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## **FCC Releases National Broadband Map**

The Federal Communications Commission (FCC) has [released](#) the new [National Broadband Map](#). The map displays where fixed and mobile internet services are available across the United States as of June 30, 2022. The individual points on the map marks the buildings or structures such as a home, apartment building, or small business building, where internet service is, or could be, available. The [map](#) is the Commission’s Fabric dataset and will be the foundation for broadband funds in the Infrastructure Investment and Jobs Act.

Cities can help improve the map by filing challenges to the FCC. More information on how to file such challenges can be found [here](#).

## **Sunset Commission Releases Reports on PUC, ERCOT, and TCOLE**

The Texas Sunset Advisory Commission released its report on three state agencies: the Public Utility Commission (PUC), the Electric Reliability Council of Texas (ERCOT), and the Texas

Commission on Law Enforcement (TCOLE). The Sunset Commission is a state agency led by a group of state representatives and senators. The sunset process is a periodic review of state agencies to ensure that they are performing efficiently and to determine whether they should be changed or eliminated. Sunset staff “performs extensive research and analysis to evaluate the need for, performance of, and improvements to the agency under review.”

**Public Utility Commission of Texas/Electric Reliability Council of Texas/Office of Public Utility Counsel**

The full sunset report can be found [here](#). In addition to numerous recommendations, the Sunset Commission found:

**Issue 1:** Without additional resources and a clear decision-making process in place, PUC cannot truly fulfill expectations for ensuring a reliable electric grid.

**Key Recommendations:**

1. The House Appropriations and Senate Finance committees should consider appropriating PUC its exceptional item request for funding a data analytics team and additional engineering expertise.
2. Authorize PUC to issue directives to ERCOT outside formal rulemaking and contested cases and authorize stakeholders to formally weigh in on these directives.
3. Authorize ERCOT to restrict commissioners’ presence at executive sessions.
4. Direct PUC to develop, in rule, a state reliability definition.

**Issue 2:** To restore trust, PUC needs to further improve its public communication efforts.

**Key Recommendations:**

1. Require PUC to develop and regularly update a strategic communications plan.
2. Direct PUC and ERCOT to create a guidance document to better coordinate public communications.
3. Direct PUC to provide up-to-date, easily accessible information as part of its current website redesign efforts.

**Issue 3:** PUC needs additional resources and attention focused on its water and wastewater regulation to avoid overburdening utilities and their customers.

**Key Recommendations:**

1. The House Appropriations and Senate Finance committees should consider increasing PUC's appropriation to ensure it can recover its costs to regulate water and wastewater utilities efficiently.
2. Direct PUC to comprehensively review its water and wastewater rules, processes, and guidance documents to identify and address areas for improvement.
3. Amend statute to extend the length of an emergency temporary manager appointment.

### **Texas Commission on Law Enforcement**

The full sunset report can be found [here](#). In addition to numerous recommendations related to the law enforcement, the Sunset Commission found:

**Issue 1:** Texas' approach to regulating law enforcement is ineffective.

#### **Key Recommendations:**

1. Establish a blue-ribbon panel on law enforcement professionalism to comprehensively evaluate and make recommendations on the needed professional standards for law enforcement in Texas.
2. Continue TCOLE for two years, until 2025.

**Issue 2:** Key elements of TCOLE's statute and procedures do not conform to common licensing and regulatory standards.

#### **Key Recommendations:**

1. Direct TCOLE to work with DPS to subscribe to rap backs on fingerprint-base criminal background checks for all licensure applicants and licensees.
2. Clearly authorize TCOLE to maintain confidentiality of complaints when possible.
3. Explicitly authorize TCOLE to temporarily suspend a license in cases of imminent threat to public health, safety, or welfare, and require a timeline for due process hearings.
4. Require TCLOE to establish and maintain a system for law enforcement agencies to report failed fit-for-duty exams or refusals to be examined and authorize TCOLE to suspend licensees under limited circumstances.

## **House and Senate Committee Interim Hearings**

The Texas House and Senate Committees are underway studying interim charges outlined by Speaker Phelan and Lt. Governor Dan Patrick.

Below is a full list of committee hearings set to hear certain city-related charges. All hearings will be held at the Texas Capitol unless otherwise indicated. If a committee has newly posted notice and was not included in last week's edition of the *Legislative Update*, it is indicated as such.

### **House Committee on State Affairs**

The committee will meet on Monday, December 5 at 9:00 a.m. to hear the following:

Update on the proposed changes to the ERCOT market design.

Information on the hearing, including how to register and submit electronic testimony, can be found [here](#).

## **Federal Infrastructure Bill Update**

*In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.*

*The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will be providing periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.*

### **U.S. Department of Transportation**

On November 9, the Federal Aviation Agency (FAA) announced the availability of \$20 million in FY 2023 for the FAA Contract Tower Competitive Grant Program, to be used to sustain, construct, repair, improve, rehabilitate, modernize, replace, or relocate non-approach control towers, and acquire and install air traffic control and related equipment. Eligible applicants include public agencies approved in the FAA's contract tower program and normally eligible for Airport Improvement Program discretionary grants. The application deadline is 4:00 pm CST on December 6, 2022. More information can be found in the [Notice of Funding Opportunity](#).

The Federal Highway Administration [recently announced](#) the release of nearly \$60 billion in FY 2023 apportionments for 12 formula programs allocated directly to states under the IIJA. The announcement includes a link to view allocation of funding by state and program.

### **Environmental Protection Agency (EPA)**

The EPA recently announced the availability of \$40 million in funding under Solid Waste Infrastructure for Recycling Grant Program. Cities are eligible to apply for the funding, which may be used for (among other things) establishing, increasing, expanding, or optimizing collection and the improvement of materials management infrastructure. The EPA anticipates awarding twenty-

five assistance agreements under this specific funding opportunity, with the amounts ranging from between \$500,000 and \$4,000,000 for the grant period. Interested cities should submit an informal notice of intent to apply by December 15, 2022, and the application is due no later than January 16, 2023. More can be found on the program [here](#).

The EPA also announced the availability of roughly \$30 million under the Recycling Education and Outreach Grant Program, which is designed to inform the public about residential or community recycling programs. The EPA anticipates awarding twenty-five assistance agreements under this specific funding opportunity, with the amounts ranging from \$250,000 to \$2,000,000 for the grant period. Interested cities should submit an informal notice of intent to apply by December 15, 2022, and the application is due no later than January 16, 2023. More can be found on the program [here](#).

### **White House**

Last week, the White House released updated state fact sheets showing the impact of the IJA one year into its implementation. The updated Texas fact sheet can be found [here](#). So far, over \$13 billion in IJA funding has been announced for Texas, with 310 projects already identified.

## **City-Related Bills Filed**

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

### **Property Tax**

**H.B. 335** (Bell) – **Appraisal Cap**: would reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.J.R. 18**, below.)

**H.B. 398** (Shine) – **Property Tax Exemption**: would provide that property owned by a Type A or Type B economic development corporation is exempt from taxation if the property is used for a public purpose.

**H.B. 402** (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 **H.J.R. 21**, below.)

**H.B. 419** (Shine) – **Property Tax Exemption**: would provide that an individual is entitled to an exemption from property taxation by a taxing unit other than a school district of a portion of the appraised value of the individual's residence homestead in an amount equal to five percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption. (See **H.J.R. 23**, below.)

**H.B. 449 (Schofield) – Property Tax Appraisal:** would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as agricultural land, open-space land, timberland, parkland, or public access airport property. (See **H.J.R. 28**, below.)

**H.B. 456 (Craddick) – Property Tax Exemption:** would exempt a royalty interest owned by a charitable organization from property taxation.

**H.B. 481 (Goldman) – Property Tax Freeze:** would establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.J.R. 30**, below.)

**H.B. 523 (Vasut) – Appraisal Review Board:** would authorize the appraisal review board, on motion of the chief appraiser or of a property owner, to order the appraised value of an owner's property in the current tax year and either of the two preceding tax years to be changed to the sales price of the property in the current tax year if, for each tax year for which the change is to be made: (1) the property qualifies as that owner's residence homestead; (2) the sales price of the property is at least 10 percent less than the appraised value of the property; and (3) the board makes a finding that the sales price reflects the market value of the property.

**H.B. 543 (Raymond) – Property Appraisal:** would require the chief appraiser to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.J.R. 42**, below.)

**H.B. 623 (Cody Harris) – Property Tax Exemption:** would exempt the value of animal feed held by the owner for sale at retail from ad valorem taxation. (See **H.J.R. 47**, below.)

**H.B. 634 (Lozano) – Appraisal of Open-Space Land:** would provide that to qualify for appraisal as open-space land, property must have been devoted principally to agricultural use or to production of timber or forest products for only two of the preceding seven years, reducing the existing requirement that property must have devoted to that use for at least five of the preceding seven years.

**H.B. 664 (Bailes) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent.

**H.B. 665 (Bailes) – Appraisal Cap:** would establish a 3.5 percent appraisal cap on commercial real property.

**H.B. 707 (Geren) – Property Tax Freeze:** would establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.J.R. 49**, below.)

**H.B. 721 (Schofield) – Property Tax Collection:** would provide that the interest rate associated with a tax lien during a period of deferred collection of taxes on the residence homestead of an elderly or disabled individual or a disabled veteran is the lower of the five-year Constant Maturity Treasury Rate reported by the Federal Reserve Board as of January 1 of that year or five percent. (Note: Current law provides for a five percent interest rate.)

**H.B. 740 (J. Gonzalez) – Homestead Tax Deferral:** would, among other things: (1) entitle an individual to defer collection of a tax imposed on the portion of the appraised value of the property the individual owns and occupies as the individual’s residence homestead that exceeds the sum of: (a) 105 percent of the appraised value of the property for the preceding year; and (b) the market value of all new improvements to the property; and (2) provide that if the collection of taxes on a residence homestead was deferred in a prior tax year and the sum of the amounts described by (1), above, exceeds the appraised value of the property for the current tax year, the amount of taxes the collection of which may be deferred is reduced by a calculated amount; and (3) set the annual interest rate during the deferral at five percent.

**H.B. 741 (Goodwin) – Property Tax Exemption:** would exempt from ad valorem taxation property used to provide child-care services without regard to the beneficiaries’ ability to pay, if the provider of the services meets Texas Rising Star Program certification criteria.

**H.B. 745 (Dean) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.B. 152** by **Kolkhorst**.) (See **H.J.R. 51**, below.)

**H.B. 746 (Dean) – Appraisal Cap:** would expand the application of the ten percent appraisal cap on a residence homestead to all real property.

**H.B. 774 (Collier) – Property Tax Appraisal:** would authorize the chief appraiser, in appraising a residence homestead that is more than 30 years old and that is located in a tax increment reinvestment zone, to exclude from consideration the value of new or substantially remodeled residential properties in the same neighborhood that would otherwise be considered. (See **H.J.R. 52**, below.)

**H.J.R. 18 (Bell) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.B. 335**, above.)

**H.J.R. 21 (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 **H.B. 402**, above.)

**H.J.R. 23 (Shine) – Property Tax Exemption:** would amend the Texas constitution to authorize the legislature to provide that an individual is entitled to an exemption from property taxation by a taxing unit other than a school district of a portion of the appraised value of the individual’s residence homestead in an amount equal to five percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1, of the average appraised

value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption. (See **H.B. 419**, above.)

**H.J.R. 28** (Schofield) – **Property Tax Appraisal**: would amend the Texas Constitution to repeal the provision that subjects land designated for agricultural use to an additional tax when the land is diverted to a purpose other than agricultural use or sold. (See **H.B. 449**, above.)

**H.J.R. 29** (Schofield) – **Delinquent Property Taxes**: would amend the Texas Constitution to provide that a residence homestead is not subject to seizure or sale for delinquent property taxes.

**H.J.R. 30** (Goldman) – **Property Tax Freeze**: would amend the Texas Constitution to establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.B. 481**, above.)

**H.J.R. 42** (Raymond) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.B. 543**, above.)

**H.J.R. 43** (Raymond) – **Property Tax Exemption**: would amend the Texas Constitution to, among other things, authorize a local option property tax exemption for a residence homestead owned by a parent or guardian of a person who is disabled and who resides with the parent or guardian. (See **H.B. 582**, above.)

**H.J.R. 47** (Cody Harris) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt the value of animal feed held by the owner for sale at retail from ad valorem taxation. (See **H.B. 623**, above.)

**H.J.R. 49** (Geren) – **Property Tax Freeze**: would amend the Texas Constitution to establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.B. 707**, above.)

**H.J.R. 51** (Dean) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.J.R. 18** by **Kolkhorst**.) (See **H.B. 745**, above.)

**H.J.R. 52** (Collier) – **Property Tax Appraisal**: would amend the Texas Constitution to authorize the legislature to authorize the chief appraiser, in appraising a residence homestead that is more than 30 years old and that is located in a tax increment reinvestment zone, to exclude from consideration the value of new or substantially remodeled residential properties in the same neighborhood that would otherwise be considered. (See **H.B. 774**, above.)

**S.B. 152 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **H.B. 745** by **Dean**.) (See **S.J.R. 18**, below.)

**S.B. 178 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to establish a 20 percent appraisal cap on real property other than a residence homestead. (See **S.J.R. 19**, below.)

**S.B. 196 (Eckhardt) – Homestead Exemption:** would: (1) authorize the governing body of a taxing unit, in the manner provided by law for official action by the body, to adopt a local option property tax exemption of a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead; (2) provide that if the governing body adopts a local option homestead exemption of a dollar amount of the appraised value of a residence homestead, the amount of the exemption in a tax year may not be less than \$5,000; and (3) provide that an individual is entitled to an exemption adopted under (1), above, in addition to any other exemptions provided by law. (See **S.J.R. 20**, below.)

**S.B. 199 (Eckhardt) – Public Facility Corporation:** would provide that a leasehold or other possessory interest in a public facility would not be exempt from property taxes if the public facility user: (1) refuses to rent a residential unit in a housing development to an individual or family because the individual or family participates in the housing choice voucher program; or (2) uses a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for a residential unit.

**S.J.R. 18 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **H.J.R. 51** by **Dean**.) (See **S.B. 152**, above.)

**S.J.R. 19 (Kolkhorst) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to establish a 20 percent appraisal cap on real property other than a residence homestead. (See **S.B. 178**, above.)

**S.J.R. 20 (Eckhardt) – Homestead Exemption:** would amend the Texas Constitution to, among other things: (1) authorize the governing body of a political subdivision to exempt from property taxes a portion, expressed as a dollar amount not less than \$5,000, of the market value of the residence homestead of an individual; and (2) provide that the legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under (1), above, from reducing the amount of or repealing the exemption. (See **S.B. 196**, above.)

## **Public Safety**

**H.B. 347 (Jarvis Johnson) – Children in Custody:** would, among other things, require law enforcement to: (1) adopt a written policy regarding the safe placement of a child who is in the custody of a person that is arrested; (2) coordinate with child-care providers, nonprofit organizations, and faith-based entities in the agency's region to develop options for safe living arrangements for a child who is in the custody of a person that is arrested; and (3) develop

agreements with the entities in (2), above, that provide procedures for the law enforcement agency to release a child to the care of those entities.

**H.B. 382 (Collier) – Criminal Penalties for Marihuana Possession:** would provide a defense to possession of certain consumable hemp products containing a controlled substance or marihuana if: (1) the person possesses a product that purports by the product’s label to contain a consumable hemp product that is authorized under state or federal law; (2) the product described by (1), above, contains a controlled substance or marihuana, other than the substances extracted from hemp in the otherwise legal concentrations; and (3) the person purchased the product described by (1), above, from a retailer the person reasonably believed was authorized to sell a consumable hemp product.

**H.B. 388 (S. Thompson) – Criminal Penalties for Marihuana Possession:** would reduce criminal penalties for the possession of two ounces or less of marihuana.

**H.B. 410 (S. Thompson) – Cite and Release:** would, with respect to issuing citations in lieu of arrest for misdemeanor offenses, provide that: (1) the Texas Southern University, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other law enforcement organizations, shall publish a model policy related to the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, that includes the procedure for a peace officer, upon a person’s presentation of appropriate identification, to verify the person’s identity and issue a citation to the person; (2) each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, provided such policy meets the requirements of the model policy described in (1), above; (3) a law enforcement agency may adopt the model policy developed under (1), above; and (4) a peace officer may not arrest, without warrant, a person found only committing one or more misdemeanors related to certain traffic offenses that are punishable by fine only, and in such instances shall issue a written notice to appear to the person.

**H.B. 412 (S. Thompson) – Covert Law Enforcement Activity:** would provide that a defendant may not be convicted for an offense under the Texas Controlled Substances Act on the testimony of a person who is acting covertly on behalf of a law enforcement agency, regardless of whether that person is a licensed peace officer or special investigator, unless the testimony is corroborated by other evidence.

**H.B. 413 (S. Thompson) – Progressive Disciplinary Matrix:** would provide, among other things, that: (1) a public employer, including a city, that has not adopted civil service for its public safety employees, shall implement, for its city police officers, a progressive disciplinary matrix and adopt implementing rules that consist of a range of progressive disciplinary actions applied in a standardized way based on the nature of the infraction and the officer’s prior conduct record; (2) the matrix described in (1), above, must include: (a) standards for disciplinary actions relating to the use of force against another person, including the failure to de-escalate force incidents in accordance with departmental policy; (b) standards for evaluating the level of discipline appropriate for uncommon infractions; and (c) presumptive actions to be taken for each type of infraction and any adjustment to be made based on a police officer’s previous disciplinary record; (3) a meet and confer agreement must: (a) implement the progressive disciplinary described in (1),

above; and may not conflict with and does not supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the progressive disciplinary matrix; (4) for cities that have adopted civil service, the civil service commission shall adopt rules that prescribe the disciplinary actions that may be taken against a police officer under a progressive disciplinary matrix described in (1), above; (5) in an appeal of a disciplinary action by a police officer to a hearing examiner, the hearing examiner must presume the disciplinary action applied under a progressive disciplinary matrix is reasonable unless the facts indicate that the police department inappropriately applied a category of offense to the particular violation; (6) a collective bargaining agreement may not conflict with an ordinance, order, statute, or rule concerning the disciplinary actions that may be imposed on police officers under a progressive disciplinary matrix implemented by the city; and (7) a collective bargaining contract affecting police officers may not conflict with a state or local civil service provision implementing a progressive disciplinary matrix.

**H.B. 415 (S. Thompson) – Peace Officer Training:** would provide that basic peace officer training must include training on the duty of a peace officer to request and render aid for an injured person.

**H.B. 418 (S. Thompson) – Peace Officers:** would: (1) amend current law to provide that a peace officer has the discretion on whether or not, if authorized, to: (a) interfere without a warrant to prevent or suppress a crime; or (b) arrest offenders without a warrant so that they may be taken before the proper magistrate or court and be tried; and (2) provide that a peace officer shall: (a) identify as a peace officer before taking any action within the course and scope of the officer's official duties unless the identification would render the action impracticable; and (b) intervene if the use of force by another peace officer: (i) exceeds which is reasonable under the circumstances; (ii) violates departmental policy, state, or federal law; (iii) puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or other person; or (iv) is not required to apprehend or complete the apprehension of a suspect.

**H.B. 459 (Hull) – Use of Chemical Irritant Spray:** would provide that peace officers or school security personnel performing security-related duties on school property or at a school-sponsored activity may not restrain or use a chemical irritant spray on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person. (Companion bill is **S.B. 133** by West.)

**H.B. 484 (Meza) - Suicide Prevention in Jail:** would provide that each municipal jail must: (1) provide two hours of training to each jailer or person responsible for the supervision of a person confined in the jail on the procedures for identifying, documenting, and handling a person who is potentially suicidal or has a mental health condition; (2) conduct and document mental health screenings during the inmate intake process; (3) house in a cell with cameras any person that is identified as potentially suicidal; (4) regularly check on each person described by (3), above; and (5) report to the attorney general any incident involving the suicide or attempted suicide of a person confined in the jail not later than 48 hours after the incident.

**H.B. 485 (Gervin-Hawkins) – Offenses on Public Transportation:** would increase the criminal penalty for certain offenses committed in a vehicle operated by a public transportation system.

**H.B. 504 (Wu) – No-Knock Warrants:** would provide that: (1) only the following magistrates may issue a warrant authorizing a no-knock entry: (a) a district court judge; (b) a statutory county court judge; (c) a judge of a county court who is an attorney licensed by the state; (d) a judge of municipal court of record who is an attorney licensed by the state; or (e) any magistrate if the county in which the warrant is issued does not have: (i) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state; (ii) a county court judge who is an attorney licensed by this state; or (iii) a statutory county court judge; and (2) a magistrate listed in (1), above, may issue a no-knock warrant only if: (a) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator’s designee; and (b) the warrant requires each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. (Companion bill is **S.B. 140** by West.)

**H.B. 533 (Wu) – Warrantless Arrests:** would provide that peace officer may seize any firearm in plain sight and readily accessible to a person when a peace officer, without a warrant, takes the person into custody because the officer: (1) has reason to believe and does believe that: (a) the person is a person with mental illness; and (b) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

**H.B. 544 (Julie Johnson) – Reporting Protective Orders and Convictions:** would: (1) provide that, on receipt of an original or modified protective order from the clerk of the court, a law enforcement agency must immediately, and not later than the third business day after the date the order is received, enter the information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS); (2) require a local entity to report a conviction involving family violence that would prohibit a person from possessing a firearm under state or federal law to DPS not later than the fifth calendar day after the judgment of conviction is entered; and (3) require DPS to report to the FBI for use with the National Instant Criminal Background Check System each protective order and each conviction for a family violence misdemeanor not later than the fifth calendar day after the date DPS receives the information that the protective order or judgment of conviction was entered.

**H.B. 568 (Bowers) – Peace Officer Training:** would provide that, as part of the minimum curriculum requirements, peace officer training must include instruction on interacting with persons with Alzheimer’s disease and other dementias, including: (1) techniques for recognizing symptoms; (2) communicating effectively; (3) employing alternatives to physical restraints; and (4) identifying signs of abuse, neglect, or exploitation.

**H.B. 588 (Raymond) – Statewide Disaster Alarm System:** would, among other things, provide that the Texas Division of Emergency Management with the cooperation of the office of the governor and appropriate state agencies shall develop and implement a statewide alert system to active in the event of a disaster affecting any location in Texas.

**H.B. 636 (Patterson) – Firearm Regulation:** would allow a person to carry a handgun at a polling place if the person is licensed to carry a handgun and is working as an election judge during early voting or on election day.

**H.B. 648 (Gervin-Hawkins) – Passing School Bus:** would 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.

**H.B. 660 (Cook) – Protective Orders:** would provide that: (1) a law enforcement agency shall enter a protective order in the agency’s computer records of outstanding warrants as notice that the order has been issued and is currently in effect; and (2) on receipt of an original or modified protective order from the clerk of the issuing court, or on receipt of information pertaining to the date of confinement or imprisonment or date of release of a person subject to the protective order, a law enforcement agency shall immediately, but not later than the next business day after the date the order or information is received, enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety: (a) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed; (b) any known identifying number of the person to whom the order is directed, including the person's social security number or driver’s license number; (c) the name and county of residence of the person protected by the order; (d) the residence address and place of employment or business of the person protected by the order; (e) the child-care facility or school where a child protected by the order normally resides or which the child normally attends; (f) the relationship or former relationship between the person who is protected by the order and the person to whom the order is directed; (g) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case; (h) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and (i) the date the order expires.

**H.B. 668 (Collier) – Coin-Operated Machines:** would, with respect to the comptroller’s duty to regulate skill or pleasure coin-operated machines, require the comptroller to disclose confidential information, including information in a tax permit, license, or registration certificate application, to a law enforcement agency that submits to the comptroller a written request for the information in connection with an investigation the agency is conducting.

**H.B. 684 (Cole) – Police Vehicles:** would require police patrol vehicles to be conspicuously marked as a police vehicle with the insignia of the applicable law enforcement agency clearly visible at a distance of up to 500 feet under normal atmospheric conditions.

**H.B. 689 (Rosenthal) – False Report Liability:** would provide that: (1) a person who submits a false report to a law enforcement agency or emergency service provider, with the intent that the law enforcement agency or emergency service provider take action against a falsely accused person, is liable to the falsely accused person for an amount not to exceed \$250 if the report was submitted due to bias or prejudice against the falsely accused person’s race, color, disability, religion, national origin or ancestry, age, gender, sexual orientation or gender identity; and (2) a

falsely accused person who prevails in an action described in (1), above, may recover attorney's fees and costs incurred in bringing the action.

**H.B. 690 (Rosenthal) – Office of Community Violence Intervention:** would, among other things: (1) create the Office of Community Violence Intervention (Office) for the purposes of, among other things: (a) providing leadership, coordination, and technical assistance to promote effective state and local efforts on reducing preventable injuries and deaths resulting from all forms of physical violence; (b) collaborating with governmental entities, law enforcement agencies, community-based organizations, business leaders, and other appropriate individuals in Texas to develop evidence-based policies, strategies, and interventions to reduce the impacts of violence in Texas; and (c) awarding grants; (2) provide that the Office, with the advice of an advisory committee, shall award grants for community violence intervention and prevention through a competitive process to counties and cities that are disproportionately impacted by a high incidence of violence; and (3) provide that a county or municipal recipient of a grant award under (2), above, must distribute not less than 50 percent of the grant money to one or more of the following: (a) a community-based organization; (b) an Indian tribe or tribal organizations; or (c) a public entity whose primary focus is community safety or gun violence prevention.

**H.B. 732 (Wu) – Gambling:** would provide an affirmative defense to prosecution for certain gambling offenses if the offenses occur in a private residence.

**H.B. 735 (Meza) – Family Violence Cases:** would: (1) require a court, in regard to a person convicted of certain family violence offenses or subject to a family violence protective order, to provide written notice to the person that he/she is prohibited from acquiring, possessing, or controlling a firearm, and order the person to surrender all firearms; and (2) provide various ways a person in (1), above, may surrender a firearm, including surrender to a law enforcement agency.

**H.B. 762 (Reynolds) – No-Knock Warrants:** would prohibit a magistrate, including a municipal judge, from issuing an arrest or search warrant that authorizes a peace officer from entering, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

**H.B. 765 (Harless) – Capital Murder:** would provide, that for purposes of the offense of murder against a peace officer or fireman who is acting in the lawful discharge of an official duty and who a person knows is a peace officer or fireman, the actor is presumed to have known the person murdered was a peace officer or fireman if the person was wearing a distinctive uniform or badge indicating the person's employment as a peace officer or fireman.

**S.B. 133 (West) – Use of Chemical Irritant Spray:** would provide that peace officers or school security personnel performing security-related duties on school property or at a school-sponsored activity may not restrain or use a chemical irritant spray on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person. (Companion bill is **H.B. 459** by **Hull**.)

**S.B. 140 (West) – No-Knock Warrants:** would provide that: (1) only the following magistrates may issue a warrant authorizing a no-knock entry: (a) a district court judge; (b) a statutory county

court judge; (c) a judge of a county court who is an attorney licensed by the state; (d) a judge of municipal court of record who is an attorney licensed by the state; or (e) any magistrate if the county in which the warrant is issued does not have: (i) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state; (ii) a county court judge who is an attorney licensed by this state; or (iii) a statutory county court judge; and (2) a magistrate listed in (1), above, may issue a no-knock warrant only if: (a) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee; and (b) the warrant requires each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. (Companion bill is **H.B. 504** by Wu.)

**S.B. 144 (Gutierrez) – Extreme Risk Protective Orders:** would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, 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), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **H.B. 123** by Goodwin.)

**S.B. 183 (Miles) – Official Oppression:** would provide that the offense of official oppression is a second-degree felony if the public servant, at the time of the offense, is a licensed peace officer and: (1) causes bodily injury to another or threatens another with imminent bodily injury; and (2) while engaging in the conduct described in (1), above, causes serious bodily injury to another, or uses or exhibits a deadly weapon.

**S.B. 208 (Eckhardt) – Marihuana:** would, among other things, reduce criminal penalties for delivery and possession of marihuana.

**S.B. 209 (Eckhardt) – Cannabis:** would, among other things: (1) authorize the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession,

use, and taxation of cannabis and cannabis products; (2) provide that a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of cannabis or cannabis products on property the person owns, occupies, or manages; (3) provide that a commissioners court of a county may order an election to approve the operation of cannabis growers, cannabis establishments, or cannabis testing facilities in the county; (4) provide that a county that authorizes the operation of cannabis growers, cannabis establishments or cannabis testing facilities in the county may adopt regulations consistent with the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, or cannabis testing facilities; and (5) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility. (See **S.J.R. 22**, below.)

**S.B. 219 (Eckhardt) – Texas Commission on Law Enforcement:** would provide, among other things, that:

1. the Texas Commission on Law Enforcement (TCOLE) shall establish a fee for the issuance of a license as follows: (a) \$80 for a peace officer license; and (b) \$25 for a license other than a peace officer license;
2. TCOLE shall develop and make available, to all law enforcement agencies, a model policy and associated training materials regarding the use of force by peace officers, and such policy must: (a) be designed to minimize the number and severity of incidents in which peace officers use force and include an emphasis on conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged offense; and (b) be consistent with the guiding principles on the use of force issued by the Police Executive Research Forum;
3. in developing a model policy described under Number 2, above, TCOLE shall consult with: (a) law enforcement agencies and organizations, including the Police Executive Research Forum and other national experts on police management and training; and (b) community organizations;
4. on request of a law enforcement agency, TCOLE shall provide the agency with training regarding the policy developed under Number 2, above;
5. TCOLE, by rule, shall establish grounds under which it shall suspend or revoke a peace officer license on a determination that the license holder's continued performance of duties as a peace officer constitutes a threat to the public welfare;
6. the grounds under Number 5, above, must include: (a) lack of competence in performing the license holder's duties as a peace officer; (b) illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as a peace officer; (c) lack of truthfulness in court proceedings or other governmental operations; (d) failure to follow the directives of a supervising officer or to follow the policies of the employing law enforcement agency; (e) discriminatory conduct; or (f) conduct indicating a pattern of: (i)

excessive use of force; (ii) abuse of official capacity; (iii) inappropriate relationships with persons in the custody of the license holder; (iv) sexual harassment or sexual misconduct while performing the license holder's duties as a peace officer; or (v) misuse of information obtained as a result of the license holder's employment as a peace officer and related to the enforcement of criminal offenses;

7. a body worn camera policy does not have to require an officer be provided access to any recording of an incident involving the officer before the officer is required to make a statement about the incident;
8. a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may be released to the public regardless of whether criminal matters have been finally adjudicated and all related administrative investigations have concluded;
9. a law enforcement agency shall permit a person who is depicted in a recording of an incident described by Number 8, above, or, if the person is deceased, the person's authorized representative, to view the recording, on request of the applicable person, provided any authorized representative who is permitted to view the recording was not a witness to the incident; and
10. a law enforcement agency shall adopt a policy for releasing to the public a recording described by Number 8, above, that prioritizes access to the recording in the following order: (a) the civilian oversight system associated with the law enforcement agency, if any; (b) the officer who used deadly force or is under investigation and the individual who is the subject of the recording, or if the individual is deceased, the individual's authorized representative, and any attorney representing the officer, individual, or representative; and (c) the public.

**S.B. 224 (Alvarado) – Catalytic Converter Theft:** among other things, creates a presumption that a person in possession of two or more catalytic converters unlawfully appropriated the catalytic converters, unless the actor: (1) is the owner of each vehicle from which the catalytic converters were removed; or (2) possessed the catalytic converters in the ordinary course of engaging in a business that is required to be licensed or registered, or is otherwise regulated, by this state or a political subdivision of this state, including: (a) an automotive wrecking and salvage yard; (b) a registered metal recycling entity; (c) a registered vehicle dealer; or (d) a garage or shop that is engaged in the business of repairing motor vehicles; or (3) is an employee or agent of a person described by (2), above, and the actor possessed the catalytic converters while performing a duty within the scope of that employment or agency.

**S.J.R. 22 (Eckhardt) – Cannabis:** would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas. (See **S.B. 209**, above.)

## **Sales Tax**

**H.B. 346 (Jetton) – Sales Tax Exemption:** would exempt certain school supplies purchased by a teacher from the sales taxes.

**H.B. 432 (Schofield) – Sales Tax Sourcing:** would, among other things, generally provide that for purposes of city sales and use taxes, sales of taxable items are consummated at the location in the state where the item was stored immediately before shipment, delivery, or transfer of possession to the customer.

**H.B. 510 (Wu) – Sales Tax Exemption:** would exempt feminine hygiene products from the sales tax. (Companion bill is **S.B. 128** by Springer.)

**H.B. 577 (Leo-Wilson) – Value Added Tax:** would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

**H.B. 640 (Julie Johnson) – Street Maintenance Sales Tax:** would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater system located in the width of a way of a city street.

**H.B. 688 (Cole) – Sales Tax Exemption:** would exempt a personal computer or tablet computer from the sales tax during the same weekend that school supplies and backpacks are exempt from the sales tax.

## **Community and Economic Development**

**H.B. 376 (Rogers) – Landowner’s Bill of Rights:** would provide that the Landowner’s Bill of Rights must additionally include: (1) notice of a landowner’s right to submit a report of decreased value of the landowner’s remaining property to the county appraisal district office after a taking; and (2) a copy of the report of decreased value issued by the comptroller.

**H.B. 427 (VanDeaver) – Excavation Notice:** would provide, among other things, that within a certain timeframe before beginning excavation, a person who intends to excavate shall: (1) notify a notification center; and (2) place at least one temporary sign displaying certain required information at or near the excavation site, which sign may not be removed until the excavation is complete; however, the sign required in (2), above, may only be placed on: (a) property by owner consent; (b) a public highway in a location that does not obstruct traffic; or (c) a street lamp or utility sign, pole, or fixture.

**H.B. 540 (Longoria) – Library Construction Grants:** would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library. (Companion bill is **S.B. 197** by Eckhardt.)

**H.B. 586 (E. Thompson) – Annexation of Roadways:** would provide that: (1) a city may annex a road right-of-way (ROW) that: (a) is contiguous to the city’s boundary or to an area being simultaneously annexed by the city; (b) is either: (i) parallel to the boundary of the city or to an area being simultaneously annexed by the city; or (ii) connects the boundary of the city to an area being simultaneously annexed by the city or to another point on the city’s boundary; and (c) does not result in the city’s boundaries surrounding any area that was not already in the city’s extraterritorial jurisdiction (ETJ) immediately before the annexation of the ROW; (2) a city may annex a ROW under (1), above, only if: (a) the owner of the ROW or the governing body of the political subdivision that maintains the ROW requests the annexation of the ROW in writing; or (b) both the city provides written notice of the annexation to the owner of the ROW or the governing body of the political subdivision that maintains the ROW not later than the 61st day before the date of the proposed annexation and the owner or the governing body of the political subdivision that maintains the ROW does not submit a written objection to the city before the date of the proposed annexation; and (3) an annexation of ROW described by (1)(b)(ii), above, does not expand the city’s ETJ.

**H.B. 615 (Patterson) – Economic Development Corporation:** would authorize an economic development corporation, by election, to spend on a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities.

**H.B. 643 (Patterson) – Sexually Oriented Businesses:** would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business.

**H.B. 696 (Rogers) – Excavation Notice:** would provide that not later than two hours after receipt of a notice of intent to excavate, a notification center shall notify each landowner in the proposed area of excavation.

**H.B. 708 (Shaheen) – Sexually Oriented Businesses:** would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business.

**H.J.R. 26 (Schofield) – Post-Condemnation Repurchase Rights:** would amend the Texas Constitution to entitle a person from whom a real property interest is acquired by an entity through

eminent domain for a public use, or that person's heirs, successors, or assigns, to repurchase the property under certain circumstances subject to certain conditions.

**S.B. 197 (Eckhardt) – Library Construction Grants:** would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library. (Companion bill is **H.B. 540** by Longoria, above.)

**S.B. 147 (Kolkhorst) – Property Ownership Prohibition:** would provide that the following may not purchase or otherwise acquire title to real property in Texas: (1) a governmental entity of China, Iran, North Korea, or Russia (the Specified Nations); (2) a company or other entity that is: (a) headquartered in one of the Specified Nations; (b) directly or indirectly held or controlled by the government of one of the Specified Nations; or (c) owned by or the majority of stock or other ownership interest of which is held or controlled by individuals who are citizens of the Specified Nations; (3) a company or other entity that is owned by or the majority of stock or other ownership interest of which is held or controlled by a company or entity described by (2), above; or (4) an individual who is a citizen of one of the Specified Nations.

**S.B. 149 (Springer) – City Regulation:** would: (1) prohibit a city from adopting or enforcing an ordinance, rule, or regulation that imposes a restriction, condition, or regulation on commercial activity; (2) allow a city to adopt and enforce an ordinance, rule, or regulation that: (a) is essential to directly regulating a uniquely local concern that the city council determines cannot be of similar concern in another city because of the uniqueness of the local concern; (b) is essential to necessary regulation of local land use; (c) is essential to protecting citizens' physical safety; (d) is expressly authorized to be adopted by a state statute; or (e) requires nondiscrimination in the provision of employment or service to any person on the basis of any state or federally protected class, sexual orientation, or gender identity; (3) provide that a city acting under (2)(a), above, must contemporaneously adopt a detailed written statement describing the uniquely local concern and the basis for the determination that the concern cannot be of similar concern in another city; and (4) provide that, for purposes of (2)(d), above, a state statute that provides the statute does not preempt or affect municipal regulatory authority may not be construed to expressly authorize an ordinance, rule, or regulation.

**S.B. 175 (Middleton) – 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 any further prohibited activity and 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.

**S.B. 190 (Miles) – Unauthorized Signs:** would provide for a civil penalty of up to \$5,000 to be collected from a person (1) who places or commissions the placement of an unauthorized sign on the right-of-way of a public road, or (2) whose commercial advertisement is placed on a sign described in (1), above.

## **Elections**

**H.B. 354 (Bucy) – Voter Identification:** would provide, among other things, that the following documents are an acceptable form of photo identification for purposes of voting at an election: (1) an official Native American identification card or tribal document that: (a) contains the voter's photograph and address; and (b) is issued by a tribal organization or by a tribe that is federally recognized and located in the state; (2) an identification card issued by a Texas public or private institution of higher education that contains the voter's photograph; or (3) an identification card issued by a Texas state agency that contains the voter's photograph.

**H.B. 357 (Bucy) – Early Voting by Mail:** would provide that the online tool developed or provided by the secretary of state to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary's website and on an applicable county's website must require the voter to provide the following additional information, before permitting the voter to access the information: (1) the voter's date of birth; and (2) the voter's driver's license number, personal identification card number or the last four digits of the voter's social security number.

**H.B. 359 (Bucy) – Mail in Ballots:** 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 location while the polls are open on election day or during the early voting period; (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.

**H.B. 365 (Bucy) – Early Voting By Mail:** would provide, among other things, that: (1) for a ballot to be voted by mail on the ground of absence from the county of residence, the early voting ballot application must include an e-mail address for the applicant to which the ballot is sent by electronic transmission; (2) the officially prescribed application form for an early voting ballot on an application for a ballot to be voted by mail must include, in the space for an applicant applying on the ground of absence from the county of residence, that the applicant wishes to receive the balloting materials by electronic transmission and provide an e-mail address; (3) a voter voting by mail on the ground of absence from the voter's 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; (4) balloting materials to be sent by electronic transmission as described in (3), above, include: (a) the appropriate ballot; (b) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted; (c) instructions prescribed

by the secretary of state on how to create a ballot envelope and carrier envelope or signature sheet for the ballot; and (d) a list of certified write-in candidates, if applicable; (5) the balloting materials described in (3), above, may be provided by e-mail to the voter: (a) in a portable document format or similar file type or through a scanned format; or (b) by any other method of electronic transmission authorized by the secretary of state in writing; (6) an e-mail address used to request balloting materials described in (3), above, is confidential and does not constitute public information for purposes of the Texas Public Information Act, and an early voting clerk shall ensure that the voter's e-mail address is excluded from public disclosure; and (7) a marked ballot received through electronic transmission as provided by (3), above, shall be returned to the early voting clerk by mail or common or contract carrier through procedures prescribed by the secretary of state.

**H.B. 371** (Bucy) – **Runoff Elections**: would: (1) provide that a runoff election shall be held on the sixth Saturday after the date of the main election; and (2) repeal the provision that allows a home-rule city charter to provide for a runoff election date later than provided by state law.

**H.B. 374** (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.

**H.B. 378** (Bucy) – **Voter Registration and Campaigning**: would, with the exception of reasonable restrictions on the time, place, or manner, prevent a political subdivision, property owners' association, homeowners' association, or property manager from adopting or enforcing a rule, order, ordinance, or policy, that prevents an individual from accessing private property for the purpose of registering voters or communicating political messages.

**H.B. 380** (Bucy) – **Election Database**: would, among other things, require: (1) the secretary of state to post on the secretary of state's public Internet website a database of election information, including: (a) the name of the authority giving notice of an election; (b) each office to be filled at the election; (c) whether the office is elected at large or by district; and (d) the dates of the preceding and next election for the office; (2) a political subdivision other than a county, including a city, to provide the information described in (1), above, to the county in electronic format in January of each year; (3) the secretary of state to post on the secretary of state's Internet website a database containing information about officeholders and candidates for office including, among other positions, the office of mayor or a position on the city council, to include the following information: (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) the date of the previous and next election for the office; (e) public mailing address; (f) public telephone number, if available; (g) public e-mail address, if available; and (h) if the individual has filed as a write-in candidate; (4) a political subdivision, including a city, 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; and (5) the secretary of state to make the name, office, and party affiliation of the holder of a partisan elected office, the office of mayor, or a position on the governing body of a city or board of trustees of an independent school district available on the secretary of state's Internet website for as long as the person holds that office.

**H.B. 386 (J. Gonzalez) – Voter Accommodation:** would: (1) require an election officer to designate a parking space at each polling place for a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter’s health that is not a parking space designated specifically for persons with disabilities; (2) require the parking space to be clearly marked with a sign: (a) indicating that the space is reserved for use by a voter who is unable to enter the polling place; and (b) displaying, in large font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place; and (3) provide, as an alternative to displaying a phone number under (2)(b), above, that a parking space may provide the voter with a button or intercom that the voter may use to request assistance from an election officer.

**H.B. 397 (Goldman) – Illegal Voting:** would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

**H.B. 426 (Schofield) – Primary Runoff Election Date:** would set the primary runoff election date for a non-federal office as the second Tuesday in April following the general primary election.

**H.B. 455 (Schofield) – General Election:** would authorize a political subdivision other than a county or municipal utility district to change the date on which it holds its general election for officers to the November uniform election date.

**H.B. 488 (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.

**H.B. 499 (Meza) – Countywide Polling Place:** would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **S.B. 117** by **Menendez**.)

**H.B. 502 (Meza) – Early Voting by Mail:** would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **S.B. 120** by **Menendez**.)

**H.B. 549 (Swanson) – Election Marshals:** would provide, among other things, that:

1. the secretary of state has authority to take appropriate action to protect against violations of the Election Code;
2. the secretary of state shall appoint a state election marshal who reports to the secretary of state;
3. the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region;

4. appointments described in Number 3, above: (a) must be made not later than the 60<sup>th</sup> day before the date early voting is scheduled to begin in an election held on a uniform election date in November or a primary election; and (b) shall be in effect for 90 days, and may be extended by the state election marshal if the election marshal is conducting an investigation;
5. the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region;
6. the chief election marshal for a region shall assign election marshals to each alleged violation of Election Code occurring in the region as described by Number 9, below;
7. to be qualified as a state election marshal or an election marshal, a person must: (a) be licensed as a peace officer by the Texas Commission on Law Enforcement; (b) be commissioned by the DPS; (c) and have received training in election law from the secretary of state;
8. an election marshal has the powers and duties of a state inspector and other powers and duties as assigned by law;
9. a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and
10. if an election marshal investigates an alleged violation and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

(Companion bill is **S.B. 220** by **Bettencourt**.)

**H.B. 589** (Toth) – **Election Audits**: would provide, among other things, that:

1. a person who participated in an election as a candidate, county chair of a political party, a presiding judge, an alternate presiding judge or the head of a specific-purpose political committee that supports or opposes a ballot measure may issue a written request to the county clerk for an explanation and supporting documentation for: (a) an action taken by an election officer that appears to violate the Election Code; (b) irregularities in precinct results; or (c) inadequacy or irregularity of documentation required to be maintained the Election Code;
2. no later than the 20<sup>th</sup> day after a request is received under Number 1, above, the county clerk shall provide the requested explanation and any supporting documentation;

3. a requestor described under Number 1, above, who is not satisfied with the explanation and supporting documentation provided under Number 2, above, may issue a request for further explanation and supporting documentation to the county clerk;
4. not later than the 10th day after the date a request under Number 3, above, the county clerk shall provide the requested explanation and any supporting documentation;
5. a requestor who is not satisfied with the explanation and supporting documentation provided under Number 4, above, may issue a request to the secretary of state for an audit of the issue described under Number 1, above;
6. not later than the 30<sup>th</sup> day after the date the secretary of state receives a request for an audit under Number 5, above, the secretary must determine whether the information submitted by the requestor sufficiently explains the irregularity identified under Number 1, above, and if insufficient, the secretary shall immediately begin an audit of the identified irregularity at the expense of the county;
7. on conclusion of the audit, the secretary of state shall provide notice of the findings of the audit to the person who submitted the request for the audit and the county clerk, and shall provide special notice to a county clerk detailing any violation of the Election Code found during the conduct of an audit;
8. if the county clerk does not remedy a violation detailed in the special notice described in Number 7, above, by the 30th day after the date the clerk receives the notice, the secretary of state shall assess a civil penalty of \$500 for each violation not remedied and, if possible, remedy the violation on behalf of the county clerk.
9. if the secretary of state is not able to remedy the violation on behalf of the county clerk, the secretary shall assess an additional penalty under Number 8, above, for each day the county clerk does not remedy the violation until the violation is remedied;
10. the secretary of state shall maintain a record of county clerks who have been assessed a civil penalty under Number (8), above, and shall publish the record on the secretary's website; and
11. the attorney general may bring an action to recover a civil penalty that has not been paid.

**H.B. 676 (Bucy) – Provisional Voting:** would provide that: (1) an election officer serving a polling place is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) a voter registration certificate may contain an explanation of the voter's rights or duties under the Election Code, including the procedure for voting after changing residence to another county; (3) the registrar shall cancel a voter's registration immediately on receipt of notice that a voter has voted a provisional ballot in another county; (4) after changing residence to another county, a person shall be accepted for provisional voting if: (a) the person would have been eligible to vote in the county of former residence on election day if still residing in that county; (b) the person is registered to vote in the county of former residence at the time the person: (i) offers to vote in the

county of new residence; or (ii) submitted a voter registration application in the county of new residence; (c) voter registration for the person in the county of new residence is not effective on or before election day; and (d) the person offers to vote in the person's new county of residence: (a) at any polling place during the early voting period; (b) at any polling place on election day if the county participates in the countywide polling place program; or (c) 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; (5) not later than the 30th day after the election, the voter registrar shall notify the voter registrar for the voter's former county of residence that the voter was accepted for voting; (6) a person may cast a provisional ballot if the person would be eligible to vote in the election, but for the requirement to be a registered voter, and executes a specific affidavit; and (7) a provisional ballot cast shall be accepted if its determined from the information in the affidavit or contained in public records that the person: (a) is registered to vote in the county of the person's former residence; (b) has not previously voted in the election; and (c) is eligible to vote in the election, but for the requirement to be a registered voter

**H.B. 701 (J. Gonzalez) – Early Voting By Mail:** would provide that: (1) the secretary of state shall implement a program to allow a person to complete an application for an early voting ballot by mail over the internet from the official website of the State of Texas; (2) the program must: (a) permit an applicant to electronically sign the application; (b) deliver a completed application to the early voting clerk for the election who serves the election precinct of the applicant's residence; and (c) permit an applicant to check the status of the applicant's application; and (3) the program implemented under (2), above, must require a person to provide the following information before allowing the person to complete an application for an early voting ballot by mail: (a) the person's name and voter registration number or registration address; (b) the voter's driver's license number or personal identification card number issued by the Department of Public Safety; and (c) the last four digits of the person's social security number.

**H.B. 705 (J. Gonzalez) – Election Lawsuits:** would provide that a district attorney shall defend an action, including an action for writ of mandamus, brought against an election judge or election clerk that alleges that the judge or clerk violated a provision of the Election Code while acting in the judge's or clerk's official capacity in the county served by the district attorney.

**S.B. 220 (Bettencourt) – Election Marshals:** would provide, among other things, that:

1. the secretary of state has authority to take appropriate action to protect against violations of the Election Code;
2. the secretary of state shall appoint a state election marshal who reports to the secretary of state;
3. the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region;
4. appointments described in Number 3, above: (a) must be made not later than the 60<sup>th</sup> day before the date early voting is scheduled to begin in an election held on a uniform election

date in November or a primary election; and (b) shall be in effect for 90 days, and may be extended by the state election marshal if the election marshal is conducting an investigation;

5. the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region;
6. the chief election marshal for a region shall assign election marshals to each alleged violation of Election Code occurring in the region as described by Number 9, below;
7. to be qualified as a state election marshal or an election marshal, a person must: (a) be licensed as a peace officer by the Texas Commission on Law Enforcement; (b) be commissioned by the DPS; (c) and have received training in election law from the secretary of state;
8. an election marshal has the powers and duties of a state inspector and other powers and duties as assigned by law;
9. a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and
10. if an election marshal investigates an alleged violation and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

(Companion bill is **H.B. 549** by Swanson.)

**S.B. 221 (Bettencourt) – Recall Elections, Ballot Propositions, and Petitions:** with regard to a city's ballot proposition language, the bill would:

1. require that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;
2. provide that if a court orders a new election to be held after a contested election is declared void, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition substantially submit the question with such definiteness and certainty that the voters are not misled;
3. allow a religious organization to circulate or submit a petition in connection with a recall election;

4. provide that, not later than the seventh day after the date that a home rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state (SOS);
5. require the SOS to review the proposition not later than the seventh day after the date the SOS receives the submission to determine whether the proposition is misleading or inaccurate;
6. provide that if the SOS determines that the proposition is misleading or inaccurate, the city shall draft a proposition to cure the defect and give notice of the new proposition;
7. authorize a proposition drafted by a city under Number 6, above, to be submitted to the SOS under the process outlined in Number 4, above;
8. provide that if the SOS determines that the city has on its third attempt drafted a proposition that is misleading or inaccurate, the SOS shall draft the ballot proposition;
9. require, in an action in a district court seeking a writ of mandamus to compel the city to comply with the provision described in Number 1, above, the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff or relator who substantially prevails reasonable attorney's fees, expenses, and court costs;
10. waive and abolish governmental immunity to suit to the extent of the liability created by Number 9(b), above;
11. provide that, following a final judgment that a proposition failed to comply with the provision described in Number 1, above, a city must submit to the SOS any proposition to be voted on at any election held by the city before the fourth anniversary of the court's finding; and
12. require a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

In addition, with regard to petitions, the bill would:

1. provide that the illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to sign the petition and signed the petition on or after the 180th day before the date the petition was filed;
2. require the SOS to prescribe the form, content, and procedure for a petition and prohibit a home-rule city that uses a form that is different than the SOS form from invalidating a

petition because it doesn't contain information that the petition form failed to provide for or required to be provided;

3. provide that a person who circulates or submits a petition is not required to use a petition form prescribed by the SOS or a home-rule city, but that a petition that does not use an officially prescribed form must contain the substantial elements required to be provided on the officially prescribed form;
4. require that the city secretary determine the validity of a petition, including verifying the petition signatures, not later than the 30th day after the date the city receives the petition;
5. prohibit a city from restricting who may collect petition signatures;
6. provide that the provisions described by Numbers 4 and 5, above, preempt home-rule charter procedures requiring the city council to hold an election on receipt of a petition; and
7. in regard to a charter amendment election petition: (a) provide that at least five percent of the registered voters of the city on the date of the most recent election held in the city or 20,000, whichever number is smaller, may submit a petition; and (b) require the notice of election include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined.

### **Emergency Management**

**H.B. 448 (Schofield) – Disaster Order 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 to the extent of liability under (1), above.

**H.B. 558 (Raymond) – Executive Orders:** would provide that an executive order, proclamation, or regulation issued by the governor during a declared state of disaster that restricts the operation of or the hours of operation for a business that sells alcoholic beverages may not include a federal tax-exempt organization that benefits veterans of the United States armed forces.

**H.B. 624 (Harris) – Emergency Medical Transport by Firefighters:** would provide that: (1) a firefighter, regardless of licensure as an emergency medical services provider, may transport a sick or injured patient to a health care facility in a vehicle other than an emergency medical services vehicle if: (a) the appropriate emergency medical services provider is notified of the patient’s clinical condition and is unable to provide emergency medical services at the patient’s location; and (b) the medical treatment and transport protocols for the patient’s apparent clinical condition authorize transport of the patient in a vehicle other than an emergency medical services vehicle; and (2) each emergency medical services and trauma care system shall develop the medical treatment and transport protocols necessary for the implementation of (1)(b), above, for the area covered by the system and provide notice of the protocols to the emergency medical providers and fire fighters in that area.

### **Municipal Courts**

**H.B. 734 (Vasut) – Community Service:** would increase the amount of fines or costs considered to have been discharged for each eight hours of community service performed by a defendant from \$100 to \$150.

**S.B. 171 (Blanco) – Criminal Case Reporting:** would require a clerk of a court to report to the Department of Public Safety the dispositions of criminal cases in the court not later than the fifth business day after the date of each disposition of a case involving a felony, a misdemeanor for which a term of confinement may be imposed, or a misdemeanor punishable by fine only that involves family violence.

### **Open Government**

**H.B. 576 (Raymond) – Autopsy Records:** would provide that a photograph or x-ray of a body taken during an autopsy may be disclosed to the next of kin or legal representative of the deceased, subject to a discretionary exception under the Public Information Act.

**H.B. 613 (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.

**S.B. 185 (Miles) – Official Oppression:** would provide, among other things, that: (1) a department of a political subdivision employing a police officer against whom is filed a complaint alleging conduct constituting official oppression shall: (a) retain the complaint until at least the fifth

anniversary of the date the police officer's employment with the political subdivision ends; and (b) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed; (2) a complaint or abstract described by (1), above, is public information and is not excepted from required disclosure under the Texas Public Information Act (TPIA) law enforcement exception; (3) the provisions described in (1) and (2), above, prevail over any other provision of law and any conflicting provision in a collective bargaining agreement; (4) if a city receives a complaint against a peace officer employed by the city alleging conduct constituting official oppression, the city shall: (a) retain the complaint until at least the fifth anniversary of the date the peace officer's employment with the city ends; and (b) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed; (5) a discretionary exception to required disclosure provided by the TPIA does not apply to a complaint or abstract described in (4), above; and (6) the TPIA law enforcement exception does not apply to a record described in (4), above.

### **Other Finance and Administration**

**H.B. 384** (C. Bell) – **Federal Action**: would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

**H.B. 431** (S. Thompson) – **Charitable Bingo**: would, among other things, require a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November 1, 2019; (2) remit 50 percent of the amount collected as the prize fee in equal shares to the city and county if the bingo game is conducted within a county and within the city limits of a city that both voted before November 1, 2019 to impose the prize fee; or (3) if the county in which the bingo game is conducted did not vote before November 1, 2019 to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a city that voted before November 1, 2019 to impose the prize fee, remit 25 percent of the amount collected to the city and deposit the remaining amount in the general charitable fund of the organization organizations conducting the bingo game.

**H.B. 445** (Schofield) – **Ballot for Bond Election**: would: (1) require a ballot for a county or city bond election to state with specificity: (a) each project to be funded through the bond proceeds; and (b) the amount of bond proceeds to be spent on each project; (2) prohibit a county or city from: (a) spending a greater amount than the amount stated on the ballot on a project; and (b) transferring

bond proceeds from one project to another; and (3) confer on an individual who votes in the election standing to sue a city or county for a violation of (1) or (2), above.

**H.B. 451 (Schofield) – Local Debt:** would prohibit a political subdivision from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security.

**H.B. 522 (Cain) – State Holidays:** would provide for the creation of “Celebration of Life Day” on June 24th as a state holiday.

**H.B. 537 (Wu) – Audits:** would: (1) require a governmental entity, including a city, to: (a) make the records relating to any audit of the governmental entity, including any final report, available to the public on request; and (b) not later than the fifth business day after the date the audit is completed, post the final report for the audit on the governmental entity’s Internet website, or if the governmental entity does not have a website, on a publicly accessible Internet website; (2) authorize a governmental entity to redact any confidential information from the report as necessary to comply with state or federal law; (3) provide that a governmental entity that, without good cause, fails to comply with the requirement in (1), above, is liable to a person for any reasonable expenses the person incurs in trying to access the audit records, including reasonable attorney’s fees; and (4) provide that the term “audit” for purposes of (1), above, includes a financial audit, a compliance audit, an economy and efficiency audit, and an effectiveness audit, among other things.

**H.B. 550 (Vasut) – Hotel Occupancy Tax Uses:** would: (1) authorize a city to use revenue from the city hotel occupancy tax to promote tourism and the convention and hotel industry by: (a) acquiring, constructing, repairing, remodeling, or expanding certain qualified infrastructure that is owned by the city and that is located not more than one mile from a hotel; and (b) making improvements to a public park that is owned by the city and that is located not more than one mile from a hotel; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year as provided by (1), above, may not exceed 20 percent of the amount of revenue the city collected from that tax during the preceding fiscal year; and (3) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than 20 percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

**H.B. 553 (Troclair) – Universal Basic Income:** would prohibit a political subdivision, including a city, from adopting or enforcing an ordinance, order, or other measure that provides for a universal basic income, including basic income, monthly income, or minimum income paid to each individual resident of the political subdivision without regard to the individual’s circumstances.

**H.B. 572 (Bowers) – Fireworks:** would prohibit a home-rule city and Type A general law city that regulate fireworks from confiscating fireworks in the possession of a person if the person possesses only packaged, unopened fireworks.

**H.B. 622 (Shaheen) – Newspaper Notice:** would: (1) allow a political subdivision to satisfy any law that requires notice to be published in a newspaper by publishing the notice in the following locations: (a) social media, free newspapers, school newspapers, a homeowners’ association newsletter or magazine, utility bills, direct mailings, or any other form of media authorized by the comptroller; and (b) the internet websites maintained by the political subdivision and the comptroller; (2) provide that before providing notice under (1), above, a political subdivision must hold a public meeting about the alternative notice under (1)(a), above, and demonstrate that the circulation will be greater than the circulation of the newspaper with the greatest circulation in the political subdivision; (3) authorize the comptroller to grant a city’s request for a waiver from publishing notice in accordance with (1)(b), above, if the city provides sufficient proof that Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (4) require a city using alternative media described in (1)(a), above, to submit notice to the comptroller describing the alternative notice method in (1)(a), above, and certain other information; (5) authorize the comptroller to require a political subdivision to provide notice in a newspaper if the comptroller determines that the means under (1)(a), above, do not have greater circulation than a newspaper with the greatest circulation in the political subdivision; and (6) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions and provide the report to the governor, lieutenant governor, and the speaker of the house.

**H.B. 657 (Bailes) - Newspaper Notice:** would provide that a governmental entity or representative may publish notice on a third-party Internet website, as an alternative to certain newspaper notice requirements, if: (1) the governing body finds, after holding a public hearing on the matter that: (a) Internet publication of notices is in the public interest; (b) Internet publication of notices will not, after consideration of the level of Internet access in the applicable area, unreasonably restrict public access to the notices; and (c) the cost of publishing the notices in a newspaper exceeds the cost of Internet publication; (2) the governmental entity or representative posts the findings in (1), above, on the entity’s or representative’s website; and (3) the governmental entity or representative also prominently posts each notice for public review at the office location of the governmental entity or representative that is the most accessible to the intended recipients of the notice.

**H.B. 683 (Cole) – Paramedics Tuition Exemption:** would provide, among other things, that an institution of higher education shall exempt from the payment of tuition and laboratory fees any student who is enrolled in one or more courses offered as part of an emergency medical services curriculum and is employed as a paramedic by a city.

**H.B. 712 (Shaheen) – Local Government Security Incidents:** would: (1) provide that a local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident: (a) comply with the notification requirements of the Identify Theft Enforcement and Protection Act, to the same extent as a person who conducts business in this state; (b) not later than 48 hours after the discovery of the security incident, notify:

(i) the Department of Information Resources (DIR), including the chief information security officer; or (ii) if the security incident involves election data, the secretary of state; and (c) comply with all DIR rules relating to security incidents; and (2) provide that not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a local government shall notify the DIR, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident.

**H.B. 719 (Goldman) – Fee for Examination of Public Securities by Attorney General:** would: (1) increase the fee paid by an issuer of public securities to the attorney general for examination and approval of a bond issuance from \$9,500 to \$50,000; and (2) provide that fees collected in excess of amounts provided in the general appropriations act may be appropriated back to the attorney general for the purpose of administering victim related services and sexual assault programs.

**H.B. 742 (Goodwin) – Tuition and Fee Exemptions:** would provide an exemption for payment of criminal justice or law enforcement course tuition and lab fees for an undergraduate student who is employed by the state or a political subdivision as a peace officer, county jail guard, or a telecommunicator who is required to hold a telecommunicator license.

**H.B. 743 (Dean) – Gas Powered Appliance Regulation:** would provide, among other things, that a city may not adopt or enforce a regulation that prohibits or restricts, directly or indirectly, the use of an appliance, system, or component that is fueled by natural gas or propane in the construction, renovation, maintenance, or alteration of a residential or commercial building.

**H.B. 744 (Dean) – Gasoline Powered Tool Regulation:** would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

**H.B. 764 (Cain) – Gasoline Powered Tool Regulation:** would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

**H.J.R. 27 (Craddick) – Grow Texas Fund:** would amend the Texas Constitution to, among other things: (1) create the Grow Texas Fund (Fund) within the state treasury; (2) authorize the legislature to appropriate money from the Fund for use in areas of the state from which oil and gas are produced and then only to address infrastructure needs in areas of the state determined by the legislature to be significantly affected by oil and gas production; and (3) authorize the grant of money from the Fund to state agencies and other political subdivisions for an authorized purpose.

**H.J.R. 37 (Vasut) – Private Schools:** would amend the Texas Constitution to prohibit regulation of the educational program of a private school or home school by: (1) a state agency; (2) the legislature; or (3) other political subdivisions of the state.

**S.B. 157 (Perry) – Warrant Fees:** would provide that a defendant convicted of a felony or a misdemeanor shall pay the following, as reimbursement fees for services performed in the case by a peace officer for executing or processing an issued arrest warrant, capias, or capias pro fine: (1)

\$75 if the defendant is convicted of a felony, a Class A misdemeanor, or a Class B misdemeanor; or (2) \$50 if the defendant is convicted only of a Class C misdemeanor.

**S.B. 186 (Miles) – Prohibited Discharge of Patients:** would, among other things: (1) provide that, with some exceptions, a hospital or other health facility may discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility only if the person who operates the facility holds a license or permit issued in accordance with applicable state law; and (2) prohibit a local health authority from authorizing a hospital or health facility to discharge a patient to a facility in a manner that conflicts with (1), above.

**S.B. 215 (Eckhardt) – Lobbying:** would provide that: (1) a person who is required to register as a lobbyist under state law may not be eligible to be a candidate for, or elected or appointed to, a public elective office in Texas; (2) the provision in (1), above, does not apply to: (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officer does receive a salary or wage for that office; or (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office; (3) for purposes of (2), above, a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office; (4) an individual may not register to be a lobbyist under state law if the individual is: (a) a member of Congress; (b) a member of the legislature; or (c) statewide officeholder; and (5) the lobby registration of an individual described in (4), above, expires on the date the individual takes office.

**S.B. 232 (Hinojosa) – Removal From Office:** would, among other things: (1) provide that a person who holds an elected or appointed office of a political subdivision is automatically removed from and vacates the office on the earlier of the date the person enters a plea of guilty or nolo contendere, receives deferred adjudication, or is convicted of one of the following offenses: (a) bribery; (b) theft of public money; (c) perjury; (d) coercion of public servant or vote; (e) tampering with governmental record; (f) misuse of official information; (g) abuse of official capacity; or (h) conspiracy or the attempt to commit any of the offenses in (a) – (g); (2) require the governing body of a political subdivision at the first public hearing of the governing body following the date an officer of the political subdivision is removed from office under (1), above, to: (a) order an election on the question of filling the vacancy to be held on the first day that allows sufficient time to comply with other requirements of law, if an election is required to fill the vacancy; or (b) fill the vacancy in the manner provided by law, if an election is not required; and (3) provide that, for an offense described in (1), above, an appeal does not supersede the order of removal if the removed officer appeals the judgment.

**S.B. 242 (Middleton) – Cooperation with Federal Government:** would, among other things: (1) require the attorney general to provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature that identifies each rule adopted by the a federal government agency during the previous month that: (a) relates to certain subjects including the First Amendment, Second Amendment, and border security, among others; (b) was adopted in response to an executive order by the president of the United States; and (c) violates the rights guaranteed to the citizens of the United States by the United States

Constitution; and (2) provide that a political subdivision, including a city, may not cooperate with a federal government agency in implementing an agency rule that a report published under (1), above, indicates violates the rights guaranteed to the citizens of the United States by the United States Constitution.

**S.J.R. 23 (Eckhardt) – Freedom from Government:** would amend the Texas Constitution to, among other things, provide that each individual residing in this state has the right to be free from governmental intrusion or interference into their private life.

### **Personnel**

**H.B. 425 (VanDeaver) – Employment Discrimination:** would prohibit a city that employs 20 or more employees from terminating or suspending the employment of, or in any other manner discriminating against, an employee who is a volunteer emergency responder and who is absent from or late to the employee's employment because the employee is responding to an emergency.

**H.B. 471 (Patterson) – Public Safety Personnel:** would provide, among other things, that:

1. a county or city shall provide to a firefighter, police officer, or emergency medical services (EMS) personnel a leave of absence for an illness or injury related to the person's line of duty;
2. the leave described in Number 1, above, shall be full pay for a period commensurate with the nature of the line of duty illness or injury, and if necessary, the county or city shall continue the leave for at least one year;
3. at the end of the one-year period, the county's or city's governing body may extend the leave of absence under Number 2, above, at full or reduced pay;
4. if the firefighter's, police officer's, or EMS personnel's leave is not extended or the person's salary is reduced below 60 percent of the person's regular monthly salary and the person is a member of a retirement system with disability retirement benefits, the person is considered eligible to receive the disability retirement benefits until able to return to duty;
5. if the firefighter, police officer, or EMS personnel is not a member of a retirement system with disability retirement benefits and is temporarily disabled by a line of duty injury or illness and if the one-year period and any extensions granted by the governing body have expired, the person may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave;
6. if the one-year period and any extensions granted by the governing body have expired, the firefighter, police officer, or EMS personnel shall be placed on temporary leave;
7. a firefighter, police officer, or EMS personnel who is temporarily disabled by an injury or illness that is not related to the person's line of duty may: (a) use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave;

- or (b) have another firefighter, police officer, or EMS personnel volunteer to do the person's work while the person is temporarily disabled by the injury or illness;
8. if able, a firefighter, police officer, or EMS personnel may return to light duty while recovering from a temporary disability, and if medically necessary, the light duty assignment may continue for at least one year;
  9. after recovery from a temporary disability, a firefighter, police officer, or EMS personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave;
  10. another firefighter, police officer, or EMS may voluntarily do the work of an injured firefighter, police officer, or EMS personnel until the person returns to duty;
  11. for purposes of workers' compensation, lifetime income benefits shall be paid until the death of the employee for: (a) a physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder; (b) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (i) both hands; (ii) both feet; (iii) one hand and one foot; or (iv) one hand or foot and the face; or (c) a serious bodily injury sustained by the employee in the course and scope of the employee's employment or volunteer service as a first responder that permanently prevents the employee from performing any gainful work;
  12. disease presumption does not apply if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and: (a) the firefighter, peace officer, or emergency medical technician (EMT) has used a tobacco product an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; or (b) the firefighter's, peace officer's, or EMT's spouse has, during the marriage, used a tobacco product that is consumed through smoking an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; and
  13. a firefighter, peace officer, or EMT who suffers an acute myocardial infarction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a firefighter, peace officer, or EMT if: (a) while on duty, the firefighter, peace officer, or EMT: (i) was engaged in a situation that involved stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, EMS, or other emergency response activity; or (ii) participated in a training exercise that involved stressful or strenuous physical activity; and (b) the acute myocardial infarction or stroke occurred not later than 24 hours after the end of a shift in which the firefighter, peace officer, or emergency medical technician was engaging in the activity described under(a), above.

**H.B. 494 (Meza) – Family and Medical Leave:** would create a state family and medical leave law that, among other things: (1) requires an employer, including a city, to provide an employee who has been employed for at least one year not less than 30 days of leave for specific family and

medical reasons; (2) creates a wage replacement fund administered by the Texas Workforce Commission that is funded by an assessment on each employee's wages in an amount equal to one quarter of one percent of the employee's average monthly pay; (3) provides that if an employer provides paid sick leave to its employees, an employee is entitled to use such paid leave for the specific family and medical reasons described in (1), above, in an amount not to exceed the lesser or of the paid leave or 30 days; (4) provides that if an employer does not provide paid leave to its employees, or provides paid leave that may not be used for the specific family and medical reasons described in (1), above, the employee is entitled to wage replacement benefits for leave taken for such reasons; and (5) provides that an employer may not interfere with an employee's attempt to take leave, discharge an employee or otherwise discriminate against an individual for opposing an practice made unlawful by the bill, or discriminate or discharge an employee for exercising the employee's rights to leave.

**H.B. 495 (Meza) – Rest Breaks:** provides that: (1) a city that enters into a contract for general construction services shall require such contractor and any subcontractor to provide at least a 10-minute paid rest break within every four-hour period of work to each employee performing work under the contract; (2) each construction contract must include terms that: (a) authorize an employee of a contractor or subcontractor required to work without a rest break to make a complaint to the city contracting with the contractor; (b) explain that, on confirmation of such violation, the city shall provide to the contractor written notice of the violation; (c) inform a contractor that the city may impose an administrative penalty if the contractor fails to comply after the date the contractor receives notice of the violation; and (d) explain that a penalty amount may be withheld from a payment otherwise owed to a contractor; (3) a city may impose an administrative penalty in an amount of not less than \$100 and not more than \$500 per day if any employee is required to work without a rest break, and that a proceeding to impose an administrative penalty is a contested case under the Administrative Procedure Act; (4) each city shall develop procedures for the administration of the provisions of this bill; and (5) the bill does not preempt a local regulation requiring rest breaks in construction contracts, provided that such regulation is compatible with and at least as stringent as the provisions of the bill.

**H.B. 528 (Wu) – Family Violence Leave:** would provide, among other things, that:

1. an employee who is a victim of family violence or a violent felony offense or an employee whose child is a victim of family violence or a violent felony offense is entitled to time off to: (a) seek medical attention for, or recover from, physical or psychological injuries suffered by the employee or the employee's child as a result of family violence or a violent felony offense; (b) obtain services from a victim services organization for the employee or the employee's child in relation to the occurrence of family violence or a violent felony offense; (c) obtain psychological or other counseling for the employee or the employee's child in relation to the occurrence of family violence or a violent felony offense; (d) participate in safety planning or temporary or permanent relocation or take any other action necessary to increase the safety of the employee or the employee's child or to ensure the employee or child's economic security following the occurrence of family violence or a violent felony offense; or (e) seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, including preparing for or participating in

any civil or criminal legal or investigative proceeding relating to the occurrence of family violence or a violent felony offense;

2. before taking time off described in Number 1, above, an employee must provide an employer with at least 24 hours advance written notice of the planned absence of the employee, unless providing advance notice is not feasible;
3. an employer may require an employee who is taking time off to report periodically to the employer on the status and intention of the employee to return to work;
4. an employee who takes leave described in Number 1, above, is entitled to not more than 30 workdays of leave in any 12-month period;
5. an employee who has existing vacation leave time, personal leave time, sick leave time, or compensatory leave time must use that leave time for a planned absence;
6. an employer may require an employee to provide, within a reasonable time after the employee's initial absence from work, certification to the employer that: (a) the employee or the employee's child is a victim of family violence or a violent felony offense; and (b) the time off from work requested by the employee is being used for the leave;
7. an employer is not required to compensate an employee during a planned absence unless the employee is using leave time under Number 5, above;
8. an employer shall maintain any health coverage provided by the employer to the employee or a member of the employee's family or household under any group health plan for the duration of the employee's absence;
9. an employer may recover the premium that the employer paid for maintaining health coverage under Number 8, above, if the employee fails to return to work after the period of time off to which the employee is entitled to has expired for a reason other than the continuation, recurrence, or onset of family violence or a violent felony offense;
10. an employer may require an employee who claims the employee is unable to return to work because of the continuation, recurrence, or onset of family violence or a violent felony offense to provide, within a reasonable time after making the claim, certification to the employer that the employee is unable to return to work because of that reason;
11. an employer shall keep confidential an employee's request for time off or that an employee has obtained time off and any written document or record submitted to the employer by the employee relating to a request for time off except to the extent that disclosure is requested or consented to in writing by the employee or is required by other state or federal law;
12. on returning from time off, an employee is entitled to: (a) reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits, and

other conditions of employment; and (b) any benefits accrued by the employee before the employee's time off;

13. an employee is not entitled to: (a) any seniority or employment benefit that would have accrued during the employee's time off; or (b) any other right, benefit, or position of employment other than a right, benefit, or position the employee accrued before the employee took the time off;
14. an employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee who takes authorized time off if the employee has provided written notice or certification;
15. each employer shall inform its employees of their rights by posting a conspicuous sign in a prominent location in the employer's workplace; and
16. the Texas Workforce Commission by rule shall prescribe the design and content of the sign required by Number 15, above.

**H.B. 573 (Raymond) – First Responder Driver's License Fees:** would, among other things, waive the fee for the original issuance or renewal of a driver's license for active first responders, including certain: (1) peace officers; (2) fire protection personnel; (3) volunteer firefighters; (4) ambulance drivers; and (5) emergency services personnel.

**H.B. 602 (Shaheen) – E-Verify:** would: (1) require a political subdivision, including a city, to register and participate in the E-verify program to verify information of all new employees; and (2) provide that an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (1), above, is subject to immediate termination of employment if the employee fails to comply with (1), above.

**H.B. 630 (Vasut) – Lifeguards:** would provide that the requirement that cities located or bordering on the Gulf of Mexico provide during reasonable daylight hours, from Memorial Day to Labor Day, occupied lifeguard towers or mobile lifeguard units, does not apply to cities with a population of less than 15,000.

**H.B. 722 (Rosenthal) – Reproductive Discrimination:** would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee's family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee's close family or household members. (Companion bill is **S.B. 204** by **Eckhardt**.)

**H.B. 723 (S. Thompson) – Pay Discrimination:** would provide, among other things, that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; (2) liability may accrue, and any aggrieved individual may obtain relief, including recovery of back, if the unlawful employment practices that occurred during the period for filing a complaint are similar or related to unlawful employment practices regarding payment of compensation that occurred outside the period for filing a complaint; and (3) an employer, including a city, commits an unlawful employment practice if the employer: (a) verbally or in writing inquires into an applicant’s wage history information from the applicant or from a previous employer of the applicant; (b) requires disclosure of an applicant’s wage history information as a condition of employment; and (c) discharges or in any other manner discriminates against, coerces, intimidates, threatens, or interferes with an employee, applicant or other individual because the individual inquired about, disclosed, compared, or otherwise discussed an employee’s wages or an applicant’s prospective wages. (Companion bill is **S.B. 108** by **Menendez**.)

**H.B. 725 (Rose) – Discrimination:** would provide, among other things, that an employer, including a city, may not discriminate against an individual on the basis of sexual orientation, or gender identity or expression.

**H.B. 737 (Wale) – 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).

**S.B. 184 (Miles) – Police Civilian Complaint Boards:** would, among other things:

1. create a municipal civilian complaint review board in each city with a population of 200,000 to investigate complaints alleging peace officer misconduct;
2. provide that the board shall consist of five public members appointed for a two-year term as follows: (a) two members appointed by the presiding officer of the governing body of the city, one of whom must be appointed from a list of city residents submitted to the presiding officer by the governing body of the city; (b) one member appointed by the county judge of the county in which the city is wholly or primarily located; (c) one member appointed by the city’s police chief; and (d) one member appointed by the commissioners court of the county in which the municipality is wholly or primarily located;
3. provide that a person is ineligible to serve as a board member if the person is: (a) a city employee; (b) holds a public office; or (c) has experience as a law enforcement professional, including as a peace officer, a criminal investigator, a special agent or a managerial or supervisory employee with substantial policy discretion on law

- enforcement matters in a federal, state, or local law enforcement agency, other than as an attorney in a prosecutorial agency;
4. provide that a board member is entitled to a per diem of \$150 for each day the member engages in board business, and the total per diem a board member may receive during a fiscal year may not exceed \$5,000;
  5. provide that a board member is entitled to reimbursement for actual and necessary expenses incurred in performing the duties of the board;
  6. provide that a board may investigate a complaint that alleges peace officer misconduct involving: (a) excessive use of force; (b) improper use of power to threaten, intimidate, or otherwise mistreat a member of the public; (c) threat of force; (d) an unlawful act, search, or seizure; or (e) other abuses of authority;
  7. provide that a filed complaint must: (a) be in writing; (b) allege the peace officer engaged in misconduct described in (6), above; and (c) describe the alleged misconduct;
  8. provide that a board may issue a subpoena to compel the attendance of a witness or the production of any book, record, or other document reasonably necessary to conduct an investigation, and the subpoena must relate to a matter under investigation by the board;
  9. provide that a board shall forward each complaint filed with the board to the city attorney, and the city attorney shall investigate the complaint by: (a) interviewing and obtaining a statement from the complainant, each peace officer who is the subject of the complaint, and each witness to the alleged misconduct; and (b) obtaining any documentary or other evidence relevant to the investigation;
  10. provide that the city attorney shall complete the investigation of a complaint not later than the 120th day after the date the city attorney receives the complaint from the board;
  11. provide that after an investigation of a complaint is complete, the city attorney shall forward the results of the investigation to the board or a panel of at least three board members;
  12. provide that the board or panel shall review the case and make a determination on each allegation in the complaint that has not been dismissed by the board, and such determination must be made not later than the 180th day after the date the board receives the complaint;
  13. provide that a board shall notify: (a) the parties to the complaint of the board's determination; and (b) the employer of the peace officer who is the subject of the complaint of the board's determination; and

14. provide that if the board finds that a complaint is substantiated, the board may recommend an appropriate disciplinary action to the employer, and if the employer fails to take disciplinary action against the peace officer before the 30th day after the date the board notifies the employer of the board's determination, the board shall forward the case to the attorney representing the state or to the appropriate United States attorney.

**S.B. 204 (Eckhardt) – Reproductive Discrimination:** would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee's family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee's close family or household members. (Companion bill is **H.B. 722** by **Rosenthal**.)

### **Purchasing**

**H.B. 679 (Bell) – Soliciting and Awarding Construction Contracts:** would, among other things: (1) define "experience modifier" as a factor that is: (a) assigned to an employer seeking to purchase a workers' compensation insurance policy in Texas; (b) affects the premium amount for the policy; and (c) is based on the employer's past and prospective loss cost experience; (2) prohibit a city from: (a) requesting or requiring an offeror to include an experience modifier in a bid, proposal, qualification, offer, or other response submitted as part of the selection process for the award of a contract; (b) considering an experience modifier in the process of awarding a contract, including the: (i) evaluation of bids, proposals, qualifications, offers, or other responses; or (ii) selection of an offeror; and (3) provide that a contract entered into in violation of (2), above, is void as against public policy.

### **Transportation**

**H.B. 366 (Bell) – High Speed Rail Bond:** would provide that before a private entity begins operation of new high-speed rail service the entity must file a bond in an amount sufficient to restore real property used for the service to its original condition if the service ceases operation.

### **Utilities and Environment**

**H.B. 349 (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), above.

**H.B. 372 (Jarvis Johnson) – Concrete Plants:** would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards.

**H.B. 406 (Collier) – Concrete Plants:** would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

**H.B. 407 (Collier) – Concrete Plants:** would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

**H.B. 583 (Raymond) – Drinking Water Report:** would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year.

**H.B. 585 (Raymond) – Water Treatment Facilities Reporting:** would: (1) require the Texas Commission on Environmental Quality (TCEQ) to create a plan to protect water treatment facilities from: (a) electrical outages; (b) catastrophic weather events; (c) terrorist attacks; (d) the projected effects of climate change; and (e) other potential disruptions to providing water service; and (2) require TCEQ to submit the plan to the governor and the legislature by September 1, 2024.

**H.B. 695 (Rogers) – Eminent Domain:** would provide that a city may not take private property through eminent domain for the purpose of developing or operating a wind power facility.

**H.B. 758 (Walle) – Concrete Plants:** would provide that the Texas Commission on Environmental Quality (TCEQ) must allow the filing of a request for a contested case hearing on an authorization to use a standard permit for a concrete plant that performs wet batching, dry batching, or central mixing at any time during the public comment period on the authorization, including during any extension of the public comment period for public meetings.

**H.B. 759 (Walle) – Concrete Plants:** would provide that a person may file with the Texas Commission on Environmental Quality (TCEQ) a motion to overturn as described by TCEQ rule to challenge an executive director’s final decision on an authorization to use a standard permit for certain concrete plants.

**S.B. 131 (Campbell) – Concrete Plant Permitting:** would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing in a permanent residence within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

**S.B. 173 (Blanco) – Medical Waste Facilities:** would, among other things, provide that an applicant for an application for or notice of intent to file an application for a permit to construct,

operate, or maintain a facility to store, process, or dispose of medical waste shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Post Service mail to the governing body of the city in which the facility is or is to be located, if applicable. (Companion bill is **H.B. 26** by **Ordaz Perez**.)

**S.B. 223** (Campbell) – **Wastewater Permitting**: would require the Texas Commission on Environmental Quality to hold at least one public meeting on an application for an initial permit for a wastewater treatment facility in the county in which the facility is proposed to be located.

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