

TML LEGISLATIVE UPDATE



March 10, 2023
Number 10

Speaker Unveils House Priorities

Over the last few weeks, Speaker Dade Phelan has released an ongoing list of the House priorities. Those that have been announced at the time of publication are relisted below.

- [H.B. 2](#) Property Tax Relief Act
- [H.B. 3](#) School safety
- [H.B. 4](#) Texas Data Privacy and Security Act
- [H.B. 5](#) Texas Jobs & Security Act
- [H.B. 6](#) Criminal penalties for certain controlled substances
- [H.B. 8](#) Community colleges funding model
- [H.B. 9](#) Texas Broadband Infrastructure Fund
- [H.B. 10](#) Texas Water Fund
- [H.B. 11](#) Teacher recruitment, preparation and retention
- [H.B. 12](#) Postpartum Medicaid coverage
- [H.B. 13](#) Active shooter preparedness and funding for school safety
- [H.B. 14](#) Plat and plan submission process
- [H.B. 15](#) Mental Health and Brain Research Institute of Texas
- [H.B. 16](#) Juvenile justice reform

- [H.B. 17](#) Official misconduct and removal of district and county attorneys
- [H.B. 18](#) Securing Children Online through Parental Empowerment Act
- [H.B. 19](#) Establishes the Business Court Judicial District
- [H.B. 100](#) School funding
- [H.B. 300](#) Sales Tax Exemption for essential baby items and feminine hygiene products
- [H.B. 400](#) Behavioral Health Innovation Grant Program for higher education
- [H.B. 600](#) Cost of living adjustments for retired Texas teachers
- [H.B. 900](#) Restricting Explicit & Adult Designated Educational Resources (READER) Act

Comptroller’s Office Begins Soliciting Applications for Broadband Infrastructure Project Grants

On March 6, Comptroller Glenn Hegar [announced](#) that his office has begun soliciting applications for \$120 million in grant funding for broadband infrastructure projects through the Bringing Online Opportunities to Texas (BOOT) program. The BOOT program provides grant funding to support broadband infrastructure projects to bring reliable, affordable internet service to communities in need.

The Comptroller’s office will accept questions about the BOOT program [Notice of Funding Availability \(NOFA\)](#) until **March 17, 2023**.

Applicants can begin submitting applications for the BOOT program on **April 3, 2023**.

You can find more information about the BOOT program, eligibility, and the application process [here](#).

Bills on the Move

[H.B. 1348](#) (**Stucky**), relating to regulation of veterinarians. Left pending in House Agriculture and Livestock.

[H.B. 1389](#) (**Guillen**), relating to city height requirements on certain agricultural operations. Left pending in House Agriculture and Livestock.

[H.J.R. 9](#) (**Landgraf**), relating to right of property owners to conduct activities necessary to secure basic needs. Left pending in House Agriculture and Livestock.

Get Involved During the Legislative Session: Grassroots Involvement Program

During the 88th Legislative Session, Texas cities are facing 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 is crucial to our efforts.

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

We ask that you complete the survey as soon as possible.

City-Related Bills Filed

(Editor's Note: You will find all of this session's city-related bill summaries online at <https://www.tml.org/DocumentCenter/View/3392/City-Related-Bills-Filed>.)

Property Tax

H.B. 2 (Meyer) – **Property Tax**: would: (1) reduce the compression percentage governing the maximum property tax rate a school district may impose; and (2) establish a five percent appraisal cap on all real property. (See **H.J.R. 1**, below.)

H.B. 2964 (Noble) – **Public Facility Corporations**: would allow for certain property tax exemptions for multifamily residential developments that are owned by public facility corporations and provide affordable housing only if the development meets certain conditions, including holding a public hearing and obtaining approval from the governing body of each city and county authorized to impose taxes on the property.

H.B. 2966 (Noble) – **Public Facility Corporations**: would modify the requirements for beneficial tax treatment related to a leasehold or other possessory interest in a public facility used to provide affordable housing by: (1) increasing the minimum percentage of units in a multifamily residential development owned by a public facility corporation that must be reserved for individuals and families earning less than 80 percent of the area median family income from 50 percent to 75 percent; (2) requiring the corporation to submit an audit report for a compliance audit conducted by an independent auditor or compliance expert to the chief appraiser of the appraisal district in which the development is located; and (3) disallowing the tax exemption for a tax year in which the development fails to submit the required audit report from (2), above, or submits an audit report that does not establish compliance with the requirements.

H.B. 2987 (Metcalf) – **Property Tax Exemption**: would exempt from the property tax all tangible personal property. (See **H.J.R. 129**, below.)

H.B. 2989 (Metcalf) – Appraisal Cap: would establish a 10 percent appraisal cap on commercial real property that, in the first tax year in which the property qualifies for the cap, has a value of \$10 million dollars or less. (See **H.J.R. 131**, below.)

H.B. 3006 (Hefner) – Hydroponic Farming: would provide that: (1) the property tax exemption for implements of husbandry applies to farm or ranch products produced by hydroponic farming; and (2) hydroponic farming is agricultural use for the purposes of the special appraisal for agricultural and open-space land.

H.B. 3083 (Harrison) – Property Tax Exemption: would: (1) provide a \$2,500 exemption from taxation of the aggregate value of a person’s income-producing tangible personal property regardless of the total value of the income-producing tangible personal property the person owns; and (2) require an individual to render the tangible personal property the person owns only if in the person’s opinion, the aggregate market value of the property in at least one taxing unit is greater than \$2,500. (See **H.J.R. 136**, below.)

H.B. 3241 (Guillen) – Property Tax Exemption: would exempt from the property tax: (1) resources utilized for the purpose of production; and (2) farm production inputs in the hands of the producer. (See **H.J.R. 141**, below.)

H.B. 3242 (Hefner) – Application for Property Tax Exemption: would provide that the surviving spouse of an elderly person who qualified for a local option residence homestead exemption may continue to receive the exemption without applying if the appraisal district learns of the death of the individual and the surviving spouse is otherwise eligible for the exemption as shown by information in the appraisal district records or information provided to the appraisal district by the Department of State Health Services. (Companion bill is **S.B. 1381** by **Eckhardt**.)

H.B. 3273 (Thierry) – Property Tax Notices: would require: (1) the chief appraiser to include in the notice of appraised value a notice informing each owner that the estimated amount of taxes to be imposed on the owner’s property may be found in the appraisal district’s property tax database; (2) an appraisal district that maintains a website and the assessor for each taxing unit to post the notice in (1), above, on the entity’s website; (3) the chief appraiser to publish the notice in (1), above, in a newspaper of general circulation, if available, or at the appraisal office for the district; and (4) each appraisal district that maintains a website to deliver email notifications regarding updates to the property tax database if the owner registers on the website to receive such notifications.

H.B. 3336 (Tepper) – Appraisal Cap: would establish an eight percent appraisal cap on commercial real property and single-family rental property.

H.B. 3355 (Landgraf) – Pollution Control Property Tax Exemption: would, among other things: (1) apply the pollution control property tax exemption to certain facilities: (a) demonstrated to prevent, monitor, control, or reduce air, water, or land pollution; or (b) used, constructed, acquired, or installed wholly or partly for the purpose of capturing, storing, sequestering, using, reusing, gathering or transporting carbon dioxide emissions to prevent carbon dioxide from entering the atmosphere or removing carbon dioxide from the atmosphere; and (2) require the chief

appraiser to accept a final determination by the executive director of the Texas Commission on Environmental Quality as conclusive evidence that the facility, device, or method is used wholly or partly as pollution control property, and issue an appraisal that is no less than 25 percent of the cost of capital of the pollution control property.

H.B. 3409 (Bailes) – Property Tax Exemption: would add exotic animals to the definition of “farm products” for the purpose of the property tax exemption of farm products.

H.B. 3455 (Harrison) – Abolition of Property Tax: would: (1) repeal the Property Tax Code; (2) prohibit a political subdivision from imposing a property tax beginning in the year 2029; and (3) convene a committee to determine how property tax revenue could be replaced by local sales and use tax revenue. (See **H.J.R. 145**, below.)

H.J.R. 1 (Meyer) – Appraisal Cap: would amend the Texas Constitution to: (1) authorize the legislature to establish a five percent appraisal cap on all real property; and (2) except money appropriated by the legislature for property tax relief from the constitutional limit on the rate of growth of appropriations. (See **H.B. 2**, above.)

H.J.R. 129 (Metcalf) – Property Tax Exemption: would exempt all tangible personal property from the property tax and authorize tax authorities to continue to levy and collect tax against tangible personal property to the extent the tax is pledged for the payment of a debt if cessation of the levy and collection would impair the obligation by which the debt was created. (See **H.B. 2987**, above.)

H.J.R. 131 (Metcalf) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to establish a 10 percent appraisal cap on real property with a market value that is not greater than a certain amount. (See **H.B. 2989**, above.)

H.J.R. 136 (Harrison) – Property Tax Exemption: would amend the Texas Constitution to exempt from property tax \$2,500 of the aggregate value of a person’s income-producing tangible personal property. (See **H.B. 3083**, above.)

H.J.R. 137 (Kuempel) – Property Tax Delinquency: would provide that real property not held for profit that is used exclusively for human burial is not subject to seizure or sale for the payment of delinquent taxes or penalties.

H.J.R. 141 (Guillen) – Property Tax Exemption: would amend the Texas Constitution to provide a property tax exemption for all farm production inputs. (See **H.B. 3241**, above.)

H.J.R. 145 (Harrison) – Abolition of Property Tax: would amend the Texas Constitution to: (1) prohibit a political subdivision from imposing a property tax; and (2) provide that the state takes full responsibility for the guarantee of all bonds: (a) issued by a school district before November 7, 2023; and (b) secured by the revenue from the ad valorem taxes imposed by those entities before January 1, 2029. (See **H.B. 3455**, above.)

S.B. 1278 (Bettencourt) – Public Facility Corporations: would, among other things, provide that: (1) a public facility corporation (PFC) or a sponsor may only finance, own, or operate a multifamily residential development located in the area of operation or jurisdictional boundaries of the sponsor; (2) a PFC must hold a public hearing before approving certain multifamily developments; (3) in order to receive beneficial tax treatment, a multifamily development must meet certain minimum affordable housing thresholds; (4) certain protections are extended tenants living in multifamily developments owned by PFCs; (5) all materials used to improve the real property of a PFC are exempt from sales and use taxes; and (6) PFCs must make annual reports to the comptroller and the chief appraiser and make certain information publicly available on their websites. (Companion bill is **H.B. 2071** by **Jetton**.)

S.B. 1324 (Middleton) – Property Tax Rate Elections: would, among other things, provide that in an election held on a city’s proposed tax rate that exceeds the voter-approval tax rate or de minimis tax rate, as applicable, if a majority of the voters reject the proposed tax rate, the tax rate of the city is reduced to the lesser of the no-new-revenue tax rate or the voter-approval tax rate.

S.B. 1349 (Zaffirini) – Appraisal District: would authorize an appraisal district to finance the purchase or lease of real property as necessary to establish and operate the appraisal office. (Companion bill is **H.B. 2908** by **Murr**.)

S.B. 1377 (Parker) – Chief Appraiser: would: (1) require a chief appraiser to be elected at the general election for state and county officers by the voters of the county in which the appraisal district is established; (2) provide that the chief appraiser serves a two-year term beginning January 1 of every other odd-numbered year; and (3) provide that to be eligible to serve as chief appraiser, an individual must be a resident of the county in which the appraisal district is established and must have resided in the county for at least four years preceding the date the individual takes office.

S.B. 1381 (Eckhardt) – Application for Property Tax Exemption: would provide that the surviving spouse of an elderly person who qualified for a local option residence homestead exemption may continue to receive the exemption without applying if the appraisal district learns of the death of the individual and the surviving spouse is otherwise eligible for the exemption as shown by information in the appraisal district records or information provided to the appraisal district by the Department of State Health Services. (Companion bill is **H.B. 3242** by **Hefner**.)

S.B. 1409 (Miles) – Appraisal Cap: would provide that the limitation on increases in the appraised value of a residence homestead continues after the death of the owner if the property is acquired by and qualifies as the homestead of an heir of the owner or the owner’s spouse or surviving spouse.

S.B. 1439 (Springer) – Business Personal Property Tax Exemption: would provide that if a person owns income-producing tangible personal property and is a related business entity, the person’s property is aggregated with the property that is owned by each other related business enterprise that composes the same unified business enterprise to determine the taxable value of the property.

S.B. 1454 (Paxton) – Reappraisal of Property: would: (1) require the chief appraiser to reappraise a residence homestead that is completely destroyed at the request of the owner; and (2) require taxing units to recalculate the amount of taxes due to account for the changed value and, if the tax on the property has been paid, refund the amount by which the payment exceeded the tax due as recalculated. (Companion bill is **H.B. 2608** by Hefner.)

S.B. 1486 (Bettencourt) – Electronic Tax Payments: would require a property tax collector to: (1) accept a payment of taxes credit card, debit card, electronic check, electronic funds transfer, wire transfer, or automated clearinghouse withdrawal from a property owner who elects to make electronic payments; (2) require a property tax collector to establish a procedure by which a property owner may make the election described in (1), above; (3) require a tax collector to prominently display the information necessary to make an electronic payment on the collector’s website if the collector maintains a website; and (4) require a tax collector to promptly notify a property owner who has made the election described in (1), above, of a change in the procedure for accepting electronic payments. (Companion bill is **H.B. 1608** by Shine.)

S.B. 1487 (Bettencourt) – Electronic Communications: would: (1) require a tax official, including a city, to establish a procedure that allows a property owner to elect to exchange electronic communications with the tax official; (2) prohibit a tax official from charging a fee to accept a communication delivered electronically; and (3) require a tax official to prominently display the information necessary for proper electronic delivery of communications on the tax official’s website, if the tax official maintains a website, and on each communication sent to the property owner.

Public Safety

H.B. 2960 (Cain) – Firearms: would repeal the provisions: (1) allowing a person to post a sign stating that a person may not carry a firearm or other weapon on a property; and (2) making unavailable a defense to prosecution if: (a) a sign described by (1), above, was posted prominently at each entrance to the premises or other property, as applicable; or (b) at the time of the offense, the actor knew that carrying a firearm or other weapon on the premises or other property was prohibited.

H.B. 2992 (Harrison) – Asset Forfeiture Reporting: would provide that:

1. when property is seized or forfeited under this bill or under an agreement with the federal government, the law enforcement agency that seized the property shall submit certain information to the attorney general, to the extent the information is available or applicable;
2. the attorney general shall establish and maintain a case tracking system to collect and organize data regarding property seized or forfeited;
3. the attorney general shall assign the responsibility for submitting the information required in Number 1, above, to appropriate state or local law enforcement agencies;

4. if property was seized from a confidential informant, the law enforcement agency may delay submitting the information required under Number 1, above, for any period in which the informant continues to cooperate with the agency;
5. if a law enforcement agency responsible for submitting information to the attorney general under Number 1, above, has not seized any property during the period specified by the attorney general, the agency shall file a report stating that no property was seized;
6. the attorney general shall establish and make available to the public an Internet website with a searchable database that includes: (a) the information submitted to the attorney general for inclusion in the case tracking system under Number 1, above; (b) the total amount of funds expended from the proceeds of property seized or forfeited; (c) an itemized list of any other expenditure of proceeds that was received from a forfeiture, including payments to trade associations, lobbyists, and other agencies; and; (d) the total value of seized and forfeited property held by the law enforcement agency at the end of the state fiscal year;
7. a law enforcement agency that expends funds from the proceeds of property seized or forfeited shall submit a report to the attorney general not later than the 30th day after the end of the state fiscal year, unless the attorney general extends the 30-day period for a period determined by the attorney general if the attorney general finds good cause for the extension;
8. a law enforcement agency in violation of Number 7, above, is subject to a civil penalty for each violation: (a) in an amount equal to \$500, or 25 percent of the forfeiture proceeds received by the law enforcement agency, whichever is greater; or (b) in a reasonable amount determined by the office of the attorney general;
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9. sovereign immunity of this state and governmental immunity of a political subdivision to suit and from liability is waived to the extent of liability created by Number 8, above;
10. the attorney general may charge a reasonable fee to a law enforcement agency that submits information under Number 1, above, or Number 6, above, to cover the costs associated with maintaining the case tracking system and Internet website;
11. the attorney general shall compile and submit to the governor, lieutenant governor, and the speaker of the house of representatives a report summarizing activity related to property seized and forfeited; and
12. all information and reports submitted to the attorney general or published by the attorney general are public information subject to disclosure under the Texas Public Information Act.

(Companion is **S.B. 665** by **Johnson**).

H.B. 3020 (Hernandez) – Massage Establishments: would provide that a massage establishment or massage school may not deny entry to the Texas Department of Licensing and Regulation (TDLR), a TDLR authorized representative, or a peace officer seeking to enter the premises for purposes of conducting an inspection incidental to the issuance of a license or to ensure compliance with other rules established by law.

H.B. 3057 (A. Johnson) – 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 as a result of a serious mental illness, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; (d) if the check described in (2)(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 is **S.B. 529** by **West**.)

H.B. 3125 (Gamez) – Emergency Vehicle Equipment: would allow an authorized emergency vehicle to be equipped with alternating or flashing white light signal lamps.

H.B. 3134 (Shaheen) – Social Media Platforms: would provide that a social media platform: (1) shall develop operate, and maintain systems and procedures to identify or receive reports and notifications relating to a credible threat of violence that a user would be able to post, upload, transmit, share, or otherwise publish on the social media platform; (2) that identifies in good faith or is notified about a credible threat of violence under (1), above, shall: (a) notify the appropriate law enforcement authority; (b) archive, record, or otherwise preserve the relevant content; (c) remove the offending content from being publicly accessible; and (d) take any appropriate action against the user account in accordance with the social media platform’s published acceptable use policy; and (3) commits a criminal offense if the social media platform operator violates (2), above.

H.B. 3154 (Thierry) – Citizens’ Civil Liberties Act: would provide that a person who is a licensed commissioned or noncommissioned security officer and is engaged in the performance of the person’s duties as a security officer may, without a warrant, arrest an offender when the offense

is committed in the person's presence or within the person's view, if the offense is one classed as a felony or as an offense against the public peace.

H.B. 3247 (Cain) – Prosecutorial Misconduct: would create a criminal offense for: (1) a state prosecutor or person working on behalf of a state prosecutor intentionally destroying, withholding, or otherwise failing to disclose information that must be disclosed to a defendant under the Code of Criminal Procedure, in a case in which the defendant is actually innocent of the charged offense and the above action substantially contributed to the defendant's wrongful conviction; or (2) a state prosecutor intentionally obstructing the exoneration of a defendant for an offense for which the prosecutor knows that the defendant was actually innocent and wrongfully convicted.

H.B. 3262 (Hunter) – Mass Gatherings: would: (1) require that a person or entity promoting a mass gathering of more than 2,500 people (or over 500 people if alcohol will be available and a majority of the expected attendees will be under 21 years old) that will be held wholly within a city's territorial limits, to obtain a permit from the city; (2) authorize the city health authority, police chief, and fire marshal or their designees: (a) to inspect the mass gathering preparations to ensure compliance with minimum public fire, safety, and order standards, and direct the person or entity to correct any observed violations; (b) to impose an administrative fee for (2)(a), above; and (c) direct a person or entity to correct any observed violations under (2)(a), above; (3) direct the city to hold a public hearing to grant or deny the mass gathering permit application at least ten days before the mass gathering, including presenting the reports made under (2)(a), above; (4) provide reasons for which a city may deny a mass gathering permit; and (5) if the mass gathering is held at a venue located within an emergency services district (ESD), require the ESD to contract with the appropriate city or ESD fire and emergency medical services departments for all fire suppression and emergency medical care-related goods and services.

H.B. 3271 (Reynolds) – Emergency Detention: would provide that a peace officer who takes a person into custody for an emergency detention shall immediately seize any firearm found in possession of the person being detained.

H.B. 3300 (Guerra) – Balloons: would: (1) create a criminal offense for knowingly releasing a balloon into the air outside of a roofed structure or organizing, sponsoring, or promoting an event knowing that releasing a balloon is an authorized part of the event; and (2) provide for certain defenses to prosecution for local governmental entities.

H.B. 3342 (Jones) – Peace Officer Recordings: would provide that: (1) a person commits a third-degree felony offense for tampering with evidence if the person is a peace officer or other employee of a law enforcement agency who alters, destroys, or conceals another person's audio, visual, or photographic recording of a peace officer's performance of official duties: (a) without obtaining that other person's written consent; and (b) with intent to impair the recording's verity, intelligibility, or availability as evidence in any subsequent investigation of or official proceeding related to the peace officer's performance of official duties; (2) with regard to the offense of interference with public duties, it is a defense to prosecution if the conduct engaged in by the defendant consisted only of filming, recording, photographing, documenting, or observing a peace officer, if before or while engaging in the conduct, the defendant obeyed any reasonable and lawful order by a peace officer to change the defendant's proximity or position; (3) the requirement to

obey police officers, school crossing guards, and escort flaggers under state law does not apply to an order or direction to cease filing, recording, photographing, documenting, or observing a peace officer while the officer is engaged in the performance of official duties; and (4) with regard to (3), above, this bill does not prohibit a peace officer from giving the person a reasonable and lawful order or direction to change the person's proximity or position relative to a peace officer who is engaged in the performance of official duties.

H.B. 3354 (Jones) – Evidence Testing for Controlled Substances: would provide that: (1) evidence that may contain a controlled substance or dangerous drug that is seized by a law enforcement agency in connection with a criminal action must be submitted to a laboratory to be tested using validated laboratory procedures and sampling protocols to determine whether the substance is a controlled substance or dangerous drug; and (2) a court shall dismiss a charge involving the manufacture, delivery, or possession of a controlled substance or dangerous drug if the testing required under this bill is not completed before the 30th day after the date the seizure occurred.

H.B. 3362 (Metcalf) – Peace Officer Training: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University, or a similar organization approved by TCOLE; and (2) an officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the officer's basic training course. (Companion is **S.B. 1477** by **Kolkhorst**.)

H.B. 3376 (Garcia) – Peace Officer Examinations: would provide that as part of the peace officer licensing requirements, a person may be examined by a mental health professional, which includes a licensed psychologist, licensed psychiatrist, or a licensed person who holds a doctoral degree from an accredited institution of higher education in the field in which the person is licensed.

H.B. 3421 (Slaton) – Law Enforcement Services: would, among other things, provide that: (1) for a city with a population of 950,000 or more and a ratio of less than two sworn police officers per 1,000 residents, if the governor determines that the safety of a municipality's residents is threatened because the municipality is providing insufficient municipal resources for public safety, the governor may issue a determination to that effect; (2) the Department of Public Safety (DPS) shall provide law enforcement services in a municipality described by (1), above, and the municipality shall reimburse DPS for the cost of providing the law enforcement services; (3) not later than the first day of a municipality's fiscal year following a determination by the governor under (1), above, the municipality shall enter into a contract with DPS governing the provision of law enforcement services in the municipality on terms determined solely by the director of DPS; (4) the contract in (3), above, must: (a) provide for the transfer from the municipality to DPS all personnel, property, and liabilities that relate to the municipality's provision of law enforcement services, including all employees, equipment, facilities, contracts, and other assets; and (b) require that the personnel and property be organized as a unique division within DPS and benefit the residents of the municipality through DPS's provision of law enforcement services to the residents

of the municipality; and (5) a municipality may not provide law enforcement services after contracting for law enforcement services with DPS under (3), above.

H.B. 3424 (Frazier) – Security Officer Training: would provide that, as part of the basic training course for commissioned security officers and personal protection officers, the course must include in-person instruction on handgun proficiency and self-defense tactics with an on-site instructor approved by the Department of Public Safety.

H.B. 3499 (Guillen) – Foreign Terrorist Organizations: would provide, among other things, that: (1) a foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance; (2) if a court finds that a foreign terrorist organization constitutes a public nuisance, the court may enter an order enjoining a defendant or imposing other reasonable requirements to prevent the foreign terrorist organization from engaging in future gang activities; (3) a foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order in (2), above; (4) a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more shall compile and maintain in a local or regional intelligence database certain criminal information relating to a foreign terrorist organization; (5) the agency must compile and maintain the information in (4), above, in accordance with criminal intelligence systems operating policies; and (6) the office of the attorney general shall establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations.

S.B. 1319 (Huffman) – Overdose Information: would provide that, among other things: (1) a physician who treats an overdose of a controlled substance, or the administrator, superintendent, or other person in charge of a hospital, sanatorium, or other institution in which an overdose of a controlled substances is attended or treated or in which the attention or treatment is requested, shall report the case at once to the Department of Health and Safety and the local law enforcement authority of the municipality or county in which the physician practices or in which the hospital, sanatorium, or other institution is located; (2) the person who reports an overdose shall include in the report information regarding: (a) the date and time of the overdose; (b) the approximate location of the overdose using an address and the latitude and longitude of the location; (c) the location data from a cellular device; (d) the type of controlled substance or substances suspected to have been used; and (e) whether an opioid antagonist was administered; (3) a law enforcement authority may use information received in (1), above, only for mapping overdose locations for public safety purposes; (4) the information in (1), above, is confidential and not subject to disclosure under the Public Information Act; and (5) a political subdivision, including a city, may enter into a participation agreement with a private entity that maintains a computerized system for mapping overdoses for public safety purposes.

S.B. 1346 (Miles) – Illegal Dumping and Littering: would provide for the prosecution of criminal attempt, conspiracy, and solicitation to commit illegal dumping and discarding of lighted materials.

S.B. 1355 (Miles) – Radio Communications: would require each law enforcement agency to make radio communications sent by the agency for a law enforcement purpose readily accessible

to the general public, except for radio communications sent by designated units in the agency that perform special operations or the gathering and analyzing of information for the purpose of generating intelligence.

S.B. 1357 (Miles) – Criminal Offenses Recordkeeping: would require the Department of Public Safety and all local law enforcement agencies that use an incident-based reporting system to report information and statistics concerning criminal offenses committed in Texas to the Federal Bureau of Investigation, as a part of the Uniform Crime Reporting Program of the Federal Bureau of Investigation, to include the ethnicity of an arrestee in the reported incident.

S.B. 1362 (Alvarado) – Peace Officer Licensing: would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer an individual who is lawfully present in the United States as the result of receiving deferred action from the United States Department of Homeland Security and who has obtained employment authorization from the United States Citizenship and Immigration Services; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who: (a) meets the requirements under this bill and TCOLE rules; (b) is lawfully present in the United States as the result of receiving deferred action from the United States Department of Homeland Security; and (c) has obtained employment authorization from the United States Citizenship and Immigration Services.

S.B. 1380 (Eckhardt) – Peace Officer Training: would provide that as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete training programs related to acquired and traumatic brain injuries and trauma affected veterans not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed, unless the officer completes the programs as part of the officer's basic training course.

S.B. 1402 (Zaffirini) – Sexual Assault Survivors' Task Force: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) shall, in consultation with the Sexual Assault Survivors' Task Force, establish a basic education and training program consisting of at least eight hours of instruction on child sexual abuse and adult sexual assault, including the best practices and trauma-informed response techniques to effectively recognize, investigate, and document those cases; (2) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete the basic education and training program developed in (1), above; (3) an officer shall complete the program not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of the officer's basic training course; and (4) repeal the expiration of the Sexual Assault Survivors' Task Force. (Companion is **H.B. 2650** by **Howard**.)

S.B. 1413 (Johnson) – Removal of Personal Property from Roadways: would provide that: (1) a fire department may remove personal property from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety; (2) the owner shall reimburse the fire department for any reasonable costs of removal and disposition of the property; and (3) a fire department is not liable for: (a) any damage to personal property removed from a roadway or right-of-way under (1), above, unless the removal is carried out

recklessly or in a grossly negligent manner; or (b) any damage resulting from the failure to exercise the authority granted by (1), above. (Companion is **H.B. 2681** by **Johnson**.)

S.B. 1422 (King) – Criminal Enforcement and Prosecution: would, among other things: (1) prohibit a law enforcement agency, political subdivision, or local entity (Public Entity) that receives public funds from adopting, enforcing, or endorsing a policy, resolution, ordinance or initiative that categorically prohibits or discourages the enforcement or prosecution of a criminal offense; (2) authorize the Office of the Attorney General (OAG) to receive and investigate complaints for alleged violations of (1), above; (3) direct the OAG to notify a Public Entity it determined violated (1), above, that the Public Entity must comply with (1), above, within 30 days of notification; (4) authorize the OAG to file suit to enjoin the Public Entity from violating (1), above, or petition the chief justice of the Texas Supreme Court to convene a special three-judge district court to hear a petition for a writ of mandamus to compel the Public Entity to comply with (1), above; (5) provide for civil penalties between \$1,000 and \$1,500 for a first offense and \$25,000 for each subsequent offense, with each day that a violation continues constituting a separate violation; (6) waive governmental and sovereign immunity to suit; and (7) direct all Public Entities to formalize in writing any unwritten, informal policies or initiatives relating to enforcement of a criminal offense, and update any such policies or initiatives to comply with (1), above, by January 1, 2024.

S.B. 1433 (Hinojosa) – Emergency Detention: would, among other things, provide that: (1) a peace officer may detain in custody for emergency detention purposes a person who has been admitted to an inpatient mental health facility, regardless of whether that person was admitted for voluntary mental health services; and (2) if a judge or magistrate transmits a warrant for the detention of a person who has been admitted to a facility at the time the application for emergency detention is presented, the facility may detain the person to perform a preliminary examination. (Companion is **H.B. 2507** by **Jetton**.)

S.B. 1445 (Paxton) – Texas Commission on Law Enforcement: this is the Texas Commission on Law Enforcement (TCOLE) sunset bill. The bill, among other things, would provide that:

1. TCOLE continue until 2035;
2. TCOLE, with the input from an advisory committee, shall by rule establish minimum standards with respect to the creation or operation of a law enforcement agency, including: (a) the determination regarding the need for creating the agency in the community; (b) the sustainable funding sources for the agency; (c) the physical resources available to officers, which may differ based on the size of the law enforcement agency, including: (i) duty firearms, including patrol rifles and shotguns; (ii) less lethal force weapons, including a requirement of at least one per officer on duty; (iii) effective communications equipment; (iv) protective equipment, including a requirement of at least one protective vest per officer on duty; (v) officer uniforms; and (vi) patrol vehicles and associated equipment; (d) the physical facilities of the agency, including any evidence room, dispatch area, or public area; (e) the policies of the agency, including policies on active shooters and barricaded subjects; and (f) any other standard TCOLE considers necessary;

3. TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check in which the database must: (a) contain records related to a person's previous law enforcement employment or experience, including any: (i) commendations or awards; (ii) misconduct or disciplinary records; and (iii) certifications or licenses held; (b) be maintained by the federal government or nationally recognized law enforcement accreditation association; and (c) provide a process for a person to contest or amend any information maintained in the database relating to the person;
4. TCOLE shall adopt rules specifying the circumstances under which TCOLE may issue, without a hearing, an emergency order suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare;
5. an order suspending a license under Number 4, above, must state the length of the suspension in the order, and if an emergency order is issued without a hearing, TCOLE shall set the time and place for a hearing to be conducted not later than the 10th day after the date the order was issued;
6. TCOLE by rule may establish advisory committees to make recommendations on programs, rules, and policies administered by TCOLE;
7. TCOLE shall create a public database containing profiles of each licensed officer in which the profile must: (a) contain the following information with respect to each officer: (i) the date the officer completed the basic training course; (ii) whether the officer is in compliance with continuing education requirements and the continuing education courses completed; (iii) the total hours of training the officer has completed; and (iv) the date the officer's license was issued; (b) be compiled in a format that makes the information contained in the profile readily available to the public; and (c) TCOLE shall adopt rules to exclude from the database profiles for certain officers if including the profile would create a safety risk for the officer based on the officer's position or duties, including the profiles of undercover officers and officers involved in active narcotics operations;
8. before a law enforcement agency or governmental entity hires a person for whom a license is sought, the law enforcement agency must: (a) review any information relating to the person available in a database designated by TCOLE in Number 3, above; and (b) file an application with TCOLE as provided by TCOLE rule;
9. before a law enforcement agency may hire a licensed person, the agency must, on a form and in the manner prescribed by TCOLE, among other things, submit to TCOLE confirmation that under the agency, to the best of the agency's ability before hiring the person obtained and reviewed as related to the person, as applicable, information on the person's law enforcement background as available through a database designated by TCOLE under Number 3, above;

10. TCOLE by rule shall establish deadlines for an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course;
11. TCOLE may compel by subpoena the production for inspection or copying of a record by an agency hiring a person to be an officer that is relevant to the investigation of an alleged violation of this bill or a TCOLE rule, and TCOLE acting through the attorney general, may bring an action to enforce a subpoena against a person who fails to comply with the subpoena;
12. venue for an action brought under Number 11, above, is in a district court in Travis County or any county in which TCOLE may conduct a hearing, and the court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena;
13. TCOLE call adopt rules specifying the circumstances under which it may request that a license holder submit to an examination by a psychologist, psychiatrist, or physician selected by TCOLE to determine whether the license holder continues to meet the required standards; and
14. in certain circumstances, TCOLE may suspend the license of a person who refuses to submit to the examination, and if the results of the examination under Number 13, above, show that the person does not meet required standards, TCOLE shall suspend the person's license.

(Companion bill is **H.B. 1530** by **Goldman**.)

S.B. 1477 (Kolkhorst) – Peace Officer Training: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University, or a similar organization approved by TCOLE; and (2) an officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the officer's basic training course. (Companion is **H.B. 3362** by **Metcalf**.)

S.B. 1484 (Creighton) – Border Operations Training Program: would, among other things, provide that the Department of Public Safety, in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (1) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (2) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region. (Companion is **H.B. 1675** by **Holland**.)

S.B. 1497 (Kolkhorst) – Peace Officer Training Grant Program: would, among other things require the governor’s criminal justice division to establish and administer a grant program to provide financial assistance to a law enforcement agency in this state, other than the Department of Public Safety, for purposes of reimbursing the tuition paid by the agency to another entity for providing the basic peace officer training course to individuals seeking employment as peace officers with that agency.

Sales Tax

H.B. 3003 (Bailes) – Aircraft Sales Tax Exemption: would eliminate the requirement that to receive the exemption for services, equipment, and tangible personal property associated with aircraft, the services, equipment, or tangible personal property must be owned or operated by or on behalf of: (1) a person using the aircraft as a carrier of persons or property; (2) a person who has a sales tax permit and uses the aircraft for the purpose of providing flight instruction; or (3) a person who uses the aircraft exclusively for agricultural use. (Companion bill is **S.B. 1022** by **Nichols**.)

H.B. 3104 (Anderson) – Sales Tax Exemption: would: (1) provide a temporary sales tax exemption for certain tangible personal property related to connected data centers, including electricity, an electrical system, a cooling system, a backup electricity system, certain hardware, a data storage device, network connectivity equipment, a rack, cabinet, and raised floor system, a peripheral component or system, software, a mechanical, electrical, or plumbing system, and any item or component part necessary to operate any of the above property; (2) expressly exclude certain personal property from the exemption; (3) provide procedures by which the comptroller shall administer the exemption; (4) require that to receive the exemption, a data center operator must create at least 40 qualifying jobs, make a capital investment of at least \$500 million over a five-year period, and agree to contract for at least 20 megawatts of transmission capacity; and (5) provide that the exemption under expires 20 years after the data center is certified by the comptroller.

H.B. 3206 (Darby) – Sales Tax Exemption Eligibility: would increase the limit on the sales price of portable generators eligible for a sales tax exemption under the emergency preparation items exemption from \$3,000 to \$10,000.

H.B. 3209 (Thompson) – Motor Vehicle Rental Taxes: would, among other things, require a marketplace rental provider to collect the motor vehicle rental tax for the benefit of a city or county venue project.

H.B. 3298 (Garcia) – Sales Tax Exemption: would: (1) exempt up to \$500 worth of educational materials purchased by a teacher from the sales tax; and (2) require the comptroller to develop an exemption certificate form a teacher may use to claim the exemption.

H.B. 3358 (Button) – Sales Tax Refund: would provide that for years 2024-2029, the amount of the refund of sales tax imposed on the sale of tangible personal property sold, leased, rented, stored, or consumed by a provider of cable television, internet access, or telecommunications services is

not subject to the \$50 million limit provided in the statute. (Companion bill is **S.B. 1218** by **Hughes**.)

S.B. 1558 (Parker) – **Sales Tax Exemption**: would: (1) provide that gold bullion and specie are legal tender in this state; and (2) and provide a sales tax exemption for notes, leaves, foils, or film that is used as currency, is not considered legal tender, and has a gold, silver, or platinum content of at least 50 percent.

Community and Economic Development

H.B. 5 (Hunter) – **Economic Development**: would, among other things: (1) provide that a person may apply to a school district for approval of an agreement between the owner of a new investment project and a school district; and (2) provide that the comptroller shall recommend an application for approval by a school district if the comptroller finds that the project provides a net economic benefit to Texas.

H.B. 2956 (Shine) – **Annexation of Railway Right-of-Way**: would, among other things, allow a city that is annexing property under certain conditions to annex an additional area adjacent to railroad rights-of-way that is contiguous, and runs parallel to the city’s boundaries.

H.B. 2970 (Guillen) – **Manufactured Homes**: would: (1) require a city to allow the placement of a new HUD-code manufactured home as a permitted use in all zoning classifications that allow detached single-family or duplex dwellings if the owner elects to treat the manufactured home as real property; (2) authorize a city to adopt a regulation requiring a new HUD-code manufactured home to: (a) have a value equal to or greater than the median value of the single-family dwellings located within 500 feet; (b) have exterior features compatible with the single-family dwellings located within 500 feet; (c) comply with the city’s site requirements that would apply to a single-family dwelling constructed on the site; and (d) be securely placed on a permanent foundation; and (3) prohibit a city from adopting a regulation that imposes a requirement more stringent than the regulations that would apply to a new single-family or duplex dwelling constructed on the site.

H.B. 2993 (Hunter) – **Reinvestment Zone**: would provide that an owner of qualifying property may not receive an exemption from ad valorem taxation or a limitation on appraised value for the qualifying property under an agreement entered into under a law enacted as part of a program to encourage economic development in an area designated as a reinvestment zone if, on or after the date the agreement is entered into, a wind-powered energy device is installed or constructed on the qualifying property at a location that is within 25 nautical miles of the boundaries of a military aviation facility located in Texas.

H.B. 2996 (Zweiner) – **Housing Discrimination**: would authorize local ordinances or regulations that prohibit a property owner from refusing to rent or lease a housing accommodation to certain groups based on their lawful source of income, specifically military veterans, victims of family violence, and youth experiencing homelessness.

H.B. 3038 (Walle) – **Housing Discrimination**: would authorize local ordinances or regulations that prohibit a property owner from refusing to rent or lease a housing accommodation to certain

groups based on their lawful source of income, specifically military veterans, people 62 years old or older, or people with disabilities.

H.B. 3053 (Dean) – Required Disannexation Elections: would, among other things, require an election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017.

H.B. 3074 (Stucky) – Housing Study: would, among other things: (1) establish an advisory committee (“Committee”) composed of 15 members, including legislators, academics, and representatives from political subdivisions, the home building industry, and housing advocacy groups to conduct a decennial study and report on housing supply and affordability in Texas; (2) require the Committee to evaluate: (a) data sources on improving housing supply and affordability; (b) the review processes of political subdivisions, including cities, that permit new housing developments including: (i) the rate at which political subdivisions approve new housing developments; (ii) timelines for approval; and (iii) local impact and permitting fees for new housing developments; and (3) develop methods to identify and award grants to cities with review rates in the top half in the state.

H.B. 3080 (Hayes) – Annexation of Agricultural Land: would, among other things: (1) require written consent from each owner of an area qualified for agricultural or wildlife management use or as timberland before a city may annex that area; and (2) repeal the requirement that a city must offer a development agreement to these landowners before annexation.

H.B. 3135 (Stucky) – Review and Adoption of Land Development Regulations: would, among other things, provide that: (1) cities must review each existing land development regulation at least once every 10 years, considering, among other things: (a) its impact on housing development; (b) whether it benefits landowners or the public; (c) the benefits and costs for affected parties; and (d) administrative or enforcement costs; (2) as part of the decennial review in section (1), above, the governing body must hold a public hearing and provide an opportunity for public comment; (3) upon completion of the review, the city must repeal, amend, or readopt each regulation; (4) the city must amend or repeal any regulation that interferes with the production of new housing or development related to existing housing; (5) before adopting any new land development regulation a city must produce an impact statement analyzing the costs, benefits, and risks associated with the regulation, and including an analysis of the fiscal impact, including the impact of the regulation on housing costs; and (6) a city may adopt a land development regulation only if the regulation: (a) is consistent with the city's public health and safety priorities; (b) has minimal fiscal impact; and (c) mitigates housing costs for residents.

H.B. 3153 (Thierry) – Building Codes and Pipe Insulation: would require: (1) a city to adopt a building code regulation that requires certain pipe to be insulated in a certain manner; and (2) that the regulation be applied to new residential construction on or after January 1, 2024.

H.B. 3269 (Talarico) – Tenant Requests for Emergency Assistance: would, among other things, prohibit a city from adopting or enforcing an ordinance, order, or other regulation that: (1) requires a landlord to evict a residential tenant who summons police or emergency assistance to the tenant’s residence more than a specific number of times; or (2) imposes a fee or other monetary penalty on

a landlord based on such requests if based on the tenant’s reasonable belief that an individual needed emergency assistance.

H.B. 3277 (J. Gonzalez) – Housing Discrimination: would prohibit: (1) housing discrimination based on the source of income; and (2) the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination under (1), above, to a city if the city does not have laws prohibiting the alleged discrimination. (Companion bill is **S.B. 570** by West.)

H.B. 3295 (Vasut) – Sale of Parkland: would exempt certain home-rule municipalities with a population of less than 11,000 from the requirement of obtaining voter approval before selling park land if the park land is adjacent to property owned by an independent school district and is conveyed before December 31, 2024, through a resolution or ordinance.

H.B. 3308 (Bryant) – Housing Assistance Regulation: would repeal the provisions in current law that generally prohibit a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person’s lawful source of income to pay rent includes funding from a federal housing assistance program.

H.B. 3312 (Hernandez) – Exceptions to Building Material Preemption: would allow the use or installation of a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if that product, material or method allowed by: (1) certain energy codes adopted by the State Energy Conservation Office; (2) certain energy and water conservation design standards established by the State Energy Conservation Office; or (3) certain high-performance building standards approved by the board of regents of an institute of higher education.

H.B. 3369 (Dean) – Impervious Cover Regulation Exemptions: would exempt properties owned by taxing units in a city from city land use regulations relating to impervious cover.

H.B. 3374 (Button) – Enterprise Zone: would: (1) define “COVID relief period” as the period beginning March 1, 2020, and ending December 31, 2021; (2) provide that the requirement that an employee perform at least 50 percent of the person’s service for the business at the qualified business site to be a “qualified employee” is waived for an annual certification or job retention period that includes the COVID relief period; (3) provide that a qualified business in compliance with state law governing enterprise zones before the COVID relief period that is eligible for a waiver under (2), above, may elect to withdraw its project or activity from designation as an enterprise project by December 31, 2023; and (4) provide that a qualified business that withdraws its enterprise project designation under (3), above, is considered eligible for any refund of state taxes approved for the COVID relief period, notwithstanding the requirements for meeting the definition of a new permanent job or a retained job.

H.B. 3480 (Turner) – Overdose Mapping: would, among other things, provide that: (1) a local health authority or a law enforcement agency located in a county with a population of more than 2 million may enter into a participation agreement with an entity that maintains a computerized

system for mapping overdoses for public safety purposes; (2) a local health authority or law enforcement agency that has entered into a participation agreement under (1), above, shall: (a) solicit and accept information regarding overdoses occurring in the county; and (b) provide information to the entity with which the authority or agency has a participation agreement under (1), above, for purposes of entering the information into the computerized system; (3) a person who provides information about an overdose incident to a local health authority or law enforcement agency in good faith under the bill is not subject to civil or criminal liability for providing the information; (4) provide that a law enforcement agency may use information provided or received under the bill only for mapping overdose locations for public safety purposes; and (5) information provided for purposes of overdose mapping under the bill is confidential and not subject to disclosure under the Public Information Act.

H.B. 3482 (Turner) – Dangerous Wild Animals: would: (1) provide that an animal registration agency may not issue a certificate of registration for an dangerous wild animal if possession of the animal violates a county order or municipal ordinance in the county or city in which the animal is to be kept; (2) provide that on issuance of a certificate of registration for a dangerous wild animal, the animal registration agency shall notify, in writing, the county or city in which the animal is to be kept; (3) allow an agent or officer of the county or city in which a dangerous wild animal is kept to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner’s records relating to the animal to ensure compliance with state law; (4) provide that the Texas Parks and Wildlife Commission (TPWD) may not issue a permit for a nonindigenous snake if: (a) possession of the snake violates a county order or municipal ordinance in the county or city in which the snake is to be kept; or (b) the snake is venomous and the necessary antivenom is not readily available at a hospital within 50 miles of the location where the snake is to be kept; (5) provide that on issuing a nonindigenous snake permit, the TPWD shall notify, in writing, the county or city in which the snake is to be kept; and (6) allow an agent or officer of the county or city in which a nonindigenous snake is kept may inspect at any time and without a warrant a permit or any records required by state law.

H.B. 3490 (Rogers) – Nonconforming Use Compensation: would, among other things, provide: (1) that in addition to other notices, a city shall provide written notice containing certain language of any public hearing regarding any proposed zoning change that could result in the creation of a nonconforming use; (2) that the notice required in (1), above, must: (a) be sent by mail to certain addresses; (b) contain the time and place of the hearing; and (c) include specific notice language; (3) that if a nonconforming use is required by a city to cease operation, the owner or the lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use; (4) that in order to terminate a nonconforming use, a city must: (a) determine that the nonconforming use has an adverse effect; (b) notify each owner of real or business personal property and order them to cease operation; and (c) inform each owner and occupant of their available remedies; and (5) for a process to work through multiple competing claims for payment and appeal rights, including appeals to the city’s board of adjustment and to state court. (Companion bill is **S.B. 929** by **Parker**.)

H.B. 3492 (Stucky) – Value-Based Fees: would, among other things: (1) prohibit cities from using the cost of constructing or improving public infrastructure as a factor in determining certain value-based fees related to engineering, inspection, and processing of plans for a subdivision, lot,

or property development; (2) provide that the fee should be based on the actual cost incurred by the government entity to provide the service; (3) prohibit cities from requiring disclosure of information related to the value or cost of constructing or improving a dwelling or public infrastructure as a condition for approval of subdivision construction; and (4) require cities that impose fees for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement to annually publish certain information related to the fees, including the hourly rate and estimated direct time incurred by city employees used when establishing a fee.

H.B. 3503 (Turner) – Property Owners Associations: would, among other things: (1) require certain property owners associations to make their dedicatory instruments and certain other information available on an Internet website accessible to association members; (2) amend the requirements for recording a property owners association management certificate; (3) limit the amount certain property owners associations may charge for resale certificates; (4) allow property owners associations to establish certain rules related to fencing, driveway gates, and certain other building regulations; and (5) modify regulations related to service on architectural review boards.

H.B. 3514 (Burns) – Annexation of Property in Water or Sewer District: would allow a city with a population of 3,000 or less to annex an area within a water or sewer district if the governing body of the district consents.

S.B. 1340 (Zaffirini) – Incentive Agreement Database: would, among other things: (1) require information related to property tax abatement agreements to be included in the comptroller’s Local Development Agreement Database; (2) require the database to include, for each local development agreement: (a) the name and contact information of any entity or the entity’s agent that entered into the agreement with the local government, including the business address and any assumed names of the entity; (b) the date on which the agreement went into effect and the date and terms on which the agreement expires; (c) the total monetary value of the agreement; and (d) the source of the money used or type of tax implicated by the agreement, including a sales and use tax, property tax, or hotel occupancy tax; (3) authorize the comptroller to prescribe the form and manner in which a local government must submit required incentive agreement information; and (4) provide that a taxing unit that maintains an Internet website and that executes a property tax abatement agreement shall provide on the website a direct link to the location of the agreement information that is published on the comptroller’s Local Development Agreement Database.

S.B. 1412 (Hughes) – Accessory Dwelling Units: would, among many other things, provide that: (1) a city cannot adopt or enforce regulations that prohibit an owner from building an accessory dwelling unit (“ADU”), selling or renting an ADU, or require owner occupancy of the primary dwelling unit on a lot zoned for single-family or duplex uses; (2) a city would be prohibited from, among other things, requiring a minimum lot size or larger setbacks for an ADU, applying local growth restrictions or density limitations, and regulating the design of ADUs; (3) a city cannot charge impact fees for ADU construction or require additional landowner exactions in certain cases; (4) a city can apply zoning requirements, such as height limitations and front setback limitations and site plan review to ADUs, if those requirements are generally applicable to residential development; (5) a city can apply historic preservation rules to ADUs; and (6) a person may submit a complaint to the attorney general of a suspected violation, and if the attorney general determines that a city has violated these rules, the city may not adopt a property tax rate for the

following year that exceeds the no-new-revenue tax rate. (Companion bill is **H.B. 2789** by **Holland**.)

S.B. 1419 (Birdwell) – Incentive Agreements: would, among other things: (1) prohibit a city from making a loan or grant of public money under a Chapter 380 economic development agreement from the proceeds of property taxes or bonds or other city obligations payable from property taxes; (2) provide that a city may not make a loan or a grant under a Chapter 380 economic development agreement for a period exceeding ten years; (3) require a city to hold a public hearing before making a loan or a grant using a Chapter 380 economic development agreement; (4) require a city with an Internet website to post the current version of the proposed loan or grant under a Chapter 380 economic development agreement on the city’s website; (5) provide that the notice of a meeting at which the city council will consider the adoption of a loan or grant under a Chapter 380 economic development agreement must contain: (a) the name of the recipient of the loan or grant; (b) a general description of the public purpose for which the loan or grant is provided; and (c) the amount of and period of time for the loan or grant; (6) require a city to give notice of the meeting at which the city council will consider the adoption of a loan or grant under a Chapter 380 economic development agreement not less than 15 business days but not more than 30 business days before the meeting; (7) require a city to give notice of the meeting at which the city council will consider the adoption of a property tax abatement agreement not less than 15 business days but not more than 30 business days before the meeting; and (8) provide that if a city postpones a meeting described by (6) or (7), above, the city must hold the postponed meeting not more than ten business days after the date for which the meeting was originally scheduled, and if the postponement would result in the meeting being held more than 30 business days after the city gave notice, the city must give new notice of the meeting.

S.B. 1421 (Perry) – Agricultural Operations: would, among other things: (1) redefine “agricultural operation” to include growing vegetation for human food and animal feed, including hay and other forages, and veterinary services; (2) require each element of nuisance or other actions instituted against an agricultural operation to be established by clear and convincing evidence; (3) provide that any person who brings a nuisance action or other action to restrain an agricultural operation that has existed for one year or more is liable to the agricultural operator for all costs and expenses incurred in defense of the action, including attorney’s fees, court costs, and travel; (4) provide that a city may not impose a governmental requirement on an agricultural operation unless there is evidence that shows the regulation is narrowly tailored and reasonably required to protect others in the immediate vicinity from, among other things: (a) explosion; (b) flooding; (c) an infestation of vermin or insects; (d) physical injury; (e) the significant spread of infectious disease; and (f) radiation; and (5) provide that before a city makes a finding described by (4), above, it must first obtain and review a report prepared by the city health officer or a consultant that, among other things, identifies the evidence of the health hazards and determines the necessity of regulation; and (6) provide that a city may impose a maximum height for vegetation that applies to agricultural operations only if: (a) the maximum vegetation height is at least 12 inches; and (b) the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to a public sidewalk, street, or highway.

S.B. 1463 (West) – Behavioral Health Crisis Response Program: would: (1) provide that the executive commissioner of the Health and Human Services Commission (HHSC) shall establish

and administer a grant program to award money to nonprofit organizations and political subdivisions for the purpose of establishing or expanding a behavioral health crisis response program to: (a) operate one or more multidisciplinary response teams in the region in which the nonprofit organization is located or within the political subdivision, as applicable; and (b) employ one or more behavioral health professionals to: (i) assist in screening telephone calls made to a 9-1-1 emergency call center dispatcher for law enforcement or emergency medical assistance; (ii) assist in determining whether to dispatch a multidisciplinary response team to service a call; and (iii) provide consultation and information to the dispatched multidisciplinary response team; (2) provide that a nonprofit organization that is awarded a grant under (1), above, must collaborate with one or more political subdivisions to operate the behavioral health crisis response program; (3) provide that a county that is awarded a grant under (1), above, must collaborate with one or more cities in the county to operate the behavioral health crisis response program; and (4) provide that HHSC may use any available state and federal money and may accept gifts, grants, and donations from any source for the purpose of awarding grants.

S.B. 1512 (Schwertner) – Eminent Domain: would provide that an entity that fails to disclose certain appraisal reports in connection with an offer to acquire real property through eminent domain is liable to the property owner for reasonable attorney’s fees incurred by the owner in connection with the entity’s acquisition of the owner’s property.

S.B. 1513 (Schwertner) – Eminent Domain Notices and Offers: would: (1) amend the “Landowner’s Bill of Rights,” to include additional information on the condemnation process, the condemning entity’s obligations to the property owner, the property owner’s options during condemnation, and the entity’s right to sue for permission to survey the property; (2) require an entity seeking to condemn property to provide a survey permission form to include information on the property owner’s rights to refuse permission, negotiate terms, and hold the entity responsible for damages; and (3) require an entity with eminent domain authority, which seeks to acquire property without using that authority, to separately identify and make a separate offer for the real property it seeks to acquire outside the condemnation process.

S.B. 1545 (Bettencourt) – Extraterritorial Jurisdiction Limitation: would: (1) limit the size of a city’s extraterritorial jurisdiction to an amount not to exceed 50% of the gross acreage of the city; and (2) require the municipality to release extraterritorial jurisdiction as necessary to comply with this limit.

S.B. 1546 (Bettencourt) – Special District Authority Limitations: would prohibit a special district from exercising any right or power outside the district’s boundaries except as necessary to pay or fulfill any outstanding debts, bonds, warrants, or obligations.

S.B. 1560 (Creighton) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 25 years may be removed, relocated, or altered only by supermajority vote of the city council; and (b) for less than 25 years may be removed, relocated, or altered only by the city council; (2) provide that an additional monument may be added to the surrounding city property on which a monument or memorial is located to complement or contrast with the monument or memorial; (3) authorize a resident of the city to file a complaint with the attorney general asserting the city violated (1), above, and authorize

the attorney general to file a petition for a writ of mandamus or other equitable relief to compel a city to comply with (1), above; and (4) define “monument or memorial” as used in (1), above, to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance.

S.B. 1569 (Campbell) – Municipal Utility Districts: would require county commissioners courts to: (1) review petitions for the creation of municipal utility districts in a county; and (2) submit a written opinion to the TCEQ stating whether they recommend the creation of the proposed district, along with any findings, conclusions, and other relevant information.

S.J.R. 72 (King) – 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. (Companion joint resolution is **H.J.R. 37** by Vasut.)

Elections

H.B. 2954 (Bumgarner) – Office Hours: would provide that, with respect to office hours of an election authority, including a city, during an election period, a regular business day means a day on which the business office of the authority is regularly open for business.

H.B. 2974 (Guillen) – Paper Ballots: would provide that: (1) an authority holding an election in a county with a population of less than 75,000 must maintain an operational printer at each polling place for the purpose of printing additional ballots; and (2) an authority holding an election in a county with a population of less than 75,000 may only adopt a voting system that requires paper ballots for all elections held in the county.

H.B. 2988 (Harrison) – Voting Machines: would provide that immediately after closing the polls for voting on the last day of early voting by personal appearance, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine. (Companion bill is **S.B. 397** by Hall.)

H.B. 3018 (Harrison) – Political Advertising: would provide that: (1) an officer or employee of a political subdivision may not knowingly spend or authorize the spending of public funds for: (a) political advertising; or (b) a communication relating to a measure submitted at an election as a result of an official action adopted or approved by the political subdivision, other than a notice of election required by the Election Code; and (2) a violation of (1), above, is a Class A misdemeanor.

H.B. 3046 (Kacal) – Election Ballots: would provide that if a candidate in certain general or special elections dies before the ballots are printed, the authority responsible for preparing the ballots may choose to omit the candidate from the ballot.

H.B. 3103 (Dorazio) – Debt Elections: would provide that a ballot proposition to approve bonds issued by a city that would add or increase taxes must include the statement “THIS IS A TAX INCREASE.”

H.B. 3159 (Leach) – Accessible Absentee Mail System: would provide that: (1) a person who has a disability or a person who is a member of the armed forces of the United States, or such member’s spouse or dependent, may cast a ballot using an accessible absentee mail system; and (2) such accessible absentee mail system shall be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter’s ballot and print and submit the ballot in the manner required by law for a ballot marked by a voter.

H.B. 3190 (Frazier) – Polling Place: would provide that a polling place may not be located on a public primary or secondary school campus. (Companion bill is **S.B. 143** by **Springer**.)

H.B. 3372 (Thimesch) – Political Reports: would provide that a candidate or officeholder who accepts a political contribution made using a credit card shall: (1) report as a political contribution the full amount, including any amount deducted from the political contribution by the credit card issuer as a processing fee; and (2) report as a political expenditure any amount deducted from the political contribution by the credit card issuer as a processing fee.

H.B. 3449 (Noble) – Mail in Ballots: would provide that: (1) for a period of at least six years, the general custodian of election records shall preserve an image of the voter’s signature on the carrier envelope and early voting ballot application; (2) the early voting clerk shall deliver to the early voting ballot board: (a) copies of the applications for ballots to be voted by mail for each ballot voted by mail received; and (b) copies of the voter’s signature in the possession of the county clerk or voter registrar from at least the previous six years; (3) if a signature verification committee is appointed for the election, the early voting clerk shall deliver the jacket envelopes containing the early voting ballots voted by mail, the copies of the applications for ballots to be voted by mail, and the copies of the voter’s signature in the possession of the county clerk or voter registrar from at least the previous six years to the committee instead of to the early voting ballot board; and (4) the signature verification committee shall also compare the signatures with any known signature of the voter on file with the county clerk or voter registrar to determine whether the signatures are those of the voter.

H.B. 3450 (Noble) – County Election Precincts: would: (1) provide that a county election precinct must contain at least 500 but not more than 10,000 registered voters; (2) provide that, with certain exceptions, for an election precinct in a county with a population under 100,000, the maximum number of registered voters the precinct may contain is 5,000; and (3) repeal the provision that prohibits a county commissioner’s court from establishing a county election precinct containing territory inside a city with a population of 10,000 or more and unincorporated territory outside the city unless the commissioner’s court makes certain determinations.

H.B. 3510 (J. Gonzalez) – Intimidation: would provide that: (1) a person commits an offense if the person, on more than one occasion and pursuant to the same scheme or course of conduct that is directed specifically at an election official in the performance of statutory or other official duties related to the administration of an election, knowingly engages in conduct that: (a) constitutes harassment under the Penal Code, or that the actor knows or reasonably should know the election official will regard as threatening: (i) bodily injury or death for the election official; (ii) bodily injury or death for a member of the election official’s family or household or for an individual with

whom the election official has a dating relationship; or (iii) that an offense will be committed against the election official's property; (b) causes the election official to be placed in fear of bodily injury or death or in fear that an offense will be committed against the election official's property, or to feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; and (c) would cause a reasonable person to: (i) fear bodily injury or death for himself or herself; (ii) fear bodily injury or death for a member of the person's family or household or for an individual with whom the person has a dating relationship; (iii) fear that an offense will be committed against the person's property; or (iv) feel harassed, annoyed, alarmed, abused, tormented, embarrassed, or offended; (2) a person commits an offense if the person uses or threatens to use physical force, coercion, violence, restraint, damage, harm, financial reprisal, or other loss against another with the intent to improperly influence an election official in the performance of a duty related to the administration of an election; and (3) an offense under (1) and (2), above, is a felony of the third degree.

S.B. 1294 (Hall) – Curbside Voting: would provide that: (1) for a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health, on the voter's request for assistance in marking the ballot, two election officers shall provide assistance in marking the ballot; and (2) any person accompanying the voter described in (1), above, shall exit the vehicle and remain outside of the vehicle unless the person is selected by the voter to provide the voter assistance.

S.B. 1338 (Hall) – Early Voting by Mail: would, among other things, repeal the provision that allows a qualified voter who is 65 year of age or older on election to vote early by mail.

S.B. 1485 (Hall) – Election Records: would, among other things, provide that: (1) an election record that is public information shall be made available to the public during the regular business hours of the record's custodian not later than 10 days after the date the custodian receives a request for public inspection; (2) not later than the 60th day after election day, the general custodian of election records shall make available for public inspection election records that are: (a) original voted ballots; or (b) images of voted ballots, if a county maintains images of voted ballots; (3) the custodian of election records shall adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection; and (4) repeal the provision that allows the custodian of elections to adopt reasonable rules limiting public access to election records for the purpose of safeguarding election records or economizing the custodian's time.

S.B. 1599 (Hughes) – Mail in Ballots: would, among other things, provide that: (1) ballot box No. 4 must contain any ballot to be voted by mail returned at the polling place; (2) an election officer shall maintain a register of ballots to be voted by mail that are returned at a polling place by an applicant for a ballot to be voted by mail; (3) an election officer shall enter on the register of ballots described in (2), above, the name of each voter who returns a ballot to be voted by mail and the ballot's number; (4) after making the appropriate entry on a register described in (2), above, an election officer shall deposit a ballot to be voted by mail that is returned at a polling place in ballot box No. 4; (5) not later than the second business day after the early voting clerk discovers certain defect in an application for a ballot to be voted by mail in a manner that would lead, if not corrected, to the rejection of the application, the clerk shall: (a) determine if it would be possible

for the applicant to correct the defect and return the application form by mail before the prescribed deadline; and (b) if possible to correct the defect and return an application form before the prescribed deadline, either return the application to the applicant or deliver an official application form to the applicant; (6) if the early voting clerk determines that it would not be possible for the applicant to correct the defect and return an application form by mail before the prescribed deadline, the clerk may notify the applicant by telephone or e-mail of the defect, including the required information, and inform the applicant that the applicant may come to the early voting clerk's office before the prescribed deadline; (7) the secretary of state shall develop or otherwise provide an online tool to each early voting clerk on the secretary's website and on a county's website that enables a person who submits an application for a ballot to be voted by mail to: (a) track the location and status of the person's application and ballot; and (b) receive notice of and, when possible, correct a defect in the person's application and ballot; and (8) the early voting clerk shall, in addition to returning an application or providing an application form under (5), above, or notifying an applicant under (6), above, notify the applicant of the defect and provide information required to be included in the application using the online tool described in (7), above, and if possible, permit the applicant to correct the defect using the online tool.

Emergency Management

H.B. 3097 (Leo-Wilson) – Anticipation Notes: would authorize a city located within 70 miles of the Gulf of Mexico to authorize the issuance of an anticipation note or other obligation in the event of an emergency notwithstanding certain rating requirements that that would normally apply. (Companion bill is **S.B. 1394** by **Middleton**.)

H.B. 3222 (Guillen) – Disaster Recovery Loan Program: would increase the number of days from 15 to 30 days that a governing body of a political subdivision, including a city, has to submit its operating budget for the most recent fiscal year as part of the application process to Texas Department of Emergency Management for a disaster recovery loan.

H.B. 3290 (Guillen) – Next Generation 9-1-1 Service Fund: would provide, among other things, that for any money in the Next Generation 9-1-1 Service Fund resulting from the appropriation of state funds, after the money is deposited into the fund, the Commission on State Emergency Communications, shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion that the population of the area served by the district bears to the population of the state.

S.B. 1394 (Middleton) – Anticipation Notes: would authorize a city located within 70 miles of the Gulf of Mexico to authorize the issuance of an anticipation note or other obligation in the event of an emergency notwithstanding certain rating requirements that that would normally apply. (Companion bill is **H.B. 3097** by **Leo-Wilson**.)

S.B. 1589 (Creighton) – Statewide Disaster Alert System: would provide that: (1) the Texas Department of Emergency Management (TDEM), with the cooperation of the office of the governor and appropriate state agencies, shall develop and implement a statewide alert system to activate in the event of a disaster affecting any location in this state; (2) the alert system may be operated in conjunction with any other emergency alert system required by federal or state law;

(3) the alert system must notify persons statewide of a disaster affecting any location in this state and must be provided through: (a) public and commercial television or radio broadcasts; and (b) a system of dynamic message signs located across this state; (3) reverse 9-1-1 telephone calls, text messages, emails, social media, and other instant messaging systems; (4) TDEM shall allow persons to register for a preferred method of receiving the notifications; (5) when TDEM determines that a disaster has occurred or that the occurrence or threat of disaster is imminent or is notified of a declaration of disaster, TDEM shall immediately activate the alert system and shall issue updated notifications for the duration of the disaster; (6) a notification issued under the alert system must include all information necessary to: (a) assist a person affected by the disaster with making informed decisions regarding the person's safety; and (b) enable a person in another location in this state to assist an affected person; (7) the notification must include: (a) real-time information regarding the availability of gas, food, lodging, 24-hour pharmacy services, and medical care and the disposition of a deceased individual; (b) for a hurricane, the category classification of the hurricane, including updated information on changes in the category classification, the expected time and location of landfall, and other detailed information; and (c) other information TDEM determines appropriate; and (8) TDEM shall terminate the activation of the alert system when: (a) TDEM determines that the threat or danger has passed; (b) disaster has been addressed to the extent that emergency conditions no longer exist; and (c) or the state of disaster is terminated.

Municipal Courts

H.B. 2955 (Bumgarner) – Judicial Liability for Personal Bond Release: would: (1) establish a cause of action against a judge or magistrate who released a person on a personal bond by the victim of an offense committed by the released person, or the victim's estate if the victim is deceased, for damages incurred as a result of the released person's offense, if: (a) the person was released on a personal bond for an offense involving violence; and (b) the judge or magistrate released the person on a personal bond in violation of the Code of Criminal Procedure; and (2) for an action brought under (1), above, waive the public servant liability limit, impose a maximum \$10 million damages cap, and prohibit a judge or magistrate from asserting judicial immunity or other forms of immunity as a defense. (Companion bill is **H.B. 2177** by **Oliverson**.)

H.B. 3186 (Leach) – Youth Diversion Program: would, among other things: (1) establish a youth diversion program for juvenile defendants charged with a misdemeanor other than a traffic offense, punishable by fine only; (2) establish program eligibility requirements, including the defendant and a defendant's parent's written consent to participate, the attorney representing the state's consent, and court approval under certain circumstances; (3) require each justice and municipal court to adopt a program plan under (1), above, that includes: (a) requiring a defendant to enter into a diversion agreement with the court outlining the program agreement terms and duration; (b) providing for the program's diversion strategies, which may include: (i) paying restitution up to \$100; (ii) performing community service, participating in a court-approved teen court program, a school-related program, a community-based program, an educational program, a rehabilitation program, a self-improvement program, or similar third-party service provider programs; (iii) submitting to alcohol and drug testing, substantially comply with a course of a treatment prescribed by a physician or other licensed medical or mental health professional; and (iv) participating in mediation or other dispute resolution processes; (4) require each justice and municipal court to

maintain its youth diversion plan on file for public inspection; (5) authorize a court or local government to adopt rules necessary to implement and coordinate the services described in (3), above, and enter into a contract with a third-party service provider to provide such services; (6) authorize a court to designate a youth diversion coordinator or juvenile case manager to assist the court in implementing, coordinating, and monitoring the program described in (1), above; provide for program procedures, including deadlines, consent requirements, hearing rules, recordkeeping requirements, and program-related agreements and order requirements; (7) allow a court to refer a defendant to criminal court for failure to comply with a diversion agreement or order; (8) allow the clerk or a justice or municipal court to impose a \$50 local youth diversion administrative fee, but prohibit making a defendant's ability to participate in (1), above, contingent upon paying the fee, and allowing for fee waiver for financial hardship; (9) for cases involving an eligible defendant where the court has determined the evidence presented would support a finding of guilt, require the court to allow a defendant and defendant's parent to accept placement in (1), above, instead of entering a finding of guilt; (10) allow a city that does not employ or contract with a juvenile case manager, in consultation with the court, to direct the fees described in (9), above, to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile criminal referrals to the court; and (11) require each justice and municipal court to implement a youth diversion plan described in (1), above, by no later than January 1, 2025 and to apply to offenses committed on or after January 1, 2025. (Companion bill is **S.B. 1505** by **Zaffirini**.)

S.B. 1281 (**Hughes**) – **Driver's License Renewals**: would prohibit the Department of Public Safety from denying renewal of a driver's license because it received information from a political subdivision that the applicant failed to appear in court or satisfy a judgment involving a traffic offense punishable by fine only.

S.B. 1382 (**Eckhardt**) – **Repealing Energy Boycott Provision**: would repeal the prohibition against governmental entities entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not and will not boycott energy companies during the term of the contract. (Companion bill is **H.B. 1091** by **Rosenthal**.)

S.B. 1505 (**Zaffirini**) – **Youth Diversion Program**: would, among other things: (1) establish a youth diversion program for juvenile defendants charged with a misdemeanor other than a traffic offense, punishable by fine only; (2) establish program eligibility requirements, including the defendant and a defendant's parent's written consent to participate, the attorney representing the state's consent, and court approval under certain circumstances; (3) require each justice and municipal court to adopt a program plan under (1), above, that includes: (a) requiring a defendant to enter into a diversion agreement with the court outlining the program agreement terms and duration; (b) providing for the program's diversion strategies, which may include: (i) paying restitution up to \$100; (ii) performing community service, participating in a court-approved teen court program, a school-related program, a community-based program, an educational program, a rehabilitation program, a self-improvement program, or similar third-party service provider programs; (iii) submitting to alcohol and drug testing, substantially comply with a course of a treatment prescribed by a physician or other licensed medical or mental health professional; and (iv) participating in mediation or other dispute resolution processes; (4) require each justice and

municipal court to maintain its youth diversion plan on file for public inspection; (5) authorize a court or local government to adopt rules necessary to implement and coordinate the services described in (3), above, and enter into a contract with a third-party service provider to provide such services; (6) authorize a court to designate a youth diversion coordinator or juvenile case manager to assist the court in implementing, coordinating, and monitoring the program described in (1), above; provide for program procedures, including deadlines, consent requirements, hearing rules, recordkeeping requirements, and program-related agreements and order requirements; (7) allow a court to refer a defendant to criminal court for failure to comply with a diversion agreement or order; (8) allow the clerk or a justice or municipal court to impose a \$50 local youth diversion administrative fee, but prohibit making a defendant's ability to participate in (1), above, contingent upon paying the fee, and allowing for fee waiver for financial hardship; (9) for cases involving an eligible defendant where the court has determined the evidence presented would support a finding of guilt, require the court to allow a defendant and defendant's parent to accept placement in (1) instead of entering a finding of guilt; (10) allow a city that does not employ or contract with a juvenile case manager, in consultation with the court, to direct the fees described in (9), above, to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile criminal referrals to the court; and (11) require each justice and municipal court to implement a youth diversion plan described in (1), above, by no later than January 1, 2025 and to apply to offenses committed on or after January 1, 2025. (Companion bill is **S.B. 3186** by Leach.)

Open Government

H.B. 3033 (Landgraf) – **Open Records Decisions**: would, among other things, provide that: (1) the attorney general shall render a decision on a request for a decision under the Texas Public Information Act, not later than the 30th business after the date the attorney general receives the request for a decision; (2) a governmental body shall as soon as practicable but not later than the 15th day after the date a decision is issued: (a) produce the information subject to the decision that is required to be produced; or (b) notify in writing the person who requested the information that the governmental body is withholding the information as authorized by the decision; and (3) the office of the attorney general shall make available on the office's website an easily accessible and searchable database consisting of: (a) each request for an attorney general decision; and (b) the attorney general's decision on the request.

H.B. 3117 (Morales) – **Newspaper Notice**: would, with regard to a city located in a county that does not have a weekly newspaper that meets certain criteria, provide that a notice must be published in a weekly newspaper that: (1) devotes not less than 20 percent of its total column lineage to general interest items; (2) meets one of the following requirements: (a) be entered as periodical postal matter in the county where published; (b) have a mailed or delivered circulation of at least 51% of the residences in the county where published; or (c) be published in the county and designated by the governing body as the newspaper for publication of notices; and (3) has been published regularly and continuously for at least 12 months before the notice is published.

H.B. 3130 (Guerra) – **Withholding Information**: would provide that: (1) a governmental body may not sell or otherwise release the name, home, or business address, place of employment,

telephone number, electronic mail address, social security number, date of birth, drivers' license or state identification number, passport number, emergency contact information, or numeric identifier of a person who: (a) is a current or former client of a family violence shelter center, victims of trafficking shelter center, or sexual assault program; (b) holds, previously held, or is an applicant for a license issued by the governmental body; and (c) notifies the governmental body in writing of the person's choice to restrict public access to the information on a form provided by the office of the attorney general or the governmental body; and (2) a governmental body may redact information described by (1), above, from a response to a request for a list or directory of license holders, former license holders, or license applicants without the necessity of requesting a decision from the attorney general.

H.B. 3167 (Moody) – Vexatious Requestors: would, among other things, provide that: (1) a governmental body may request an opinion from the attorney general for relief from a requestor that the governmental body alleges is a vexatious requestor; (2) the opinion requested under (1), above, shall detail the conduct which the governmental body alleges demonstrates a vexatious history of requests; (3) upon receipt of the opinion request, the attorney general shall promptly issue a written opinion within 45 business days of receipt of the request, determining whether the requestor is a vexatious requestor and what relief, if any, should be given to the governmental body; and (4) if a requestor has been determined by the attorney general to be a vexatious requestor and the governmental body has reason to believe that the vexatious requestor is continuing to submit requests anonymously or under a pseudonym, the governmental body is authorized to request photo identification from the requestor before the governmental body complies with the request.

H.B. 3334 (Canales) – Public Information: would, among other things, provide that: (1) the following information is not considered confidential under the Texas Public Information Act (PIA): (a) attorney-client privilege; (b) work product privilege; (c) another exception to disclosure provided by the PIA; or (d) a state or federal discovery privilege, including a privilege provided by the Texas or Federal Rules of Civil Procedure, Texas or Federal Rules of Evidence or Texas Disciplinary Rules of Professional Conduct; (2) the failure to make timely requests for an attorney general under the following exceptions to disclosure do not constitute a compelling reason for the governmental body to withhold the information: (a) information related to litigation or settlement negotiations; (b) information related to competition or bidding; (c) information related to the location or price of property; (d) certain legislative documents; (e) law enforcement and prosecutorial information; (f) interagency or intraagency memoranda not available to a third-party in litigation; (g) information related to financial institutions or securities; (h) audit work papers; (i) test items; (j) certain audits; (k) certain economic development information; (l) certain communications with employees of the legislative budget board; and (m) proprietary records and trade secrets in certain partnerships; (3) the definition of a body camera for purposes of the PIA does not include a recording device that is capable of recording audio, or transmitting audio to be recorded remotely; and (4) the PIA provision related to responding to requests for information that require programming or manipulation of data is repealed. (Companion bill is **S.B. 1658** by **Hinojosa**.)

H.B. 3392 (Julie Johnson) – Public Information: would provide that: (1) for purposes of the litigation exception under the Texas Public Information Act (PIA), litigation is considered

reasonably anticipated only if a person with an alleged claim, or that person's attorney, has: (a) threatened in writing to take legal action against the governmental body; or (b) made a written demand for compensation as a result of an alleged claim against the governmental body; and (2) for purposes of the law enforcement exception under the PIA, information that deals with the detection, investigation or prosecution of crime only in relation to an investigation that did not result in a conviction or deferred adjudication or an internal record or notation relating to law enforcement or prosecution is public information in response to a written request for the information made by: (a) a person who is the subject of the information, record, or notation, or the person's attorney; or (b) if the person described by (2)(a), above is deceased, the person's spouse, child, or parent, an administrator of the person's estate, or any of their attorneys.

H.B. 3440 (Canales) – Agenda Posting: would provide that certain governmental bodies, including a cities and economic development corporations, must concurrently post an agenda and notice of the meeting of the body on the website of the governmental body.

H.B. 3442 (Canales) – Closed Meetings: would provide that a governmental body shall include, in the minutes for an open meeting during which a closed meeting is held, the names of any person who attended the closed meeting and who is not a part of the governmental body or an employee of the governmental body.

S.B. 1579 (Bettencourt) – Expedited Public Information Act Response: would provide, among other things, that:

1. a governmental body that receives a written request for information, other than a request for information that may involve a third-party's privacy or property interests, may withhold any information it makes a good faith determination is excepted from required public disclosure under the Texas Public Information Act (PIA) without requesting a decision from the attorney general, provided that: (a) the governmental body's officer for public information or the officer's designee holds an active training certificate issued by the attorney general; and (b) the governmental body's authorization to withhold information without requesting a decision from the attorney general has not been revoked;
2. in order to withhold information under Number 1, above, a governmental body must comply with the following requirements the governmental must respond to the requestor not later than the 10th business day after the date the governmental body receives the written request for information by providing the requestor with: (a) a list of the exceptions and, if applicable, the judicial decisions or constitutional or statutory laws the governmental body determines are applicable to the information being withheld; (b) all information the governmental body determines is not excepted from disclosure, including, if applicable, partially redacted information with the redacted portions clearly marked and labeled with the exceptions the governmental body relied on to redact the information; (c) a description of the volume and type of information withheld; and (d) a notice form promulgated by the attorney general that includes, at a minimum: (i) a unique identification number assigned by the governmental body; (ii) a description of the appeal procedure; (iii) an appeal form the requestor must use to appeal the withholding of information; (iv) a reference to the requestor's rights under the PIA; (v) the name of the individual who has

an active training certificate; and (vi) confirmation from the individual named in (2)(d)(v), above, that the individual reviewed and approved the response;

3. the governmental body shall retain, at a minimum, an electronic or paper copy of the notice it provides to the requestor under Number 2, above, for the length of time the governmental body retains the request for information;
4. on receipt of a response by a governmental body under Number 2, above, the requestor may appeal the withholding of information in the response not later than the 30th calendar day after the date the requestor receives the response, and must submit the appeal on the appeal form provided to the responder under Number 2, above;
5. an appeal filed under Number 4, above, is considered a new request, and the governmental body may not seek to narrow or clarify the appeal;
6. a governmental body that receives an appeal under Number 4, above, shall, within a reasonable time, but not later than the fifth business day after the date the governmental body receives the appeal, submit to the attorney general: (a) a request for an attorney general's decision; (b) a copy of the original written request for information; (c) a signed statement as to the date on which the written response required by Number 1, above, was provided to the requestor, or evidence sufficient to establish that date; (d) a copy of the appeal form received by the governmental body; (e) a signed statement as to the date on which the appeal was received by the governmental body, or evidence sufficient to establish the date; (f) the exceptions that apply and written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld; (g) if the governmental body provided partially redacted information to the requestor in its initial response, an unredacted copy of the information the governmental body provided to the requestor with the copy clearly marked indicating the released portions and the withheld portions labeled with the exceptions the governmental body relied on to withhold the information; and (h) a copy of the specific information the governmental body seeks to withhold, or representative samples of the information, labeled to indicate which exceptions apply to which parts of the copy;
7. a governmental body that receives an appeal under Number 4, above, shall, within a reasonable time, but not later than the fifth business day after the date the governmental body receives the appeal, send a copy of the comments submitted under Number 4, above, to the requestor, except if the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor must be a redacted copy;
8. the public information officer for a governmental body that responds to a request or the officer's designee must have completed in the four years preceding the response a course of training of not less than four hours or more than six hours regarding the responsibilities of the governmental body under this bill;

9. the office of the attorney general shall provide a certificate to a person who completes the required training under Number 8, above, and keep records of the training certificates issued, and a governmental body shall maintain the training certificate of any individual who provides a confirmation of having received such training and make the certificate available for public inspection; and
10. if the attorney general determines that a governmental body failed to comply with the requirements of this bill, the office of the attorney general, in its sole discretion, may revoke: (a) the governmental body's authorization to respond for a period not to exceed six months from the date the governmental body receives the notice of revocation form; or (b) the training certificate issued to an individual responsible for the governmental body's failure.

Other Finance and Administration

H.B. 19 (Murr) – **Specialty Business Court**: would, among other things:

1. establish the Business Court Judicial District (BCJD) composed of all counties in the state with the clerk of court located in Travis County and judges' chambers located in the county seat of the judge's county of residence;
2. allow BCJD cases to be heard at any location in the state that the court determines is necessary or convenient for a particular civil action, and allow counsel and parties to appear before the court by internet-based or other technological devices rather than in person;
3. grant the BCJD concurrent civil jurisdiction with all district courts regarding certain civil actions;
4. provide that the BCJD does not have jurisdiction over: (a) a civil action brought by or against a governmental entity, unless the governmental entity invokes or consents to BCJD jurisdiction; or (b) a personal injury or death claim seeking monetary damages, or any claim arising under Chapter 17 of the Business and Commerce Code, the Estates Code, the Family Code, or Title 9 of the Property Code unless all parties and a BCJD judge agree that the claim may proceed in the BCJD; and
5. not apply to any civil actions or change any law regarding civil actions until on or after January 1, 2025;

H.B. 2971 (Hefner) – **Cottage Food**: would: (1) add to the definition of a “cottage food production operation” an individual, operating out of the individual's home, who delivers products to the consumer by mail; and (2) remove the requirement that, in order to sell cottage food, the consumer purchases the food through the Internet or by mail order from the operation and the operator personally delivers the food to the consumer. (Companion bill is **S.B. 1247** by **Hughes**.)

H.B. 3001 (Goldman) – **Certificates of Obligation**: would provide that a city may issue certificates of obligation only for certain types of designated infrastructure, as defined in the Tax

Code, including roads, parks, telecommunications systems, cybersecurity, utility infrastructure, and certain public safety facilities.

H.B. 3002 (Goldman) – Certificates of Obligation: would repeal the authority of cities and other political subdivisions to issue certificates of obligation.

H.B. 3052 (Harrison) – Line-Item Budget: would, among other things, require a city to prepare its budget in line-item form.

H.B. 3081 (Harrison) – Eliminating Certain Licensing Requirements: would, among other things: (1) repeal existing Labor Code statutes regulating professional service employee license holder requirements, including continuing education requirements, posting requirements, and prohibited acts by a license holder; (2) repeal existing Agricultural Code statutes regulating weather and climate programs, including licensing and permitting requirements; (3) repeal existing Occupations Code statutes regulating dog and cat breeding, including licensing requirements, inspection requirements, practice rules, and standards of care; (4) repeal existing Occupations Code statutes regulating journeyman industrial electricians and linemen; (5) repeal existing Occupations Code statutes regulating auctioneers, including licensing requirements, complaint procedures, and disciplinary actions and penalties; (6) repeal existing Code of Criminal Procedure statutes requiring an online responsible pet owner course as a condition of community supervision for certain animal-related offenses; (7) shift compliance responsibility for non-repealed Labor Code statutes applicable to professional service employee license holders, including procurement, workers compensation, unemployment and payroll taxes, and employee benefit plan requirements to professional service organizations; (8) exempt personal property sold at auction by an auctioneer from competitive bidding requirements; and (9) exempt a vehicle sold or offered by an auctioneer from state law vehicle dealer regulations.

H.B. 3112 (Allison) – Hotel and Convention Center Projects: would, among other things, provide that, for purposes of entitlement to certain state tax revenue in support of a hotel and convention center project, a restaurant, bar, or retail establishment is connected to a qualified hotel or a related qualified convention center facility if the restaurant, bar, or retail establishment: (1) shares an adjoining wall or roofline with the qualified hotel or the related qualified convention center facility; (2) is joined with the qualified hotel or the related qualified convention center facility by an intervening structure with walls or a ceiling that allows for passage between buildings; or (3) is located on a plot of land that shares a property boundary with the plot of land on which the qualified hotel or the related qualified convention center facility is located and is developed as part of a qualified project of which the qualified hotel and the related qualified convention center facility are a part. (Companion bill is **S.B. 627** by **Menendez**.)

H.B. 3137 (Isaac) – Firearm Insurance: would, among other things, prohibit a city from adopting or enforcing regulations requiring a firearm owner to obtain liability insurance for damages resulting from negligent or willful acts involving the use of the firearm.

H.B. 3158 (Leach) – Occupational Licensing of Inmates: would clarify that an occupational licensing authority is not prohibited from accepting applications from inmates in the Texas Department of Criminal Justice.

H.B. 3279 (Slaton) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may not be removed, relocated, or altered; (b) for at least 20 years but less than 40 years may be removed, relocated, or altered only by approval of a majority of the voters of the city at an election held for that purpose; or (c) for less than 20 years may be removed, relocated, or altered only by the governing body; and (2) define “monument or memorial” as used in section (1), above, to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance.

H.B. 3323 (Goodwin) – Texas Food System Security and Resiliency Council: would: (1) direct the Office of Food System Security and Resiliency within the Department of Agriculture, or if not created, the Food and Nutrition Division of the Department of Agriculture, to establish the Texas Food System Security and Resiliency Council (TFSSRC); (2) direct the TFSSRC to collaborate with state agencies to develop a state food system security plan to: (a) provide for the orderly development and management of food system security throughout the state, to ensure sufficient food is available at a reasonable cost; (b) account for times of severe drought conditions, natural disaster, man-made disaster, or other calamities; and (c) make legislative recommendations to facilitate the resiliency and availability of food in the state; (3) establish the Texas Food System Security Planning Fund to administer the TFSSRC; (4) establish the Texas Food System Security and Resiliency Grant program to award grants to eligible recipients, including cities, for projects related to food production, food system security, or food supply resiliency; and (5) establish the Texas Food System Security and Resiliency Grant Fund to administer the program and award grants under (4), above. (Companion bill is **S.B. 758** by West.)

H.B. 3353 (Harrison) – Occupational Licenses: would, among other things, provide that: (1) a board, including a city that issues an occupational license or government certification to an individual, shall issue an occupational license or government certification to an individual who applies in a manner prescribed by the board if the individual meets certain criteria; (2) if another state issued the individual a government certification without requiring an occupational license but an occupational license is required in Texas, a board shall issue an occupational license to the individual if the individual otherwise satisfies (1), above; (3) a board shall issue an occupational license or government certification to an individual who applies for an occupational license or government certification based on work experience in another state, if the individual: (a) worked in a state that does not require an occupational license or government certification to engage in a lawful occupation but an occupational license or government certification is required in Texas to engage in a lawful occupation with a similar scope of practice, as determined by the board; (b) worked for at least three years in the lawful occupation; and (c) satisfies (1), above; (4) a board may require an individual to pass a jurisprudential examination specific to relevant state laws that regulate the occupation if an occupational license or government certification in Texas requires an individual to pass a jurisprudential examination as a prerequisite to receiving an occupational license or government certification; (5) a board may charge a fee to an individual not to exceed \$100 for each application to cover the costs of administering the bill; and (6) the bill preempts the law of a city, county, or other political subdivision in Texas that regulates occupational licenses and government certification.

H.B. 3399 (Paul) – Economic Boycotts: would: (1) prohibit a governmental entity from engaging in an economic boycott of companies that: (a) engage in the exploration, production, utilization, transportation, sale or manufacturing on fossil-fuel based energy, timber, mining or agriculture that does not commit or pledge to meet environmental standards beyond those applicable under federal and state law; (b) do not commit or pledge to meet greenhouse gas emission reduction environmental standards or disclosure criteria; (c) do not commit to pledge or meet corporate board or employee diversity, equity, and inclusion composition, compensation, or disclosure standards; or (d) does business with a company described in (1), above; (2) require that any governmental entity contract with a value of \$100,000 more and payable in whole or part from public funds contain a written verification from the contractor that it does not and will not engage in an economic boycott of companies described in (1), above; and (3) exempt a governmental entity from complying with (1) and (2), above, if it determines that compliance will prevent the entity from obtaining necessary goods and services in an economically practical manner.

H.B. 3485 (K. Bell) – Unsigned Change Orders: would: (1) allow a contractor or subcontractor performing work under a government contract to elect not to proceed with a request for additional work if: (a) the contractor or subcontractor has not received a written, fully-executed change order; or (b) the aggregate actual or anticipated value of the additional work requested without a change order exceeds 10% of the original contract amount; and (2) exempt a contractor or subcontractor for damages associated with (1), above.

S.B. 1304 (LaMantia) – Automated External Defibrillators: would, among other things: (1) authorize a city require the installation and maintenance of automated external defibrillators (AEDs) in structures subject to city licensure or other emergency preparedness-related regulation by ordinance, including specifying the structures subject to the ordinance, the minimum number and position of required AEDs, compliance and inspection procedures, and variance request process; (2) direct the city to consult with the fire marshal, fire chief, or other local official with authority over emergency matters regarding the requirements under (1), above; (3) prohibit a city from applying or enforcing an ordinance under (1), above, to a premises with a occupancy limit of 30 or fewer persons or a health facility licensed under state law; (4) specify that all AEDs installed or maintained under (1), above, must comply with all other applicable AED-related state regulations; (5) specify that a county order does not apply to structures within a city or the city’s extraterritorial jurisdiction if the city has adopted an ordinance under (1), above; and (6) exempt a city and its elected or appointed officials, employees, and agents from liability for regulating or failing to regulate AEDs.

S.B. 1400 (Springer) – Office of State-Federal Relations Sunset: would, among other things, extend the operation of the Office of State-Federal Relations until September 1, 2035. (Companion bill is **H.B. 1550** by **Goldman**.)

S.B. 1420 (Birdwell) – Hotel Occupancy Tax: would make numerous changes to the statute governing local hotel occupancy taxes including, among other things: (1) amending the definition of “convention center facilities” to include parking facilities only if the facility is located within 1,500 feet of the convention center; (2) defining “tourist” to mean an individual who travels at least 50 miles, attends a meeting at a hotel, or spends the night in a hotel; (3) adding a definition of “multiuse facility” to the chapter governing hotel occupancy tax; (4) changing the date on which

a city's annual hotel occupancy tax report is due to the comptroller from February 20 to March 1 and add several reporting requirements; (5) providing that a city may use a portion of hotel occupancy tax revenue for the costs incurred in providing the report under (3), above; (6) prohibiting a city from using hotel occupancy tax revenue on a visitor information center that is not exclusively used to distribute tourism-related information to tourists; (7) requiring that a shuttle system associated with a convention center project on which the city uses hotel occupancy tax revenue be used primarily by tourists; (8) requiring a city with a population of less than 200,000 to allocate for advertising at least the amount of revenue received from the hotel occupancy tax at a rate of one percent of the cost of a room; (9) requiring a city with a population of more than 1.6 million to allocate for advertising at least 23 percent of the hotel occupancy tax revenue the city collects; (10) repealing the authority of a city to adopt an ordinance to allocate 15 percent of its hotel occupancy tax revenue to historical restoration and preservation projects and provide a grandfather clause for cities with existing ordinances; (11) providing a recapture provision for a city to remit to the comptroller certain lost state sales and use tax and hotel occupancy tax revenue that a city is entitled to receive in association with a qualified hotel or convention center project; and (12) requiring the comptroller to prepare a report on qualified hotel and convention center projects. (Companion bill is **H.B. 3727** by **Anderson**.)

S.B. 1425 (Perry) – **Small and Rural Incumbent Local Exchange Companies**: would extend monthly payments to small and rural local telephone exchange companies under the Small and Rural Incumbent Local Exchange Company Universal Service Plan through September 1, 2033.

S.B. 1426 (Flores) – **Ashe Juniper Trees**: would provide that a city may not prohibit the removal of or impose a tree mitigation fee for the removal of an Ashe juniper tree. (Companion bill is **H.B. 2239** by **Troxclair**.)

S.B. 1461 (Springer) – **Online Global Marketplaces**: would prohibit a city or county from regulating the operation of an online global marketplace (OGM) that directly or indirectly provides an internet platform for goods and services and is not directly regulated by the state, including prohibiting a county or city from requiring an OGM to provide personally identifiable information about its users without an administrative subpoena or court order.

S.B. 1466 (Hancock) – **Residential Amenity Rentals**: would:

1. define “residential amenity rental” as a feature or facility: (a) that is part of a property used or designed to be used as the home of a person, family, or household, including a single family dwelling; and (b) that is rented for a period of less than 15 hours and not for the purpose of providing sleeping accommodations to a tenant;
2. provide that a political subdivision may require a provider of a residential amenity rental to, before renting a residential amenity rental to another person: (a) register the rental as provided in Number 4, below; (b) designate an emergency contact responsible for responding to complaints regarding the rental; and (c) provide proof that written notice was given to each owner of property that shares a common boundary with the property where the rental is located of the provider's intent to use the property as a residential amenity rental;

3. provide that a political subdivision may prohibit a provider from serving food to a tenant of a residential amenity rental unless serving food commercially at the rental is otherwise authorized by law;
4. provide that a political subdivision that adopts a registration requirement under Number 2(a), above: (a) shall approve a registration application unless the provider is in violation of a regulation authorized in Number 2, above; (b) may charge a nominal registration fee not to exceed the amount sufficient to cover the costs of administering the registration requirement; and (c) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a residential amenity rental;
5. require a political subdivision to approve or deny a registration application in accordance with Number 4(a), above, not later than the 30th day after the date the political subdivision receives the application and provide that if the political subdivision fails to respond, the registration is considered approved;
6. provide that if a political subdivision requires a provider to register, the registration must be valid for at least one year;
7. provide that a political subdivision may suspend a registration only in accordance with Number 15, below;
8. provide that a political subdivision may not adopt or enforce an ordinance, order, or rule that: (a) prohibits or limits the use of a property as a residential amenity rental; or (b) applies to residential amenity rental providers, residential amenity rental tenants, or other persons associated with residential amenity rentals in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated persons;
9. provide that in a legal action challenging the adoption or enforcement of an ordinance, order, or rule under this chapter, the political subdivision has the burden of proving by clear and convincing evidence that the ordinance, order, or rule;
10. provide that to the extent of a conflict between any regulation adopted by a county and any regulation adopted under the bill by a political subdivision other than a county, the county regulation controls;
11. provide that to the extent of a conflict between any regulations adopted by two or more political subdivisions other than a county, the less stringent limitation or requirement controls;
12. provide that a political subdivision may assess a civil penalty against a provider for a violation of an ordinance, order, or rule adopted by the political subdivision that is the direct result of the operation of the residential amenity rental;
13. provide that a civil penalty issued under Number 12, above, must be in a reasonable amount, not to exceed \$200 per violation;

14. provide that a second violation that is the direct result of the operation of the residential amenity rental, a political subdivision may assess an increased civil penalty, not to exceed \$400;
15. provide that for a third violation that is the direct result of the operation of the residential amenity rental, a political subdivision may: (a) suspend the registration of a provider for a period not to exceed one year; or (b) prohibit the continued use of the property as a residential amenity rental by the same provider;
16. provide that to assess a civil penalty, suspend a registration, or prohibit the continued use of a property as a residential amenity rental under Number 15, above, the political subdivision has the burden of proof of demonstrating that the violation was a direct result of the residential amenity rental's operation; and
17. prohibit a political subdivision from assessing a penalty on a provider, suspending a registration, or prohibiting the continued use of a property as a residential amenity rental Number 15, above until the provider has exhausted all appeal rights for the underlying violation.

(Companion bill is **H.B. 2367** by **Lozano**.)

S.B. 1468 (Springer) – Wildlife: would, among other things, provide that: (1) an employee of the Texas Parks and Wildlife Department (TPWD) acting within the scope of the employee's authority may discharge a firearm on a public road or right-of-way if the wildlife is: (a) mortally injured; or (b) behaving in a manner consistent with the wildlife being diseased; and (2) a person or agent of the person, other than an employee of TPWD, may take wildlife on the person's property if the person: (a) has written authorization from the TPWD; and (b) is participating under the supervision of a TPWD employee in a program or event designated by the director as being conducted for the diagnosis, management, or prevention of a disease in wildlife. (Companion bill is **H.B. 3065** by **Bailes**.)

S.B. 1601 (Hughes) – Library Events: would prohibit a municipal library from receiving state funds if it hosts an event at which a man presenting as a woman or a woman presenting as a man reads a book or a story to a minor for entertainment, where the person being dressed as the opposite gender is a primary component of the entertainment.

S.J.R. 70 (Hughes) – Parental Rights: would amend the Texas Constitution to: (1) provide that the liberty of a parent to direct the upbringing of the parent's child is a fundamental right; (2) provide that the right includes the right to direct the care, custody, control, education, moral and religious training, and medical care of the child; and (3) prohibit the state or a political subdivision of the state from interfering with the rights of a parent as described in (1) and (2), above, unless the interference is essential to further a compelling governmental interest and narrowly tailored to accomplish that compelling governmental interest. (Companion resolutions are **H.J.R. 58** by **Frank** and **H.J.R. 85** by **Burrows**.)

S.J.R. 72 (King) – **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. (Companion bill is **H.J.R. 37** by **Vasut**.)

Personnel

H.B. 2957 (Bumgarner) – **Cancer Screenings**: would provide that: (1) a political subdivision, including a city, that employs firefighters shall offer an occupational cancer screening to each firefighter at no cost to the firefighter in the seventh year of the firefighter’s employment, and once every three years following the initial screening; and (2) the occupational cancer screening must be confidential and test for each type of cancer, including prostate cancer, if applicable, lung cancer, and brain cancer.

H.B. 3017 (Harrison) – **Employee Salaries**: would: (1) require a governmental entity to publish all employment contracts, and the total compensation paid to each employee on its website; (2) require a governmental entity to update the information in (1), above at least annually; (3) exempt information excepted from disclosure under the Public Information Act from (1), above; (4) authorize the comptroller to enforce (1) and (2), above, including rendering a governmental entity ineligible to receive state grant funds for two years; and (5) provide that all governmental entities comply with (1) and (2), above, by no later than January 1, 2024.

H.B. 3246 (Manuel) – **Criminal History Inquiries**: would: (1) prohibit an employer, including a city, from including a question regarding an applicant’s criminal history record information on an initial employment application form; (2) provide that an employer may inquire into or consider an applicant’s criminal history record information after the employer has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment or has invited the applicant to an interview; and (3) provide that the provisions of this bill do not apply to an applicant for a position for which consideration of criminal history record information is required by law.

H.B. 3335 (Canales) – **Emergency Response Personnel**: would provide that for purposes of workers’ compensation, the travel of a firefighter, peace officer, or emergency medical personnel en route to or from an emergency call is considered to be in the course and scope of the employment of the firefighter, peace officer, or emergency medical personnel.

H.B. 3428 (Bryant) – **Former City Officer Employment**: would: (1) prohibit a former county or city officer or employee who participated in procuring or negotiating a county or city contract with another person or entity (Contractor) from accepting employment with that Contractor for at least two years from contract execution or the procurement was terminated or withdrawn; and (2) apply only to former city or county officers or employees whose employment ended after September 1, 2023.

H.B. 3430 (Cain) – **Unpaid Wages**: would provide that: (1) a political subdivision, including a city, may not adopt or enforce an ordinance, rule, regulation, or policy providing for the reporting, filing, investigation, or enforcement of claims for unpaid wages, failure to pay wages, wage theft, or other claims regarding the payment of wages by an employer, including an ordinance, rule,

regulation, or policy that: (a) provides for the creation of a list or database of employers who are: (i) reported, investigated, or assessed a penalty for unpaid wages; (ii) ordered to pay wages by a final order of the Texas Workforce Commission (Commission); or (iii) convicted of an offense relating to unpaid wages; or (b) allows a person who is not eligible to file a wage claim to file, report, investigate, or enforce a wage claim against an employer; and (2) on request of the Commission, a political subdivision may assist the Commission in investigating a wage claim.

H.B. 3456 (Ashby) – Health Care Provider Participation Program: would, among other things, authorize: (1) a qualifying local government, including a city, to require mandatory payments to be assessed against each institutional health care provider located in the qualifying local government using a specific assessment basis; (2) a qualifying local government that is unable to assess mandatory payments under federal law using information reported to the governing body by an institutional health care provider to require the institutional health care provider to submit additional information to the governing body as necessary to ensure mandatory payments are assessed in a manner consistent with those requirements; (3) the governing body of a qualifying local government to request certain federal relief for purposes of assuring the qualifying local government's health care provider participation program is administered efficiently, transparently, and in a manner that complies with federal law; and (4) a qualifying local government to impose and collect interest and penalties on delinquent mandatory payments assessed under the health care provider participation program it administers in any amount that does not exceed the maximum amount authorized for other payments that are owned to the qualifying local government and delinquent.

H.B. 3441 (Hunter) – Texas Municipal Retirement System: would authorize a city that participates in the Texas Municipal Retirement System to designate the rate of member contributions for employees at eight percent.

H.B. 3475 (Leach) – Vaccinations: would, among other things, provide that: (1) a law, policy, or other measure requiring an individual in Texas to be vaccinated against COVID-19 to enter or gain access to, receive a service from, or be employed by an establishment must allow the individual to claim an exemption from the vaccination requirement based on: (a) the individual's acquired immunity against COVID-19 through post-transmission recovery; (b) a medical condition; or (c) reasons of conscience, including a religious belief; (2) an establishment that fails to comply with (1), above, is not eligible to receive a grant or enter into a contract payable with state money; and (3) an employer, including a city, commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual claims an exemption described by (1), above.

H.B. 3483 (Turner) – Veterans Benefits: would provide that: (1) the Texas Workforce Commission shall, in consultation with the Texas Veterans Commission, create and distribute to each employer employing more than 50 employees in this state a veterans benefits and services poster; and (2) each employer described in (1), above, shall display the veterans benefits and services poster in a conspicuous place in the employer's place of business that is accessible to all employees.

H.B. 3491 (Romero) – Whistleblowers: would provide that for purposes of whistleblowing, a state or local governmental entity may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports a violation of law by the employing governmental entity or another public employee to: (1) the chief administrative officer of the employing governmental entity; (2) the inspector general’s office of the employing governmental entity, if any; or (3) the reporting employee’s immediate supervisor or the supervisor of the reporting employee’s immediate supervisor at the employing governmental entity.

S.B. 1388 (Parker) – Supervised Drug Consumption Site: would provide that a person commits a second degree felony if the person: (1) knowingly operates a supervised drug consumption site; or (2) either as an owner, lessee, agent, employee, occupant, or mortgagee, knowingly and intentionally opens, leases, rents, profits from, maintains, or makes available for use, with or without compensation, any premises for the purpose of operating a supervised drug consumption site.

S.B. 1436 (Hinojosa) – Investigation of Firefighters: would provide that: (1) a city with a population of 10,000 or more, regardless of whether the city is covered by a meet and confer or collective bargaining agreement, shall not take punitive action (suspension, indefinite suspension, demotion, reprimand, or any combination of these actions) against a paid employee of a city fire department unless an administrative investigation has been conducted by the city in accordance with specific investigation procedures that apply to the investigation of police officers and firefighters in civil service cities or other applicable law; and (2) a copy of a signed complaint against a firefighter shall be given to the firefighter in accordance with certain procedures that apply to the investigation of police officers and firefighters in civil service cities. (Companion bill is **H.B. 1579 by Canales.**)

Purchasing

H.B. 2965 (Vasut) – Construction Liability Waiver: would: (1) provide that the state law governing certain claims for damages arising from damage to, or loss of, real or personal property caused by an alleged construction defect that is a public building or public work does not apply to certain civil works projects; and (2) prohibit the waiver of this process when contracting between governmental entities and contractors, subcontractors, suppliers, or design professionals. (Companion is **S.B. 1336 by Creighton.**)

H.B. 3069 (Cunningham) – Public Retirement Systems: would, with regard to the prohibition on investing in companies that boycott Israel, redefine the term “Boycott Israel,” limiting it to refusing to deal with or terminating business activities with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory.

H.B. 3245 (Manuel) – Competitive Bidding Considerations: would allow a city to enter into a contract for construction services or other purchases in an amount of less than \$500,000 in certain circumstances with a bidder whose principal place of business is in the municipality and whose bid is within five percent of the lowest bid price received from a bidder who is not a resident of the municipality.

H.B. 3406 (Spiller) – Small Municipal Construction Projects: would provide that: (1) for a construction project for an amount that is less than one percent of the total amount of a municipality’s most recently adopted budget, the municipality is not required to: (a) ensure that the contractor is covered by workers’ compensation insurance coverage; or (b) require the contractor to obtain a performance bond; (2) for the purpose of determining the contracted amount of a construction project under (1), above, a municipality may not aggregate work from more than one project; and (3) a project in (1), above, includes all work to be completed on a construction project for a municipality at one location within 12 months of the date the work begins.

S.B. 1336 (Creighton) – Construction Liability Waiver: would: (1) provide that the state law governing certain claims for damages arising from damage to, or loss of, real or personal property caused by an alleged construction defect that is a public building or public work does not apply to certain civil works projects; and (2) prohibit the waiver of this process when contracting between governmental entities and contractors, subcontractors, suppliers, or design professionals. (Companion is **H.B. 2965** by Vasut.)

S.B. 1561 (Zaffirini) – Job Order Contracts: would provide that the job order contracts method does not apply to a building or structure if the work under the job order contract does not involve engineering or architectural services that constitute the practice of engineering or the practice of architecture.

Transportation

H.B. 3155 (Ca. Harris) – Cell Phone Ban: would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; and (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction with a hands-free device; (b) to contact emergency services; or (c) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle. (Companion bill is **S.B. 41** by Zaffirini.)

H.B. 3234 (Troclair) – Withdrawal from Metropolitan Rapid Transit Authorities: would, among other things: (1) amend several sections of the Transportation Code related to the process for holding elections to withdraw a “unit of election,” including a city, from a mass transit authority; (2) provide that an election on the withdrawal of a unit of election may be held no sooner than one year after a previous election to withdraw from the same authority; and (3) modify the apportionment of the debts and assets of the mass transit authority following a successful election to leave an authority, including additional credits to the unit of election leaving the authority and limitation on certain debts attributable to the unit of election leaving the authority, as determined by the comptroller.

H.B. 3281 (Leo-Wilson) – Prohibited Roadway Projects: would: (1) prohibit a local governmental entity from implementing a roadway project that: (a) converts a four-lane undivided laned roadway to a three-lane undivided laned roadway consisting of two through lanes and a center two-way left turn lane and reallocate roadway space for another use, including a bike lane,

pedestrian refuge island, transit stop, or parking; or (b) narrows existing marked lanes on an undivided laned roadway to reallocate roadway space for a use other than the creation of an additional traffic lane; (2) allow the public to submit a complaint about (1), above, to the Texas Department of Transportation (TxDOT); (3) require TxDOT to investigate any complaints under (2), above, and report the investigation results to the local governmental entity and the Texas Transmission Commission (TTC); (4) authorize TTC to review TxDOT's report to determine whether the local governmental entity violated (1), above, and deliver its determination to the local governmental entity and the Texas Department of Housing and Community Affairs (TDHCA); and (5) prohibit TDHCA from providing financial assistance to a local governmental entity that TTC determined violated (1), above, through the end of the following fiscal year. (Companion bill is **S.B. 1293** by **Hall**.)

H.J.R. 144 (Canales) – **Use of State Highway Funds**: would, among other things, authorize the use of money in the state highway fund for acquiring rights-of-way, constructing, and maintaining roadways for seaports, airports, spaceports, land ports of entry, and international bridges.

S.B. 1293 (Hall) – **Prohibited Roadway Projects**: would: (1) prohibit a local governmental entity from implementing a roadway project that: (a) converts a four-lane undivided laned roadway to a three-lane undivided laned roadway consisting of two through lanes and a center two-way left turn lane and reallocate roadway space for another use, including a bike lane, pedestrian refuge island, transit stop, or parking; or (b) narrows existing marked lanes on an undivided laned roadway to reallocate roadway space for a use other than the creation of an additional traffic lane; (2) allow the public to submit a complaint about (1), above, to the Texas Department of Transportation (TxDOT); (3) require TxDOT to investigate any complaints under (2), above, and report the investigation results to the local governmental entity and the Texas Transmission Commission (TTC); (4) authorize TTC to review TxDOT's report to determine whether the local governmental entity violated (1), above, and deliver its determination to the local governmental entity and the Texas Department of Housing and Community Affairs (TDHCA); (5) prohibit TDHCA from providing financial assistance to a local governmental entity that TTC determined violated (1), above, through the end of the following fiscal year. (Companion bill is **H.B. 3291** by **Leo-Wilson**.)

S.B. 1387 (Hughes) – **Alert System**: would: (1) require the Texas Department of Transportation (TxDOT) to enter into an agreement with a private entity to provide information necessary for certain statewide alert systems through a system of dynamic message signs that are: (a) located across the state; and (b) capable of displaying digital images useful in locating the missing individual; (2) require that the agreement in (1), above, generate net revenue to the state, and prohibit tax revenue from being used to fund the installation and operation of the dynamic message signs; and (3) provide that TxDOT does not have to comply with (1), above, if it would result in the loss of federal highway funding or other punitive action would be taken against the state due to noncompliance with federal law, regulation, or policy.

Utilities and Environment

H.B. 1500 (Holland) – **Public Utility Commission**: this is the Public Utility Commission (PUC) sunset bill. The bill, among other things, would:

1. continue the PUC until 2029;
2. provide that the PUC may prohibit public comment at a regular PUC meeting on a meeting agenda item related to a contested case;
3. require the PUC to prepare a written report on the scope of competition in the electric and telecommunications markets;
4. provide that the PUC, in consultation with the independent organization for the ERCOT power region, shall prepare and submit to the legislature an electric industry report not later than January 15 of each odd-numbered year;
5. repeal the provisions requiring the PUC to prepare a report including a statement of: (a) the number of telephone numbers included on the Texas no-call list; (b) the number of no-call lists distributed; and (c) the amount collected for requests to place telephone numbers and renew entries on the list and for distribution of the list; and
6. repeal the provision that requires the PUC to prepare a report, after consultation with each appropriate independent organization, electric reliability council, or regional transmission organization, to be filed with the legislature not later than December 31 of each even-numbered year, which must include: (a) an evaluation of the PUC's implementation of competitive renewable energy zones; (b) the estimated cost of transmission service improvements needed for each competitive renewable energy zone; and (c) an evaluation of the effects that additional renewable generation has on system reliability and on the cost of alternatives to mitigate the effects.

(Companion bill is **S.B. 1368** by **Schwertner**.)

H.B. 1505 (Bell) – **Texas Commission on Environmental Quality**: this is the Texas Commission on Environmental Quality (TCEQ) sunset bill. The bill, among other things, would:

1. continue TCEQ until 2035;
2. create a new standard permit for temporary concrete plants that provides that TCEQ shall issue a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project;
3. provide that a plant operating under Number 2, above: (a) may not support a project that is not related to the public works project; (b) must be located in or contiguous to the right-of-way of the public works project; and (c) must meet the requirements of a standard permit for concrete plants that perform wet batching, dry batching, or central mixing;
4. require TCEQ to establish an enforcement diversion program for small businesses and local governments that must include, among others: (a) compliance assistance training; and (b) on-site technical assistance and training performed by TCEQ staff;

5. provide that before TCEQ initiates an enforcement action for a violation committed by a small business or local government, TCEQ may enroll the business or government into the enforcement diversion program in Number 4, above;
6. provide that TCEQ may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program;
7. provide that a small business or local government is not eligible to enroll in the enforcement diversion program if the small business or local government: (a) committed a violation that: (i) resulted in an imminent threat to public health; or (ii) was a major violation; or (b) was enrolled in the program in the two years preceding the date of the violation;
8. provide that if TCEQ holds a public meeting for a permit application in certain circumstances, TCEQ shall hold open the public comment period for the permit application for at least 36 hours after the end of the meeting;
9. provide that TCEQ by rule shall provide for each public notice issued or published by TCEQ or by a person under the jurisdiction of TCEQ as required by law or by TCEQ rule to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the address of each proposed or existing site subject to the proposed permit;
10. require TCEQ to post on its website at the time a permit application becomes administratively complete: (a) the permit application and any associated materials; and (b) for a permit application for a permit to use state water, any map accompanying the permit application;
11. provide that TCEQ shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Number 10, above;
12. set requirements for programs and permits arising under the air, waste, or water programs within TCEQ's jurisdiction, including: (a) TCEQ may publish notice of a permit application by electronic means instead of by printed means; (b) if TCEQ publishes notice of a permit application by electronic means, TCEQ shall post the notice on TCEQ's website and may provide additional electronic notice through other means, including direct email; and (c) TCEQ may hold a public meeting virtually through the Internet provided that members of the general public are able to participate in the meeting;
13. provide that periodically, the environmental flows advisory group shall review the environmental flow standards for each river basin and bay system adopted by TCEQ; and

14. repeal the provisions requiring an applicant for certain permits to emit air contaminants to make a copy of the application available for review and copying at a public place in the county in which the facility or federal source is located or proposed to be located.

(Companion bill is **S.B. 1397** by **Schwertner**.)

H.B. 1565 (Canales) – **Texas Water Development Board**: this is the Texas Water Development Board (TWDB) sunset bill. The bill, among other things, would:

1. continue the TWDB until 2035;
2. require the executive administrator to evaluate the feasibility of certain projects under the state water plan every five years; and
3. provide that the TWDB may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems that require an individualized assessment that applies risk-based considerations to each project associated with the plans and specifications.

(Companion bill is **S.B. 1351** by **Perry**.)

H.B. 2997 (Hunter) – **Criminal Offense for Damaging Critical Infrastructure**: would: (1) create a criminal offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person: (a) intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility; and (b) as a result of the conduct described by (1)(a), above, causes an extended power outage; (2) provide that an offense under (1), above, is a felony of the second degree, except that the offense is a felony of the first degree if: (a) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or (b) the actor uses a firearm or explosive weapon in the commission of the offense; and (3) provide that it is a felony of the first degree for manslaughter if it is shown on the trial of the offense that the defendant committed an offense under (1), above, and that conduct caused the death of an individual. (Companion bill is **S.B. 947** by **King**.)

H.B. 3010 (Zwiener) – **Energy Devices**: would, among other things: (1) require a city with a population of 150,000 or more, or a county with a population of 150,000 or more to implement an online and automated permitting system for residential solar energy systems that have a nameplate rating of not more than 40 kilowatts of alternating current and residential energy storage systems paired with residential solar energy systems that have a nameplate rating of not more than 40 kilowatts of alternating current; (2) provide that municipally owned utility or electric cooperative that provides interconnections for on-site small distributed generation must provide an interconnection not later than the 42nd day after the date the utility or cooperative receives a complete application for the interconnection; (3) provide that if the interconnection of on-site small distributed generation will require substantial capital upgrades to the system of a municipally owned utility or electric cooperative, the utility or cooperative shall: (a) provide to the interconnection applicant an estimate of the applicant's costs for the upgrades and a proposed schedule for the upgrades; and (b) offer to provide the upgrades under a contract with the

interconnection applicant; and (4) provide that a municipally owned utility or electric cooperative may not charge an owner or operator of on-site small distributed generation that exports energy to the utility's or cooperative's system: (a) a charge for the operation and maintenance of the utility's or cooperative's facilities; (b) a distribution line charge; or (c) a transmission access or line charge, a transformation charge, or a transmission line loss charge.

H.B. 3015 (Kuempel) – Exclusive Solid Waste Franchise Agreements: would, among other things, provide that: (1) public agencies, including cities, entering into an exclusive contract or franchise for solid waste services may limit the scope of services for the contract or franchise; (2) the right of residents or property owners to contract with private operators for services not covered by the exclusive contract in section (1), above, is preserved; and (3) if the city chooses to expand the scope of an exclusive contract or franchise it must: (a) allow private operators to continue operating under existing contracts until the end of a contract term or for two years, whichever is shorter; or (b) provide 60-days' notice to a private operator providing solid waste services without a contract that their services will be displaced by the exclusive local contractor or franchisee.

H.B. 3042 (Spiller) – Electric Utilities: would provide that: (1) when establishing an electric utility's rates, the regulatory authority, including a city, shall calculate the return on invested capital using the utility's actual proportion of long-term debt and equity capitalization as reported on the utility's most recent financial statement issued before the initiation of the applicable rate proceeding; and (2) if the electric utility's actual proportion of equity capitalization exceeds 60 percent, the regulatory authority, including a city, shall calculate the return on invested capital using an equity capitalization of 60 percent.

H.B. 3043 (Spiller) – Electric Utility Rates: would, among other things, remove regulatory authorities, including cities, from the electricity rate-making process. (Companion bill is **S.B. 1015** by **King**.)

H.B. 3047 (Thierry) – Electric Grid Resilience Study: would require the Public Utility Commission to conduct a study on electric grid resilience and emergency response in electric power generation.

H.B. 3060 (Thompson) – Recycling: would, among other things, provide that the Texas Commission on Environmental Quality (TCEQ) or another political subdivision of Texas that establishes goals or requirements for recycling or the use of recycled material must base those goals or requirements on the definitions and principles established as a waste reduction program and does not apply to a computer equipment recycling program or a television equipment recycling program.

H.B. 3061 (Zwiener) – Energy Efficiency Programs: would, among other things, provide that: (1) the comptroller and the State Energy Conservation Office by rule shall establish and administer a program to issue or guarantee loans for energy audits, upgrades, or retrofits to increase the energy efficiency of commercial buildings and residences that are not newly constructed; (2) the comptroller and the State Energy Conservation Office shall establish a home rebate program for whole-house energy savings retrofit programs that will make rebates available to eligible third-party aggregators and households, including single-family and multifamily residences, to make

existing residences more energy efficient; (3) the State Energy Conservation Office may coordinate with the Public Utility Commission of Texas and electric utility providers, including electric cooperatives and municipally owned utilities, to maximize the benefits of the program established under (2), above, by combining the benefits of the program with other programs; (4) the comptroller and the State Energy Conservation Office shall establish a high-efficiency electric home rebate program for electric appliances that have an overall energy benefit to the state when installed in households, including single-family and multifamily residences; and (5) the comptroller and the State Energy Conservation Office shall establish a program to foster sustained, cost-effective implementation of international codes, including the International Energy Conservation Code and its subsequent revisions, to the extent allowed by state law.

H.B. 3071 (Thierry) – Electricity Demand Response Program: would, among other things, require the Public Utility Commission (PUC) to adopt rules to: (1) require the independent organization for the ERCOT power region to provide the PUC not less frequently than December 1 of each odd-numbered year with an analysis of the potential demand response opportunity and penetration in the ERCOT power region; (2) promote development of demand response participation by customers in all customer classes; (3) remove barriers to demand response participation for demand response providers and for customers in all customer classes; (4) ensure that customers in all customer classes have the option to contract for participation in demand response either directly with one or more demand response providers, including retail electric providers, with scheduling entities qualified by the independent system operator, or with a combination of entities consisting of the independent system operator and one or more demand response providers; (5) establish and encourage markets, products, programs, or services for reliability demand response and other forms of demand response in wholesale and retail markets; and (6) provide opportunities for demand response providers and customers to participate in wholesale energy markets and ancillary services markets on a comparable basis with other resources, while accommodating differences in operational capabilities of various customer loads among customer classes, including but not limited to differences related to availability, dispatch notification timelines, curtailment response times, ramp rates, curtailment duration, and times required to return to service following an outage.

H.B. 3128 (Kitzman) – On-Site Sewage Disposal Systems: would, among other things: (1) provide that a person who pumps an on-site sewage disposal system or any part of an on-site sewage disposal system for compensation must hold a license or registration; and (2) provide that certain permitting requirements do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is: (a) 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line; and (b) in a county with a population of less than 40,000. (Companion bill is **S.B. 1091** by **Parker**.)

H.B. 3165 (Holland) – Land and Water Conservation Fund: would: (1) create the land and water conservation fund to award grants for farm, ranch, wildlife, or water resources conservation projects and water, wildlife, or park restoration projects; (2) provide for the transfer of certain oil and gas production tax revenue to the fund; and (3) adjust the allocations to the economic stabilization fund and the state highway fund. (See **H.J.R. 138**, below.)

H.B. 3177 (Rosenthal) – ERCOT Grid: would, among other things, provide that, so long as the interconnection does not pose a significant and imminent risk to public health and safety, a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region, may construct, own, and operate facilities as necessary to: (1) access transmission service from outside of the ERCOT power region; and (2) purchase power at wholesale from outside of the ERCOT power region.

H.B. 3178 (Rosenthal) – Public Utility Commission/Energy Blackouts: would require: (1) the Public Utility Commission to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region; (2) the rules in (1), above, to provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (3) the independent organization for the ERCOT power region to adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; and (4) the independent organization for the ERCOT power region to use all other sources of power and demand reduction available before the independent organization calls on the emergency reserve power generation capacity to prevent blackout conditions.

H.B. 3181 (Rosenthal) – Natural Gas and Weather Emergencies: would: (1) require the rules adopted by the Railroad Commission (RRC) for a gas supply chain facility operator and a gas pipeline operator to implement measures to prepare to operate during a weather emergency to include a process that allows the RRC to require a gas supply chain facility operator to implement measures recommended by the RRC in a weather emergency preparedness report; and (2) progressively increase the penalties for violations of weather emergency preparedness for gas supply chain facility operators and gas pipeline operators.

H.B. 3352 (Gerdes) – Scrap Tires: would authorize a county commissioners court in a county with a population of 150,000 or less to establish and enforce a program requiring a fleet operator, automotive dismantler, tire recapper or retreader, or tire retailer, wholesaler, or manufacturer to: (1) mark any used or scrap tires it uses as part of its operation with a unique identifying mark; (2) keep a record of a customer's retention of a used or scrap tire from the customer's vehicle when purchasing a tire for a retailer; and (3) allow for county inspection for compliance with (1) and (2), above.

H.B. 3387 (Hunter) – Distributed Energy Resources: would, among other things: (1) provide that a retail electric provider may aggregate distributed energy resources; and (2) a person may generate electricity if the person is aggregating distributed energy resources.

H.B. 3390 (Hunter) – Distributed Generation Resources: would, among other things, provide that: (1) the independent organization for the ERCOT power region may require an owner or operator of a distributed generation facility operating in the power region served by the independent organization to provide information about the distributed generation facility, as

specified by the independent organization, to the owner's or operator's interconnecting electric cooperative, municipally owned utility, or transmission and distribution utility; (2) the independent organization for the ERCOT power region may require each electric cooperative, municipally owned utility, and transmission and distribution utility operating in the power region served by the independent organization to provide to the independent organization any information about distributed generation facilities or distribution-connected loads in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility that the independent organization identifies as necessary for maintaining system reliability; and (3) the Public Utility Commission may require an owner or operator of a distributed generation facility or an electric cooperative, municipally owned utility, or transmission and distribution utility to provide the information described by (1) and (2), above. (Companion bill is **S.B. 1295** by **Schwertner**.)

H.B. 3417 (Rogers) – Water and Sewer Service: would provide that a retail public utility, including a municipally owned utility, may initiate, transfer, or terminate a customer's retail water or sewer service on receipt of a customer request by mail, by telephone, through an Internet website, or through another electronic transmission.

H.B. 3479 (Leach) – Broadband Funding for Public Safety and Utility Services: would direct the comptroller's broadband development office to evaluate making funding awards to expand statewide broadband service access to facilitate communications with critical water or wastewater facilities, public safety answering points, and public safety agencies.

H.B. 3522 (M. Gonzalez) – Economically Distressed Areas Account: would provide that the total amount of financial assistance provided by the Texas Water Development Board to political subdivisions for assistance to economically distressed areas for water supply and sewer services from state-issued bonds for which repayment is not required may not exceed at any time 90 percent of the total principal amount of issued and unissued bonds plus outstanding interest on those bonds.

H.J.R. 138 (Holland) – Land and Water Conservation Fund: would amend the Texas Constitution to: (1) establish the land and water conservation fund; (2) provide for the transfer of certain oil and gas production tax revenue to the fund; and (3) adjust the allocations to the economic stabilization fund and the state highway fund. (See **H.B. 3165**, above.)

S.B. 1291 (King) – Electric or Gas Ratemaking: would repeal the provisions providing that a gas utility or an electric utility in a ratemaking proceeding shall reimburse the governing body of the city for the reasonable cost of the services for consultants, accountants, auditors, attorneys, and engineers.

S.B. 1295 (Schwertner) – Distributed Generation Resources: would, among other things, provide that: (1) the independent organization for the ERCOT power region may require an owner or operator of a distributed generation facility operating in the power region served by the independent organization to provide information about the distributed generation facility, as specified by the independent organization, to the owner's or operator's interconnecting electric cooperative, municipally owned utility, or transmission and distribution utility; (2) the independent organization for the ERCOT power region may require each electric cooperative, municipally

owned utility, and transmission and distribution utility operating in the power region served by the independent organization to provide to the independent organization any information about distributed generation facilities or distribution-connected loads in the service territory of the electric cooperative, municipally owned utility, or transmission and distribution utility that the independent organization identifies as necessary for maintaining system reliability; and (3) the Public Utility Commission may require an owner or operator of a distributed generation facility or an electric cooperative, municipally owned utility, or transmission and distribution utility to provide the information described by (1) and (2), above. (Companion bill is **H.B. 3390** by **Hunter**.)

S.B. 1328 (**Blanco**) – **Scrap Tires**: would, among other things: (1) authorize the Texas Commission on Environmental Quality (TCEQ) to register storage sites containing more than 200 used or scrap tires; (2) prohibit a person from storing more than 200 used or scrap tires for any period on any property unless the person registers the storage site with TCEQ; (3) prohibit a person from storing more than 200 used or scrap tires or dispose of any quantity of scrap tires unless the tires are shredded, split, or quartered as provided by TCEQ rule; (4) provide that storing scrap tires, without registering with or obtaining a TCEQ permit, or in conditions that release or threaten to release a hazardous substance, or cause or threaten to cause air or water pollution or a substantial diminution in value of nearby real property, constitutes a common nuisance; (5) exempt storage of used or scrap tires for the production or protection of agricultural commodities, or by certain energy recovery, and city or county-licensed recycling and landfill facilities; and (6) exempt temporary storage of scrap and used tires in violation of (2) and (3), above, under certain circumstances.

S.B. 1334 (**Creighton**) – **Municipal Rate Discrimination**: would prohibit a city from establishing a higher rate for water or sewer utilities that applies only to entities that qualify for a sales tax or property tax exemption.

S.B. 1351 (**Perry**) – **Texas Water Development Board**: this is the Texas Water Development Board (TWDB) sunset bill. The bill, among other things, would:

1. continue the TWDB until 2035;
2. require the executive administrator to evaluate the feasibility of certain projects under the state water plan every five years; and
3. provide that the TWDB may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems that require an individualized assessment that applies risk-based considerations to each project associated with the plans and specifications.

(Companion bill is **H.B. 1565** by **Canales**.)

S.B. 1366 (**Creighton**) – **Flood Infrastructure Fund**: would provide that: (1) each time the comptroller reduces an amount to be transferred to the economic stabilization fund, the comptroller shall transfer to the credit of the flood infrastructure fund an amount of general revenue equal to the amount by which the comptroller reduced the amount of the transfer to the economic

stabilization fund; and (2) each time the comptroller credits an amount to general revenue under certain circumstances, the comptroller shall transfer an equal amount of general revenue to the credit of the flood infrastructure fund.

S.B. 1368 (Schwertner) – Public Utility Commission: this is the Public Utility Commission (PUC) sunset bill. The bill, among other things, would:

1. continue the PUC until 2029;
2. provide that the PUC may prohibit public comment at a regular PUC meeting on a meeting agenda item related to a contested case;
3. require the PUC to prepare a written report on the scope of competition in the electric and telecommunications markets;
4. provide that the PUC, in consultation with the independent organization for the ERCOT power region, shall prepare and submit to the legislature an electric industry report not later than January 15 of each odd-numbered year;
5. repeal the provisions requiring the PUC to prepare a report including a statement of: (a) the number of telephone numbers included on the Texas no-call list; (b) the number of no-call lists distributed; and (c) the amount collected for requests to place telephone numbers and renew entries on the list and for distribution of the list; and
6. repeal the provision that requires the PUC to prepare a report, after consultation with each appropriate independent organization, electric reliability council, or regional transmission organization, to be filed with the legislature not later than December 31 of each even-numbered year, which must include: (a) an evaluation of the PUC's implementation of competitive renewable energy zones; (b) the estimated cost of transmission service improvements needed for each competitive renewable energy zone; and (c) an evaluation of the effects that additional renewable generation has on system reliability and on the cost of alternatives to mitigate the effects.

(Companion bill is **H.B. 1500** by **Holland**.)

S.B. 1378 (Parker) – Backup Generation: would, among other things: (1) establish a program to allow the comptroller, in consultation with the Public Utility Commission, to contract with entities for the construction and operation of at least 5,000 megawatts of generating capacity powered by nuclear energy or natural gas for the ERCOT power region; and (2) provide that the comptroller may contract with one or more entities to construct or operate backup generation facilities.

S.B. 1397 (Schwertner) – Texas Commission on Environmental Quality: this is the Texas Commission on Environmental Quality (TCEQ) sunset bill. The bill, among other things, would:

1. continue TCEQ until 2035;

2. create a new standard permit for temporary concrete plants that provides that TCEQ shall issue a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project;
3. provide that a plant operating under Number 2, above: (a) may not support a project that is not related to the public works project; (b) must be located in or contiguous to the right-of-way of the public works project; and (c) must meet the requirements of a standard permit for concrete plants that perform wet batching, dry batching, or central mixing;
4. require TCEQ to establish an enforcement diversion program for small businesses and local governments that must include, among others: (a) compliance assistance training; and (b) on-site technical assistance and training performed by TCEQ staff;
5. provide that before TCEQ initiates an enforcement action for a violation committed by a small business or local government, TCEQ may enroll the business or government into the enforcement diversion program in Number 4, above;
6. provide that TCEQ may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program;
7. provide that a small business or local government is not eligible to enroll in the enforcement diversion program if the small business or local government: (a) committed a violation that: (i) resulted in an imminent threat to public health; or (ii) was a major violation; or (b) was enrolled in the program in the two years preceding the date of the violation;
8. provide that if TCEQ holds a public meeting for a permit application in certain circumstances, TCEQ shall hold open the public comment period for the permit application for at least 36 hours after the end of the meeting;
9. provide that TCEQ by rule shall provide for each public notice issued or published by TCEQ or by a person under the jurisdiction of TCEQ as required by law or by TCEQ rule to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the address of each proposed or existing site subject to the proposed permit;
10. require TCEQ to post on its website at the time a permit application becomes administratively complete: (a) the permit application and any associated materials; and (b) for a permit application for a permit to use state water, any map accompanying the permit application;
11. provide that TCEQ shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Number 10, above;

12. set requirements for programs and permits arising under the air, waste, or water programs within TCEQ's jurisdiction, including: (a) TCEQ may publish notice of a permit application by electronic means instead of by printed means; (b) if TCEQ publishes notice of a permit application by electronic means, TCEQ shall post the notice on TCEQ's website and may provide additional electronic notice through other means, including direct e-mail; and (c) TCEQ may hold a public meeting virtually through the Internet provided that members of the general public are able to participate in the meeting;
13. provide that periodically, the environmental flows advisory group shall review the environmental flow standards for each river basin and bay system adopted by TCEQ; and
14. repeal the provisions requiring an applicant for certain permits to emit air contaminants to make a copy of the application available for review and copying at a public place in the county in which the facility or federal source is located or proposed to be located.

(Companion bill is **H.B. 1505** by **Bell**.)

S.B. 1398 (Schwertner) – Concrete Plants: would: (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt rules requiring as a condition of issuing or approving the use of a permit for concrete batch plants and standard permits under the Clean Air Act that the applicant: (a) submit with the application a plan for: (i) reclaiming the land disturbed by the operation of the facility; (ii) maintaining safe lanes for ingress to and egress from the facility; and (iii) monitoring and mitigating sound created by the operation of the facility; and (b) comply with the plan submitted under (1)(a), above; (2) require TCEQ to establish a system to track complaints received about a facility with a standard permit or standard permit for certain concrete plants; and (3) provide that if TCEQ receives a significant number of complaints about noise or dust emitted from the facility under (2), above, TCEQ may require the operator of the facility to, as applicable: (a) mitigate sound emitted from the facility; or (b) minimize dust emissions by spraying vehicles leaving the facility with water or dust-suppressant chemicals or implementing other dust control measures as necessary.

S.B. 1416 (Johnson) – Concrete Plants: would require the Texas Commission on Environmental Quality (TCEQ) to give priority when processing applications for an authorization to use a standard permit for a rock or concrete crushing facility to an operator who the TCEQ determines: (a) has previously been authorized to use a standard permit for a rock or concrete crushing facility; and (b) reclaimed the land disturbed by the rock or concrete crushing facility before the 180th day after the date the facility ceased operating.

S.B. 1519 (King) – Weather Emergency Preparedness: would require the Public Utility Commission to allow a transmission and distribution utility to design and operate a load management program for customers to be used where the independent organization for the ERCOT power region has declared a Level 2 Emergency or a higher level of emergency or has otherwise directed the transmission and distribution utility to shed load.

S.B. 1530 (Miles) – Flammable Storage Tank Blast Radius Reports: would require anyone who operates an above-ground tank that can hold more than 5,000 gallons and is being used to store a

flammable liquid to submit a blast radius report to the city and county fire marshal that describes the maximum blast radius that would result from an explosion for any such tank.

S.B. 1552 (Miles) – Clean Air Act Affirmative Defenses: would repeal provisions allowing the Texas Commission on Environmental Quality to establish affirmative defenses for enforcement actions if a facility has an emission event that results in the unauthorized emissions of air contaminants from one or more emissions points at a regulated entity.

S.B. 1554 (Miles) – Concrete Plants: would, among other things, provide that for a concrete crushing facility or a concrete plant that performs wet batching, dry batching, or central mixing facility: (1) the Texas Commission on Environmental Quality by rule shall prohibit a facility within 440 yards of the following types of buildings or facilities: (a) a building in use as a single or multifamily residence, school, or place of worship; (b) a place of business where employees of the business perform outdoor work near the facility; or (c) a park or other outdoor recreational area, including a playing field; and (2) the measurement of distance for purposes of (1), above, is the shortest distance between the facility and a building, place of business, or outdoor recreational area described by (1), above.

S.B. 1555 (Miles) – Concrete Plants: would, among other things: (1) provide that the Texas Commission on Environmental Quality (TCEQ) shall accept written questions about the facility requesting a standard permit for the production of aggregates or the operation of a concrete plant that performs wet batching, dry batching, or central mixing from the public until the 15th day before the date of the hearing or meeting; (2) require TCEQ to not later than the 14th day before the date of the hearing or meeting in (1), above, notify each city and county in which the facility is located or proposed to be located, among others, of the date, time, and place of the hearing or meeting; (3) provide that a person authorized to use a standard permit for the production of aggregates or the operation of a concrete plant that performs wet batching, dry batching, or central mixing must: (a) install equipment to monitor noise levels and emissions of air contaminants from the facility: (i) at the point on the perimeter of the property on which the facility is located that is closest to the nearest building in use as a single-family or multifamily residence, school, place of worship, or commercial enterprise; and (ii) at two other points on the perimeter of the property on which the facility is located equidistant from the point described by (3)(a)(i), above; (b) ensure that outdoor lighting installed at the facility complies with standards adopted by the Illuminating Engineering Society; (c) obtain computer-controlled blasting technology to minimize the effect of seismic forces on adjacent property caused by blasting at the facility; (d) either: (i) use water for the facility only from a metered source or under a permit from a groundwater conservation district; or (ii) implement TCEQ-approved methods of water recirculation to ensure efficient use of groundwater for the facility; (e) provide to TCEQ a plan to ensure that the area on which the facility operates will be safe and useful after operations cease, including a description of how the person will: (i) resolve potential safety and environmental problems; (ii) minimize fugitive dust from areas the person does not plan to revegetate; (iii) control erosion by revegetating barren areas; and (iv) remove equipment; and (f) provide to TCEQ a performance bond or other form of financial assurance to ensure payment of the costs of executing the plan required (3)(d), above; and (4) provide that a person authorized to use a standard permit for the production of aggregates or the operation of a concrete that performs wet batching, dry batching, or central mixing plant shall ensure that noise created by the permitted facility does not exceed: (a) 70 decibels at the points at

which monitors are installed under (3), above; or (b) 65 decibels at the perimeter of a property that is: (i) used as a residence; and (ii) located within 880 yards of the permitted facility.

S.B. 1593 (LaMantia) – Certificates of Convenience and Necessity: would provide that: (1) for the purposes of a streamlined expedited release initiated by a landowner, on the day a petition submits a petition to the Public Utility Commission (PUC), the petitioner shall send, via certified mail, a copy of the petition to the certificate holder, who may submit information to the PUC to controvert information submitted by the petitioner; and (2) for the purposes of a single certification in incorporated or annexed areas, on the day a city submits an application for single certification to the PUC, the city shall send, via certified mail or hand-deliver, a copy of the application to the retail public utility.

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