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.

Other Finance and Administration

1H.B. 71 (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.

1H.B. 103 (Slaton) – **Abortion:** would, among other things, provide that the governing body of a political subdivision shall ensure that the political subdivision enforces criminal homicide and assaultive offenses in relation to abortion, regardless of any contrary federal statute, regulation, treaty, order, or court decision.

1H.B. 115 (Middleton) – **Unconstitutional Acts:** would provide, among other things, that: (1) the attorney general shall publish a written report that: (a) identifies each rule adopted by a federal agency during the previous month that: (i) relates to certain specific topics, including border security, health emergencies, land use, the right to bear arms, and the free exercise of religion; (ii) was adopted in response to an executive order; and (iii) violates constitutional rights; and (b) provides the status of any lawsuit filed against the federal government relating to a rule identified in the report described in (1)(a); (2) a state agency or political subdivision may not cooperate with a federal government agency in implementing an agency rule that a report published under (1) indicates has been found by a federal court in a decision that has not been stayed, reversed, or overruled to violate the rights guaranteed to the citizens of the United States by the United States Constitution; and (3) the attorney general may bring an action to enjoin a violation described in (2).

1H.B. 174 (Gervin-Hawkins) – **Dangerous Dogs in ETJ:** would: (1) define “aggressive dog” as a dog that makes an unprovoked attack on a domestic animal or livestock that: (a) causes bodily injury to the animal or livestock; and (b) occurs in a place other than an enclosure in which the dog was being kept and that is reasonably secured to prevent the dog from leaving the enclosure; and (2) provide that a municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the municipality’s extraterritorial jurisdiction if: (a) the authority receives a notarized affidavit signed by at least two residents from different households in the extraterritorial jurisdiction requesting assistance from the authority and alleging that: (i) dangerous dogs or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the extraterritorial jurisdiction; and (ii) due to the presence of dangerous dogs or aggressive dogs, the extraterritorial jurisdiction is an unsafe environment for humans, domestic animals, or

livestock; (b) the authority receives or discovers evidence corroborating the affidavit received in (2)(a); and (c) in the extraterritorial jurisdiction: (i) no animal control authority is authorized to operate; or (ii) the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs.

1H.B. 255 (Leach) – **First Responder Admission to State Parks:** would: (1) provide that the Texas Parks and Wildlife Department shall waive the park entrance fees and certain license fees for an individual who is a first responder; and (2) define “first responder” as, among others: (a) a firefighter certified by the Texas Commission on Fire Protection or by the State Firefighters’ and Fire Marshals’ Association of Texas; (b) an individual certified as emergency medical services personnel by the Department of State Health Services; or (c) a municipal police officer.

1S.B. 60 (Campbell) – **Abortion:** would: (1) provide that a governmental entity may not enter into a taxpayer resource transaction, appropriate money, or spend money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider; and (2) authorize the attorney general to enjoin a violation of the prohibition in (1).

Personnel

1H.B. 11 (Gervin-Hawkins) – **Disciplinary Appeals:** would provide that, in an appeal of a disciplinary suspension by a police officer or fire fighter to the civil service commission: (1) the commission, in its decision, shall state whether the original written statement and charges of the police chief or fire chief, as applicable, are supported by substantial evidence in the record; (2) if the commission states in its decision that the statement and charges of the police chief or fire chief, as applicable, are not supported by substantial evidence in the record, the suspended fire fighter or police officer shall be restored to the person’s former position or status in the department’s classified service; and (3) if the commission states in its decision that the statement and charges of the police chief or fire chief, as applicable, are supported by substantial evidence in the record, the commission shall affirm the suspension.

1H.B. 12 (Gervin-Hawkins) – **Civil Service Disciplinary Suspensions:** would amend current law to provide that, for purposes of the original written statement regarding the suspension of a firefighter or police officer in a civil service city, or in any hearing regarding the violation of a civil service rule: (1) the police chief or fire chief, as applicable, may not complain of an act that is discovered (as opposed to occurred) earlier than the 180th day preceding the date the police chief or fire chief suspends the firefighter or police officer; and (2) the act complained of need not be related to a criminal activity.

1H.B. 42 (Reynolds) – **Minimum Wage:** would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

1H.B. 254 (Leach) – **Severance Pay:** would provide that: (1) a political subdivision, including a city, may not, as part of a severance package or as part of any other agreement or settlement made in relation to the termination of a person’s employment or contract as an independent contractor,

make a payment to such employee or independent contractor if: (a) the payment would: (i) be paid from tax revenue; and (ii) exceed the amount of compensation, at the rate at the termination of employment or the contract, the employee or independent contractor would have been paid for 20 weeks; or (b) the employee or independent contractor was terminated for misconduct; and (2) a political subdivision shall post each severance agreement in a prominent place on the political subdivision's internet website.

1S.B. 47 (Miles) – **Early Voting Employee Leave:** would provide that: (1) a person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly: (a) refuses, while early voting is in progress, to permit the other person to be absent from work for the purpose of attending the polls to vote; or (b) subjects or threatens to subject the other person to a penalty for attending the polls to vote while early voting is in progress; and (2) the provisions of (1), above, do not apply in connection with an election in which polls are open while early voting is in progress for two consecutive hours outside of the voter's working hours.

Utilities and Environment

1H.B. 51 (Reynolds) – **Texas Environmental Justice Advisory Council:** would: (1) establish the Texas Environmental Justice Advisory Council; (2) establish an Environmental Justice Review Board; and (3) include, among others, local government officials as members of the Environmental Justice Review Board.

1H.B. 75 (Bucy) – **Municipal Drainage Service Charges:** would: (1) authorize a city to exempt property from all or a portion of drainage charges if the property is used as a principle residence of an individual who is a disabled veteran, 65 years of age or older, a veteran of the armed forces of the United States, or a member of the armed services of the United States on active deployment; and (2) authorize a city to impose additional eligibility requirements for an exemption under (1).

1H.B. 112 (Reynolds) – **Public Utility Commission/Energy Blackouts:** would require: (1) the Public Utility Commission to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region; (2) the rules in (1) to provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (3) an independent organization for the ERCOT power region to adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; and (4) the independent organization to use all other sources of power and demand reduction available before the independent organization calls on the emergency reserve power generation capacity to prevent blackout conditions.

1H.B. 132 (Raymond) – **ERCOT Reserve Margin:** would require: (1) the independent organization certified for the ERCOT power region to adopt a target planning reserve margin for

ERCOT of not less than 15 percent of peak electric demand; and (2) the Public Utility Commission to adopt rules as necessary to achieve and enforce the minimum target planning reserve margin required under (1).

1H.B. 161 (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.

1H.B. 218 (Patterson) – **Electricity Pricing:** would require: (1) the Public Utility Commission and the Energy Reliability Council of Texas independent system operator to adopt rules, operating procedures, and protocols to eliminate or compensate for any distortion in electricity pricing in the ERCOT power region caused by a federal tax credit provided for electricity produced from certain renewable resources; (2) that the rules adopted under (1) ensure that costs imposed on the system by the sale of electricity that is eligible for a federal tax credit, including costs of maintaining sufficient capacity to serve load at the summer peak demand caused by the loss of new investment from below-market prices, are paid by the parties that impose the costs; and (3) the PUC and ERCOT independent system operator to eliminate any rules, operating procedures, or protocols that attempt to adjust electricity prices to reflect the value of reserves at different reserve levels based on the probability of reserves falling below the minimum contingency level and the value of lost load.

1H.B. 236 (Zwiener) – **Critical Infrastructure Resiliency:** would, among other things: (1) create a critical infrastructure resiliency fund that may be used by the Texas Division of Emergency Management (TDEM) only to: (a) make a grant to an eligible entity under the bill; and (b) pay the necessary and reasonable expenses of administering the fund; (2) create the electric grid improvement account as part of the infrastructure resiliency fund, which may be used only to make matching grants to eligible entities for hardening and weatherizing the electric grid, including: (a) installing advanced meter infrastructure and demand response technology; (b) improving load shed capabilities; (c) incentivizing customers to engage in distributed energy production and energy efficiency measures; (d) installing electric energy storage; and (e) weatherizing facilities; (3) provide that an entity is eligible to receive a matching grant under (2) only if the entity is: (a) a municipally owned electric utility; (b) an electric cooperative; (c) a transmission and distribution utility; or (d) a vertically integrated utility; (4) provide that in making grants under (2), TDEM may consult with the Public Utility Commission and shall consider: (a) the expected number of individuals who will benefit from the project; (b) existing infrastructure and overall need for the project; (c) the potential benefit of the project to: (i) low-income communities; and (ii) areas in disparate parts of the state; (d) the equitable distribution of grants throughout the state; (e) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and (f) the total impact of the project on the resiliency of the state's electric grid; (5) create a hospital infrastructure resiliency account as part of the infrastructure resiliency fund, which may be used only by eligible entities, including a hospital owned by a city, for purchasing reserve power supply that is reliable during an extreme weather event, such as on-site generation

ad energy storage systems, necessary to sustain critical medical care; (6) provide that a “project” for the Texas Water Assistance Program includes any undertaking or work to provide for the weatherization of water and wastewater facilities; (7) provide that the water loan assistance fund administered by the Texas Water Development Board (TWDB) may be used to provide grants for projects to harden and weatherize water and wastewater systems in the state, including: (a) covering wells; (b) purchasing reserve power supply, such as on-site generation and energy storage systems; and (c) building connectivity to neighboring water suppliers; (8) require the TWDB to consider, in awarding a grant under (7): (a) the expected number of individuals who will benefit from the project; (b) existing infrastructure and overall need for the project; (c) the potential benefit of the project to: (i) low-income communities; and (ii) areas in disparate parts of the state; (d) the equitable distribution of grants throughout the state; (e) the existence of matching federal funds for the project and whether available federal funds have been exhausted; and (f) the total impact of the project on the state's resiliency; and (9) require the TWDB to condition each grant awarded under (7) on the grant recipient providing funds from non-state sources in a total amount at least equal to 10 percent of the grant amount, with at least five percent of the recipient's match coming from local sources.

1H.B. 247 (Reynolds) – **Electricity**: would, among other things: (1) provide that a retail electric customer is entitled to participation in demand response programs through retail electric providers and demand response providers; and (2) require municipally owned electric utilities, electric cooperatives, and retail electric providers to periodically provide together with bills sent to the customers, information about the procedure for a residential or commercial customer to participate in a voluntary demand response program through the electric utility or a demand response provider to reduce electricity use during times of peak demand, including during an involuntary load shedding event.

1S.B. 28 (Hall) – **Resilience of Electric Grid**: would, among other things: (1) create the Texas Grid Security Commission to, among other things, evaluate all hazards to the ERCOT grid, including threats which can cause future blackouts; (2) define “all hazards” as: (a) terrestrial weather including wind, hurricanes, tornadoes, flooding, ice storms, extended cold weather events, heat waves, and wildfires; (b) seismic events including earthquakes and tsunamis; (c) physical threats including terrorist attacks with direct fire, drones, explosives, and other methods of physical sabotage; (d) cyber-attacks including malware attacks and hacking of unprotected or compromised information technology networks; (e) manipulation of operational technology devices including sensors, actuators, and drives; (f) electromagnetic threats through man-made radio frequency weapons, high altitude nuclear electromagnetic pulse, and naturally occurring geomagnetic disturbances; (g) electric generation supply chain vulnerabilities including insecure or inadequate fuel transportation or storage; and (h) insider threats caused by compromised or hostile personnel working within government or the utility industry; (3) require the Texas Grid Security Commission to prepare and deliver to the legislature a plan for protecting the ERCOT grid from all hazards, including a catastrophic loss of power; (4) except as provided for in (5), preempt a city or other political subdivision from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries or extraterritorial jurisdiction of the city or political subdivision a micro-grid that is certified by the Texas Grid Security Commission; and (5) provide that the owner or operator of a micro-grid certified by the Texas Grid Security Commission is a power generation company and is required to register Texas law and the owner or operator of the

micro-grid is entitled to: (a) interconnect the micro-grid; (b) obtain transmission service for the micro-grid; and (c) use the micro-grid to sell electricity and ancillary services at wholesale in a manner consistent with the bill and Public Utility Commission rules applicable to a power generation company or an exempt wholesale generator.

COVID-19 Update (No. 194)

All pandemic-related updates, including information about the American Rescue Plan's city-related provisions, will be in the [Legislative Update Newsletter](#) from now on.

- **Open Meetings Act:** In March 2020, as Texans worked to mitigate the spread of COVID-19, Governor Abbott's office granted the attorney general's request to suspend certain open-meeting statutes. The temporary suspension allows, among other things, for telephonic or videoconference meetings of governmental bodies that are accessible to the public in an effort to reduce in-person meetings that assemble large groups of people.

On June 30, 2021, [the governor's office approved a request by the attorney general to lift those suspensions](#). The suspensions will lift at 12:01 a.m. on September 1, 2021. Thus, as of September 1, 2021, all provisions of the Open Meetings Act will be effective and all Texas governmental bodies subject to the Open Meetings Act must conduct their meetings in full compliance with the Open Meetings Act as written in state law.

- **No ARPA Funds Received by Texas:** On July 12, 2021, the U.S. Treasury updated its "Status of Payments to States for Distribution to Non-Entitlement Units of Local Government" chart reflecting payments made to states under the American Rescue Plan Act for distribution to non-entitlement units of local government. A non-entitlement unit of local government is typically a city or town that serves fewer than 50,000 people, and their portions of the ARPA funds are sent to the state and should be distributed by the state to the individual cities within 30 days of receipt. Texas remains one of only 10 states to have received no funding through the ARPA. The complete chart, updated weekly, can be found [here](#).

As [previously reported](#) in the TML *Legislative Update*, the Texas Division of Emergency Management has indicated that it will apply for federal funds under the ARPA's Coronavirus Local Fiscal Recovery Fund on August 2, 2021.

- **NLC Recommendations for City Grants Under ARPA:** The National League of Cities has submitted comments to the U.S. Treasury on the Interim Final Rule to implement the Coronavirus State and Local Fiscal Recovery Funds established under the American Rescue Plan Act. NLC offered more than 30 specific recommendations for Treasury action related to the Final Rule to improve the guidance for municipalities as they work to reopen and rebuild their communities related to public health, revenue loss, premium pay and infrastructure. NLC's comments can be found [here](#).

Additional comments may be submitted to the Treasury electronically through the Federal eRulemaking Portal, which can be found [here](#) on or before July 16, 2021.

- **COVID-19 Vaccine Boosters Not Required at this Time:** The National Centers for Disease Control and Prevention and the Food and Drug Administration released a joint statement on July 8, 2021 regarding the effectiveness of COVID-19 vaccines and the need for booster shots, stating the following: “People who are fully vaccinated are protected from severe disease and death, including from the variants currently circulating in the country such as Delta. People who are not vaccinated remain at risk. Virtually all COVID-19 hospitalizations and deaths are among those who are unvaccinated.” And that, “Americans who have been fully vaccinated do not need a booster shot at this time.” The complete statement can be found [here](#).

Reminder: TML Coronavirus materials are archived by date [here](#) and by subject [here](#).

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