

# TML LEGISLATIVE UPDATE



December 23, 2022  
Number 50

## **Get Involved During the Legislative Session: Grassroots Involvement Program**

During the upcoming Texas legislative session, Texas cities will face many challenges and opportunities. TML will need to mobilize our membership at key points during session. The Grassroots Involvement Program (GRIP) is one way to do so. Our GRIP survey focuses on a variety of items including your areas of expertise and involvement with other professional organizations. Most importantly, the GRIP survey asks how well you know various state legislators and if you are willing to communicate with those legislators during the session. TML's grassroots approach will be crucial to our efforts.

If you have a relationship with your legislator(s) or want to be more involved during session, please take the time to complete the [GRIP survey](#). Past efforts have proven that such participation is a highly effective tool.

We ask that you complete the survey as soon as possible, preferably before January 10, 2023.

## 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. 1027 (Slawson) – 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 open-space land, timberland, parkland, or public access airport property. (Companion bill is **S.B. 279** by **King**.)

**H.B. 1041 (Tepper) – Appraisal Cap:** would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent. (See **H.J.R. 64**, below.)

**H.J.R. 64 (Tepper) – Appraisal Cap:** would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 2.5 percent. (See **H.B. 1041**, above.)

**H.J.R. 65 (Tepper) – Appraisal Cap:** would amend the Texas Constitution to authorize the legislature to limit increases in the appraised value of commercial and rental real property for property tax purposes to 8 percent per year.

**S.B. 279 (King) – 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 open-space land, timberland, parkland, or public access airport property. (Companion bill is **H.B. 1027** by **Slawson**.)

**S.B. 288 (Hinojosa) – Property Tax Exemption:** would: (1) for purposes of the property tax exemption on the residence homestead of the surviving spouse of a first responder, expand the definition of “first responder” to include: (a) a special agent of United States Immigration and Customs Enforcement; (b) a customs and border protection officer or border patrol agents of United States Customs and Border Protection; and (c) an immigration enforcement agent or deportation officer of the United States Department of Homeland Security; and (2) in the case of the surviving spouse of a first responder described by (1), above, provide that the surviving spouse is entitled to an exemption if the surviving spouse has not remarried since the death of the first responder and was a resident of this state at the time of the first responder's death.

### Public Safety

**H.B. 1031 (Slaton) – Remote Vehicle Disabling Technology:** would: (1) create a state jail felony offense if a person: (a) manufactures, distributes, or possesses with intent to distribute remote vehicle disabling technology (RVDT) that is capable of being: (i) activated or engaged by a motor vehicle manufacturer or governmental entity, and (ii) installed on a light truck or passenger car; (b) installs on a light truck or passenger car RVDT that is capable of being activated or engaged by the vehicle manufacturer or a governmental entity; or (c) sells a light truck or passenger car on which RDVT is installed that is capable of being activated or engaged by the vehicle manufacturer or a governmental entity; and (2) subject a vehicle dealer's or manufacturer's license to revocation.

**H.B. 1036 (Meza) – Discharge of Weapon:** would: (1) require a law enforcement agency that is authorized to employ peace officers to adopt a policy regarding a peace officer discharging a firearm at or in the direction of a moving vehicle; and (2) provide that such policy must prohibit a police officer from discharging a firearm at or in the direction of a moving vehicle unless the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer or another person from the use of unlawful deadly force by an occupant of the vehicle by means other than by using the moving vehicle to strike any person.

**S.B. 285 (Eckhardt) – Asset Forfeiture:** would provide, among other things, that: (1) if contraband, other than money, is seized by law enforcement, law enforcement shall notify the owner at the time the owner is taken into or released from custody; (2) if there is no prosecution or conviction following the seizure, the magistrate shall notify the person found in possession of the contraband that the state may initiate a proceeding to destroy or forfeit the property seized; (3) the person may contest the destruction or forfeiture by appearing before the magistrate on the 30th day after the date the notice was posted; (4) at a proceeding in (2), above, the state has the burden of proving it is entitled to destroy or forfeit the property or proceeds by proving by a preponderance of the evidence that the property or proceeds are contraband; (5) if the state fails to prove by a preponderance of the evidence, the property or proceeds, including the interest earned on the proceeds if the proceeds were deposited in an interest-bearing bank account, must be returned to the interested party not later than the 61st day after the date of the magistrate’s ruling; (6) if money is seized in connection with a gambling offense, the state or the political subdivision of the state that employs the law enforcement agency must either deposit the money in an interest-bearing bank account or deposit or store the money in a readily accessible and secure manner until a final judgment is rendered concerning the violation or in a forfeiture proceeding in (2), above; (7) if the state or political subdivision fails to comply with (6), above, a person may bring a civil action against the state or political subdivision for damages incurred by the failure; and (8) sovereign immunity of this state and governmental immunity of a political division to suit and from liability are waived to the extent of liability created by (7), above.

### **Sales Tax**

**H.B. 1037 (Meza) – Sales Tax Exemption:** would exempt taxable items used to assist persons with intellectual, developmental, or cognitive disabilities from the sales and use tax.

**S.B. 278 (Eckhardt) – Sales Tax Exemption:** would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods designated by the comptroller, one beginning in August and one beginning in January. (Companion bill is **H.B. 164** by Canales.)

### **Community and Economic Development**

**H.B. 1014 (Plesa) - Housing Authority:** would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs .

### **Elections**

**H.B. 1003 (Shaheen) – Poll Watcher:** would, among other things, provide that a person is ineligible to serve as a watcher in an election if the person has been finally convicted of a felony of the first or second degree.

**H.B. 1020 (Reynolds) – Transgender Voters:** would: (1) provide that an indication of gender on a form of identification used for voting that does not align with the gender expression or identity of the person seeking to vote does not invalidate the form of identification for the purpose of accepting a voter for voting; and (2) require each program, standard, or material for any election official training to include: (a) guidance for election workers to accept photo identification that may not align with the voter’s presenting gender expression or identity; and (b) information about voters who identify as transgender and their historical disenfranchisement.

**S.B. 292 (Johnson) – Voted Ballots:** would provide that voted ballots are confidential and not subject to disclosure under the Public Information Act until after expiration of the statutory preservation period.

**S.B. 293 (Johnson) – Elections:** would: (1) create a criminal offense for a person who: (a) knowingly threatens an election official, a family member of an election official, or an individual with whom the election official has a dating relationship; (b) directly or indirectly uses force, coercion, violence, restraint, damage, harm or loss, against another with the intent to influence an election official; (c) interferes with, hinders, or prevents an election official’s administration of an election; (d) knowingly and without consent disseminates personal information about an election official or a family member of an election official, and that the person knows or reasonably should know, poses an imminent and serious threat to the election official’s or family member’s safety; (e) intentionally and physically obstructs an election official’s access to or egress from any place where an election official is performing their statutory or other official duties related to the administration of an election; or (f) intentionally conspires with one or more persons to violate the above-listed offenses; and (2) except information relating to a current election official’s home address, home telephone number, emergency contact information, or social security number, or reveals whether a current election official has family members, from the Public Information Act.

**S.B. 310 (Hall) – Public Health Directives:** would provide that: (1) during a state of disaster declared by the governor, if the governor issues a public health directive as the governor determines necessary to address the disaster, the directive must not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement; and (2) if the Department of State Health Services or a health authority issues a public health directive as the department or health authority determines necessary to address an outbreak of a communicable disease or public health disaster, the directive may not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement.

### **Emergency Management**

**H.B. 1023 (Harrison) – Disaster Declarations:** would provide that during a federally declared public health emergency, a clinical laboratory is considered a state agency for purposes of

regulation by the United States Food and Drug Administration when the laboratory is performing a laboratory developed test on a pathogen or agent that is the basis for the emergency declaration.

**S.B. 306 (Hall) – Quarantine Measures:** would, among other things, provide that: (1) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, a health authority must: (a) provide notice of the control measures to the individual or group of individuals; and (b) provide to the individual or group of individuals an opportunity to demonstrate that implementing the control measures is unnecessary; (2) a health authority may not order an individual or a group of individuals to implement control measures described by (1), above, for a period that exceeds five days unless the health authority obtains from a district court of the county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing the health authority to order the individual or group of individuals to implement the control measures; and (3) in ordering an individual or group of individuals to implement control measures described by (1), above, a health authority to the greatest extent possible must: (a) use the least restrictive means available; (b) allow an individual to isolate or quarantine with other individuals subject to the same court order under (2), above; (c) if the individual subject to the control measure is a minor, allow the individual to isolate or quarantine with the individual’s parent, legal guardian, or managing conservator; and (d) allow an individual to isolate or quarantine in the individual’s home or with another family member or a friend.

**S.B. 307 (Hall) – Federally Declared Public Health Emergencies:** would provide that: (1) a city or its employees may not enforce or provide assistance to a federal agency or official with respect to enforcing a federal statute, order, rule, or regulation that: (a) is enacted or issued in response to a federally declared public health emergency; and (b) imposes a prohibition, restriction, or other regulation that does not exist under state law; (2) a city is ineligible to receive state money from the general revenue fund or a grant program if it through consistent actions or a contract adopts a rule, order, ordinance, or policy under which the city enforces or assists with the enforcement of a federal statute, order, rule or regulation described in (1), above; (3) an individual residing in the city may file a complaint with the attorney general if the individual offers evidence to support an allegation in (1), above; (4) if the attorney general determines that a complaint filed under (3), above, is valid, the attorney general may file a petition for a writ of mandamus or apply for other equitable relief (including court costs, reasonable attorney’s fees, investigative costs, witness fees, and deposition costs) in a district court in Travis County or in a county in which the city is located; (5) an appeal of an action brought under (4), above, shall be accelerated and an appellate court shall render its final order or judgment with the least possible delay; and (6) the attorney general shall defend a city in an action by the federal government for an act or omission consistent with this law.

### **Other Finance and Administration**

**H.B. 986 (Rosenthal) – Data Collection:** would require the Health and Human Services Commission (Commission) to ensure that each local government entity responsible for providing data to the Commission or a health and human services agency in connection with a public benefits program administered by the Commission or agency: (1) provide individuals from whom demographic data is sought the option to report certain detailed data regarding the individual’s

race or ethnic origin and sex or gender; and (2) collect certain data from individuals who receive, or were receiving at the time of the individual's death, benefits under a program.

**H.B. 1032 (Noble) – Vaccinations:** would, among other things: (1) prohibit a health benefit plan issuer or life insurance company from discriminating against an individual based on the individual's COVID-19 vaccination status; (2) prohibit an employer from discriminating against an individual based on the individual's COVID-19 vaccination status; and (3) exempt employers from liability for claims arising under exposure to COVID-19 based on the employer's failure to require an employee to receive a COVID-19 vaccine.

**H.B. 1038 (Cain) – Bond Review Board Assistance:** would, among other things, require cities to submit any information to the Bond Review Board ("Board") necessary for the Board's preparation of the Biennial Report on State Lending and Credit Support Programs to the Legislature.

**S.B. 302 (Hall) – Vaccinations:** would: (1) provide that an employee or an employee's legal representative may bring suit against an employer for damages arising from adverse health events that are a result of the employer's vaccine requirement; and (2) exempt employers from the provision in (1), above, who accept the following exemptions from the employer's vaccine requirement: (a) the employee has reasons of conscience, including a religious belief, that conflict with the vaccine requirement; and (b) the vaccine is medically contraindicated based on the opinion of a physician who has examined the employee.

**S.B. 304 (Hall) – Vaccinations:** would, among other things, prohibit: (1) a person from discriminating against or refusing to provide a public accommodation to an individual based on their vaccination history or immunity status for a communicable disease; (2) an employer from discriminating against an individual based on their vaccination history or immunity status for a communicable disease; (3) a governmental entity or official from requiring an individual to be vaccinated or participate in the administration of a vaccine; (4) a local health department, during a public health disaster, from administering a vaccine to an individual without their consent; and (5) a governmental entity or official from discriminating against or imposing a civil or criminal penalty against an individual who refuses vaccination or participation in the administration of a vaccine.

**S.B. 305 (Hall) – Vaccinations:** would, among other things: (1) provide that a governmental official may not question or sanction a health care practitioner for granting a health exemption stating that, in the practitioner's opinion, an immunization poses a significant risk to the patient's health and well-being; (2) provide that a person, including a public or private employer, shall: (a) accept a health exemption provided by a health care practitioner and filed on the individual's behalf for employment, medical or long-term care, or another activity necessary for the individual's quality of life; and (b) exempt the individual described by the health exemption from any immunization requirement imposed by the person or under the laws of this state; and (3) establish penalties, and legal cause of action and available remedies, for violations of Sections (1) and (2), above.



**S.B. 306 (Hall) – Vaccinations:** would, among other things, provide that: (1) a local health department or health authority, to prevent and control communicable disease, may isolate or quarantine an individual who chooses treatment by prayer or spiritual means from the public, and that the individual must obey the department's or a health authority's rules, orders, and instructions while in isolation or quarantine; (2) before the department or health authority can order an individual or group of individuals into isolation or quarantine, it must: (a) provide notice of the isolation or quarantine; and (b) provide the individuals or group of individuals the opportunity to demonstrate that isolation or quarantine is unnecessary; (3) the department or health authority-ordered isolation or quarantine may not exceed five days without a court-order; (4) the department or health authority must use the least restrictive means available to the greatest extent possible, including allowing an individual to isolate or quarantine at home, or with a family member, parent, friend, or other individuals subject to same isolation or quarantine order; and (5) an individual retains the right to: (a) choose and make decisions regarding the medical treatment; and (b) choose to implement an alternate control measure, unless the control measure imposed is for isolation or quarantine.

**S.B. 313 (Hall) – Federal Action:** would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional and submit each determination to the Supreme Court of Texas for review; (2) provide that any federal action found by the Supreme Court of Texas to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

## **Personnel**

**H.B. 997 (Munoz) – Petitions:** would provide that a city may not adopt or enforce a charter provision, ordinance, policy, or other measure that prohibits an employee of the city's police or fire department from circulating or signing a petition authorized by the meet and confer, civil service, and collective bargaining laws.

**H.B. 1012 (J. Gonzalez) – Discrimination:** would prohibit discrimination in public accommodations and employment on the basis of an individual's sexual orientation, gender identity, or status as a military veteran. (Companion bill is **S.B. 110** by **Menéndez**.)

**S.B. 284 (Eckhardt) – Expressing Breast Milk:** would require a public employer to provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

## **Purchasing**

**S.B. 283 (Eckhardt) – Workers’ Compensation Insurance:** would require a city that enters into a building or construction contract to require the contractor on the public project to provide a written certificate that any subcontractor on the project provides workers’ compensation insurance for each employee of the subcontractor on the public project. (Companion bill is **H.B. 778** by **Walle.**)

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