



# Legislative UPDATE

February 26, 2021  
Number 7

## Winter Storm Uri Recovery Efforts

In the wake of one of the worst winter storms in Texas history, state officials are trying to assist cities and their residents in the recovery. The following summarizes the key features in those efforts thus far.

### **Office of the Governor and Texas Division of Emergency Management (TDEM)**

- On February 12, Governor Abbott issued a [statewide disaster declaration](#) related to the storm.
- On February 20, the President [approved](#) the governor's request for a federal major disaster declaration and federal individual assistance to 77 counties and public assistance (emergency protective measures only) to local governments in all 254 counties.
- On February 22, Governor Abbott [announced](#) that FEMA approved an additional 31 Texas counties to be added for individual assistance.
- Governor Abbott and TDEM are encouraging Texans to complete the [Self Reporting Damage Survey](#) to help the state identify damages across Texas. This data is also needed by FEMA to justify the need for federal disaster assistance for individuals. (Reporting damage is not a substitute for insurance claims, and doing so does not guarantee disaster relief assistance.)

## Federal Emergency Management Agency Assistance

- Texans seeking individual disaster assistance may apply through [disasterassistance.gov](https://www.fema.gov/disaster-assistance) and should have the following information readily available: Social Security number, insurance details, a description of any storm-related damage and losses, personal financial details, and contact information.
- Texans can also visit a FEMA Disaster Recovery Center [in person](#).
- More information from FEMA can be found [here](#).

## Texas Commission on Environmental Quality

- The governor has [approved the suspension](#) of several TCEQ rules to assist with recovery efforts.
- TCEQ recently set up two telephone hotlines to help public water systems and municipal waste management following last week's severe cold weather event:
  1. Public water systems in need of assistance with sampling (as it relates to boil water notices or non-operational systems) can call (855) 685-8237. The TCEQ hotline staff will help locate a lab for sampling, or will redirect the call if technical assistance is needed.

The hotline will be staffed from 7:00 a.m.-10:00 p.m. daily. This number is only for public water supply systems and not individuals.

2. TCEQ also set up a hotline for questions regarding solid waste permitting, debris management, and municipal, industrial, and hazardous waste management.

Contact the Waste Permits Division at (512) 239-2335 or [mwper@tceq.texas.gov](mailto:mwper@tceq.texas.gov) for municipal waste questions, and [ihwper@tceq.texas.gov](mailto:ihwper@tceq.texas.gov) for industrial and hazardous waste questions. (Questions related to local weekly trash service should be directed to the local solid waste service provider.)

- Additional information related to TCEQ's response to the severe cold weather event is available [here](#).

## Public Utility Commission

- [The PUC suspended disconnections](#) for electric utility customers, but the suspension *does not apply to municipally owned utilities*. ([The utility-related Q&As](#) League staff prepared for the pandemic are applicable to the storm disaster as well.)

## Legislative Reactions

- On February 16, Governor Abbott [declared](#) “the reform of the Electric Reliability Council of Texas (ERCOT) an emergency item this legislative session. In declaring this item an emergency, the Governor is calling on the legislature to investigate ERCOT and ensure Texans never again experience power outages on the scale they have seen over the past several days.”
- On February 18, Governor Abbott [declared](#) an additional emergency item for the legislative session by calling on the legislature to mandate the winterization of Texas' power system and for the legislature to ensure the necessary funding for winterization.
- League staff summarizes each city-related bill in the [Legislative Update](#) newsletter, which is included in your Friday “TML Exchange” email. The bills are categorized by subject matter.

For the current legislative session, we have added the new subject heading of “Emergency Management.” Many pandemic-related bills will show up in that section, with some falling under other headings, such as Open Government, Public Safety, etc. In addition, a complete list of bills filed to date by subject matter is updated each week. To view it, go to [www.tml.org](http://www.tml.org), hover over “policy” at the top of the page, and click on “legislative information.”

- A number of legislative committees will hold hearings on storm related topics:
  1. On February 25, the [House State Affairs and Energy Resources Committees](#) held a joint hearing to consider what led to the blackouts. The [Senate Business and Commerce Committee](#) held a hearing that same day on similar issues.
  2. On March 4, the Senate Jurisprudence Committee will hold a [hearing](#) to examine, among other things, the legal responsibilities that ERCOT and the PUC owe to the people of Texas.

Please reach out to the League at [legalinfo@tml.org](mailto:legalinfo@tml.org) or 512-231-7400 with questions.

## **Elected Officials: Do You Have a Local Officials Group?**

In addition to formal [TML regions](#) and the [Grassroots Involvement Program](#), some mayors and city councilmembers participate in local elected official groups. For example, the mayors of Fort Bend County meet regularly to network and discuss what is going on in their area. Some of these groups are more formal than others, but all of them can be vital to cities’ grassroots efforts to influence legislation at the local level.

However, League staff faces a challenge getting information to them because most do not have dedicated staff or a website. If you are part of such a group, and are interested in receiving

information from TML so that you can inform your legislators about how beneficial - or harmful - legislation affects your city and area, please email TML Grassroots and Legislative Services Manager JJ Rocha at [jj@tml.org](mailto:jj@tml.org) with your contact information, the name of your local group, your meeting schedule, and the email address of whomever disseminates information to the group.

## **87th Legislative Session Bills to Watch**

The Legislature has until March 12 to file bills to be considered during the 140-day legislative session. We will continue to summarize all city-related bills filed and you can find a comprehensive list of those bills [here](#). However, here are a few bills worth noting. We ask all city officials to begin conversations with your state representative and state senator on these important issues.

**H.B. 749 (Middleton)** – **Community Censorship**: would: (1) prohibit a political subdivision from spending public funds to: (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or (b) pay a nonprofit state association or organization that: (i) primarily represents political subdivisions; and (ii) hires or contracts with an individual required to register as a lobbyist; (2) provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent any further prohibited activity or any further payments of public funds; and (3) provide that a taxpayer or resident who prevails in an action under (2), above, is entitled to recover reasonable attorney’s fees and costs from the political subdivision. (Companion bill is **S.B. 234** by **Hall**.)

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

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

**S.B. 154 (Perry)** – **Broadband Office**: would, among other things: (1) establish the broadband office within the Texas Public Utility Commission to: (a) facilitate and coordinate the efforts of state agencies and local units of government, including regional planning commissions, in connection with the planning and deployment of broadband projects; (b) develop broadband investment and deployment strategies for rural communities and other areas of this state that are underserved and unserved with respect to broadband; (c) promote and coordinate public sector and private sector broadband solutions in support of statewide broadband development goals; (d) assist and promote local and regional broadband planning; (e) pursue and obtain federal sources of broadband funding; (f) develop a framework to measure broadband access in and designate areas of this state that are underserved and unserved with respect to broadband; (g) develop statewide goals for broadband deployment in rural communities and other underserved and unserved areas;

(h) manage and award funds allocated to the broadband office for broadband projects; and (i) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband; and (2) provide that the broadband office shall establish a program to provide grants to private sector broadband providers for projects to provide broadband service in an unserved area.

**H.B. 1030 (Shaheen)** – **Newspaper Notice**: would: (1) allow a political subdivision to satisfy any law that requires notice to be published in a newspaper by publishing the notice in the following locations: (a) social media, free newspapers, school newspapers, a homeowners’ association newsletter or magazine, utility bills, direct mailings, or any other form of media authorized by the comptroller; and (b) the internet websites maintained by the political subdivision and the comptroller; (2) provide that before providing notice under (1), a political subdivision must hold a public meeting about the alternative notice under (1)(a) and demonstrate that the circulation will be greater than the circulation of the newspaper with the greatest circulation in the political subdivision; (3) authorize the comptroller to grant a city’s request for a waiver from (1)(b) if the city provides sufficient proof that Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (4) require a city using alternative media described in (1)(a) to submit notice to the comptroller describing the alternative notice method in (1)(a) and certain other information; (5) authorize the comptroller to require a political subdivision to provide notice in a newspaper if the comptroller determines that the means under (1)(a) do not have greater circulation than a newspaper with the greatest circulation in the political subdivision; and (6) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions and provide the report to the governor, lieutenant governor, and the speaker of the house.

**H.B. 1241 (Shine)** – **Annexation of Rights-of-Way**: would provide that: (1) a city annexing an area on request of the owners, an area with less than 200 population by petition, an area with at least 200 population by election, or certain special districts may also annex with the area: (a) the right-of-way of a street, highway, alley or other public way or of a railway line spur, or roadbed that is contiguous to the city’s boundaries and the area being annexed or a right-of-way described in (b); or (b) the right-of-way of a public road or highway connecting the area being annexed to the city by the most direct route; (2) a city may only annex a right-of-way described under (1) if the city: (a) provides written notice of the annexation to the owner of the right-of-way not later than the 61st day before the date of the proposed annexation; and (b) the owner of the right-of-way does not submit a written objection to the city before the date of the proposed annexation; and (3) certain width requirements do not apply to the annexation of a right-of-way under (1). (Companion bill is **S.B. 374** by Seliger.)

**S.B. 402 (Johnson)** – **Street Maintenance Sales Tax**: would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater

system located in the width of a way of a city street. (Companion bill is **H.B. 1538** by **Julie Johnson**.)

**H.B. 1446 (Ashby)** – **Broadband Development Office**: would, among other things:

1. establish a broadband development office within the comptroller's office;
2. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; and (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office;
3. require the broadband development office to create, update annually, and publish on the comptroller's website a map designating each census block in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the block have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the block have access to broadband service;
4. require the map described in (3), above, to display: (a) the number of broadband service providers that serve each census block; and (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service;
5. provide that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider must report the information to the office;
6. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate a census block on the map as an eligible area or ineligible area;
7. require the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in census blocks determined to be eligible areas;
8. require the broadband development office to establish and publish eligibility criteria for award recipients under (7), above, limiting grants, loans, and other financial incentives awarded to the program for use on capital expenses, purchase or lease of property, and other expenses, including backhaul and transport that will facilitate the provision or adoption of broadband service;
9. provide that the office may not award a grant, loan, or other financial incentive to a noncommercial provider of broadband service for an eligible area if a commercial provider of broadband service has submitted an application for the eligible area;
10. provide that an award granted under the broadband development program does not affect distributions received by a broadband provider from the state universal service fund; and
11. establish the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account.

(Companion is **S.B. 506** by **Nichols**.)

**H.B. 1888 (Fierro)** – **Open Meetings**: would: (1) authorize a governmental body to hold an open or closed meeting by conference call; (2) define “conference call” to mean a meeting held by telephone conference call, videoconference call, or telephone conference and videoconference call; (3) require that each part of a meeting held by conference call required to be open to the public shall: (a) be audible to the public; (b) be visible to the public if it is a videoconference call; and (c) have two-way communication with each participant; (4) provide that a member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting; (5) provide that a member of a governmental body who participates in a meeting by conference call shall: (a) be counted as present at the meeting for all purposes; and (b) be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, but allow the governmental body to continue the meeting if a quorum of the body continues to participate in the meeting; (6) provide that a governmental body may allow a member of the public to testify at a meeting by conference call; (7) provide that a meeting held by conference call is subject to the notice requirements applicable to other meetings and also must include certain instructions to the public; (8) require that a meeting held by conference call be recorded, and that the recording be made available to the public; and (9) require the Department of Information Resources by rule to specify minimum standards for the recording of a meeting held by conference call.

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

## **Stay Engaged During the Legislative Session: Grassroots Involvement Program**

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

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

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

## **City Officials Testify**

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who are vigilantly representing cities during this session. If we missed your testimony let us know by an email to [ford@tml.org](mailto:ford@tml.org), and we will recognize you in next week's edition.

The following officials testified (or provided written testimony) in committee hearings held February 8 through February 23:

- Paulette Guajardo, Mayor, City of Corpus Christi
- Oscar Leeser, Mayor, City of El Paso

## **City-Related Bills Filed**

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

### **Property Tax**

**H.B. 1705 (Schofield) – Property Tax Limitation:** would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.J.R. 84**, below.)

**H.B. 1762 (Jarvis Johnson) – Property Tax Exemption:** would provide that: (1) an individual is entitled to an exemption from property taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead property tax exemption for at least the preceding ten years; and (2) the surviving spouse of an individual who qualifies for an exemption under (1), above, is entitled to an exemption from property taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.J.R. 88**, below.)

**H.B. 1789 (Vasut) – Appraisal Review Board:** would: (1) authorize the appraisal review board, on motion of the chief appraiser or a property owner, to direct by written order changes in the appraisal roll or related records as provided by (2), below; and (2) authorize the appraisal review board to order the appraised value of the owner’s property in the current tax year and either of the two preceding tax years to be changed to the sales price of the property in the current tax year if, for each tax year for which the change is to be made: (a) the property qualifies as that owner’s residence homestead; (b) the sales price of the property is at least ten percent less than the appraised value of the property; and (c) the board makes a finding that the sales price reflects the market value of the property.

**H.B. 1798 (Shaheen) – Property Tax Limitations in a Disaster:** would, among other things, provide that: (1) for real property located in a taxing unit any part of which is located in an area that at any time during the preceding tax year was declared a disaster area by the governor or by the president of the United States, an appraisal office may increase the appraised value of property for purposes of taxation by any taxing unit that taxes the property to an amount not to exceed the lesser of: (a) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; or (b) the sum of: (i) the appraised value of the property for the preceding tax year; and (ii) the market value of all new improvements to the property; and (2) for a taxing unit, other than a school district, any part of which is located in an area that at any time during the preceding tax year was declared a disaster area by the governor or by the president of the United States, may not adopt a tax rate for the current tax year that exceeds the sum of: (a) the no-new-revenue maintenance and operations rate for the taxing unit; and (b) the current debt rate for the taxing unit. (See **H.J.R. 90**, below.)

**H.B. 1828 (Martinez Fischer) – Property Tax Installment Payments:** would provide that: (1) any individual who qualifies for a residential homestead exemption or disabled veteran exemption may pay off property taxes in ten equal installment payments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in nine equal installments; and (2) each of the remaining nine installments must be paid before the first day of each month for each of the nine months following the date on which the first installment is paid.

**H.B. 1852 (Rodriguez) – Homestead Exemption:** would authorize the governing body of a taxing unit that adopts a local option residence homestead exemption to set the minimum dollar amount of the exemption to which an individual is entitled in a tax year to not more than \$25,000. (See **H.J.R. 91**, below.)

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

**H.B. 1881 (Middleton) – Property Tax Exemption:** would: (1) define “qualifying educational organization” as a qualified open-enrollment charter school or a public junior college; (2) provide

that a person is entitled to a property tax exemption for the portion of real property the person owns and leases to a qualifying educational organization under certain circumstances.

**H.B. 2014 (Lucio) – Property Tax Appraisal:** would, among other things, provide that for a property owner who pays property taxes subject to an appeal before the delinquency date but not later than the fifth day after the date the chief appraiser certifies a correction to the appraisal roll, if the final determination of an appeal decreases a property owner’s tax liability and the chief appraiser certifies the correction to the appraisal roll before the property owner has paid the property owner’s taxes, the taxing unit shall refund to the property owner the difference between the amount of taxes paid and the amount of taxes for which the property owner is liable.

**H.J.R. 84 (Schofield) – Property Tax Limitation:** would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.B. 1705**, above.)

**H.J.R. 88 (Jarvis Johnson) – Property Tax Exemption:** would amend the Texas Constitution to: (1) provide that an individual is entitled to an exemption from property taxation of the total appraised value of the individual’s residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead property tax exemption for at least the preceding ten years; and (2) provide that the surviving spouse of an individual who qualifies for an exemption under (1), above, is entitled to an exemption from property taxation of the total appraised value of the same property to which the deceased spouse’s exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.B. 1762**, above.)

**H.J.R. 90 (Shaheen) – Property Tax Limitations in a Disaster:** would amend the Texas Constitution to allow the legislature to limit the maximum appraised value of real property located in a political subdivision any part of which is located in an area that at any time during the preceding tax year was declared a disaster area by the governor or the president of the United States to the lesser of the most recent market value of the property as determined by the appraisal entity or the appraised value of the property as determined by the appraisal entity for the preceding tax year. (See **H.B. 1798**, above.)

**H.J.R. 91 (Rodriguez) – Homestead Exemption:** would amend the Texas Constitution to authorize the governing body of a taxing unit that adopts a local option residence homestead exemption to set the minimum dollar amount of the exemption to which an individual is entitled in a tax year at a dollar amount greater than \$5,000. (See **H.B. 1852**, above.)

**S.B. 670 (Springer) – Property Tax Exemption:** would exempt from property taxation the portion of real property owned by a person that is leased to an open-enrollment charter school if: (1) the portion of the real property that is leased to the school is: (a) used exclusively by the school for the operation or administration of the school or the performance of other educational functions; and (b) reasonably necessary for the operation of the school; and (2) the owner of the portion of real property that is leased to the school certifies by affidavit to the school that: (a) if the lease

agreement requires the school to pay the taxes imposed on the real property as a portion of the total consideration paid to the property owner under the agreement, the owner will reduce the consideration required to be paid by the school under the lease agreement by an amount equal to the amount by which the taxes on the real property are reduced as a result of the exemption by providing a monthly or annual credit against the total consideration due under the agreement; or (b) if the lease agreement requires the school to pay the taxes imposed on the real property directly to the collector for the applicable taxing unit or to the owner or the property manager separately from the payment of rent to the property owner under the agreement, the school is no longer required to pay the taxes to the collector, owner, or property manager, as applicable, and the rent charged to the school under the agreement is not affected unless a term of the agreement specifically provides for a change in the amount of the rent (See **S.J.R. 38**, below.) (Companion bill is **H.B. 1022** by Murphy.)

**S.B. 689 (Lucio) – Waiver of Penalties and Interest in Disaster Area:** would authorize the governing body of a taxing unit to waive penalties and interest on a delinquent property tax if, at any time during the tax year for which the taxes were imposed, the property for which the tax is owed was located in an area declared by the governor to be a disaster area following a disaster.

**S.B. 734 (Paxton) – Property Tax Exemption:** would exempt from property taxes property owned by a charitable organization that provides services related to the placement of a child in a foster or adoptive home or providing relief to women who are or may be pregnant and who are considering placing their unborn children for adoption.

**S.J.R. 38 (Springer) – Property Tax Exemption:** would amend the Texas Constitution to authorize the legislature to exempt from property taxation any real property that is leased for use as an open-enrollment charter school. (See **S.B. 670**, above.)

### **Public Safety**

**H.B. 1694 (Raney) – 911 Good Samaritan:** would: (1) provide a defense to prosecution for certain drug offenses if the actor: (a) was the first person to request emergency medical assistance in response to the possible overdose of another person and: (i) made the request for medical assistance during an ongoing medical emergency; (ii) remained on the scene until medical assistance arrived; and (iii) cooperated with medical assistance and law enforcement; or (b) was the victim of a possible overdose for which emergency medical assistance was requested by the actor or by another person during an ongoing medical emergency; (2) provide exceptions to the defense in (1) if: (a) at the time the request for emergency medical assistance was made: (i) a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made, or (ii) the actor was committing certain other offenses other than one for which the defense is available; (b) the actor has previously been convicted or placed on deferred adjudication community supervision for certain offenses; or (c) the actor was acquitted in a previous proceeding in which the actor successfully used the defense in (1); and (3) provide that the defense in (1) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency assistance if that evidence pertains to an offense for which the defense in (1) is not available.

**H.B. 1757 (Krause) – Peace Officers Recordings:** would provide that: (1) if during the performance of a peace officer's official duties a peace officer makes a video or audio recording of the officer's interaction with a person, the peace officer must immediately disclose to the person that the officer is recording the interaction and the method by which the officer is making the recording; (2) a peace officer is not required to make the disclosure described in (1), above: (a) if the peace officer's interaction with a person occurs as part of an ongoing criminal investigation; (b) immediately, if making the disclosure immediately would be unsafe, unrealistic, or impracticable, provided that the failure to make such disclosure immediately is based on whether a reasonable officer under the same or similar circumstances would have made the same decision; (3) 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 without obtaining that other person's written consent commits a felony of the third degree; (4) it is a defense to prosecution for an offense of interrupting, disrupting, impeding, or otherwise interfering with a peace officer while the peace officer is performing a duty or exercising authority imposed or granted by law if the defendant's conduct consisted only of filming, recording, photographing, documenting, or observing a peace officer, provide that 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; and (5) a peace officer may not order or direct a person to cease filming, recording, photographing, documenting, or observing a peace officer while the officer is engaged in the performance of official duties, except that a peace officer may give 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. 1779 (Jetton) – Alcohol To-Go:** would allow for the pickup and delivery of alcoholic beverages for off-premises consumption under certain circumstances.

**H.B. 1784 (Thierry) – Prohibiting Chokeholds:** would provide that the use of any force, by any person, including a peace officer or person acting in and the direction of an officer, in connection with the arrest of another person, is not a justified use of force if such force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat, neck, or torso or by blocking the person's nose or mouth. (Companion bill is **S.B. 69** by Miles.)

**H.B. 1837 (M. González) – Motorcycle Profiling:** would provide that: (1) a peace officer may not engage in a law enforcement-initiated action based, in whole or in part, on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity; (2) an individual against whom a peace officer has engaged in motorcycle profiling may bring an action against the peace officer or the governmental unit employing the peace officer to recover damages arising from the motorcycle profiling and for an injunction against future violations; (3) an individual who establishes that a peace officer engaged in motorcycle profiling against the individual is entitled to recover reasonable attorney's fees and litigation costs; (4) a governmental unit is vicariously liable under the doctrine of respondeat superior for damages arising from motorcycle profiling engaged in by a peace officer employed by the governmental unit; (5) a governmental unit's sovereign or governmental immunity to suit

and from liability is waived to the extent of liability created; and (6) a peace officer may not assert official immunity as a defense to liability.

**H.B. 1838 (M. González) – Databases for Combinations and Criminal Gangs:** would, among other things: (1) provide that an agency that submits information relating to a person to an intelligence database for the purpose of investigating or prosecuting the criminal activities of combinations or criminal street gangs shall provide to the person by certified mail: (a) notification regarding the inclusion of the person's information in the intelligence database; (b) a description of the process for disputing the inclusion of information in the database, including associated costs or fees, processes, and timelines, and any potential evidence necessary for purposes of a dispute; and (c) a description of the process for removing information from the database following renunciation of criminal street gang membership; (2) increase the standard the agency must show to demonstrate the information that someone is a member of a combination or street gang is correct from reasonable suspicion to probable cause; and (3) provide that a person who is no longer a member of a criminal street gang may renounce membership and the information of that person must be removed from the applicable intelligence database on the second anniversary of the renunciation.

**H.B. 1843 (Hefner) – Abandoned Children:** would add a fire department and law enforcement agency to the list of emergency infant care providers who must take possession of certain abandoned children. (Companion bill is **S.B. 443** by **Hughes**.)

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

**H.B. 1927 (Schaefer) – Firearm Regulation:** would, among other things, provide that a peace officer who is acting in the lawful discharge of the officer's official duties may temporarily disarm a person: (1) at any time the officer reasonably believes it is necessary for the protection of the person, officer, or another individual, but require the peace officer return the weapon to the person before discharging the person from the scene if the officer determines that the person is not a threat to the officer, person, or another individual and if the person has not committed a violation that results in the arrest of the person; and (2) when the person enters a nonpublic, secure portion of a law enforcement facility, if the law enforcement agency provides a gun locker where the peace officer can secure the weapon and returns the weapon to the person immediately after the person leaves the nonpublic, secure portion of the law enforcement facility.

**H.B. 1928 (Wilson) – Peace Officer Employment Records:** would provide that: (1) a person licensed by the Texas Commission on Law Enforcement (TCOLE), including a peace officer and a reserve law enforcement officer, may not enter into an agreement with a law enforcement agency employing the person under which the agency is prohibited from: (a) making the person's employment records available to another law enforcement agency; or (b) disclosing information about the person's employment to another law enforcement agency or a potential employer in a related field; (2) a law enforcement agency that obtains a consent form to view a person's employment records shall make an electronic copy of the person's employment records available

to a hiring law enforcement agency on request; and (3) TCOLE, by rule, shall prescribe the manner by which a law enforcement agency shall make a person's employment records electronically available to a hiring law enforcement agency, and such rules must provide appropriate security protections.

**H.B. 1938 (Jetton) – Body Worn Camera Grants:** would provide that a law enforcement agency that provides body worn cameras to its peace officers may apply to the office of the governor for a grant to defray the cost of data storage for recordings created with the body worn cameras.

**H.B. 1943 (Crockett) – Firing at Moving Vehicles:** would provide that: (1) a peace officer may not, while performing an official duty, discharge a firearm at or in the direction of a moving vehicle unless: (a) if the vehicle is occupied solely by the driver: (i) the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer or another person from the use of unlawful deadly force by the driver of the vehicle; and (ii) before discharging the firearm, the officer has exhausted all other reasonable means of mitigating or preventing the deadly force by the driver or has determined that other means of mitigating or preventing the deadly force would be inappropriate under the circumstances; or (b) if the vehicle has one or more passengers: (i) the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer from unlawful deadly force by the driver of the vehicle by means of the vehicle; and (ii) the officer reasonably believes that the officer is unable to mitigate or prevent the deadly force by the officer moving out of the path of the vehicle; (2) a law enforcement agency shall adopt a policy regarding a peace officer's use of force with respect to a moving vehicle; and (3) a peace officer commits an offense if the officer engages in conduct prohibited by (1), above in violation of a policy adopted under (2), above, and such offense is a felony of the third degree.

**H.B. 1954 (Dutton) – Criminal Penalties for Drug Possession:** would: (1) reduce the criminal penalties for possession of small amounts of certain controlled substances and marihuana; and (2) provide that a judge who grants community supervision to a person convicted of certain drug-related Class A misdemeanors may require, as a condition of community supervision, that the person successfully complete an educational program on substance abuse awareness approved by the Texas Department of Licensing and Regulation.

**H.B. 1955 (Dutton) – Justified Use of Deadly Force:** would provide that: (1) a peace officer is justified in using deadly force against another when and to the degree the peace officer reasonably believes the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if: (a) the use of force would have been justified by the law; (b) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and (c) the peace officer reasonably believes: (i) the conduct for which arrest is authorized included the use or attempted use of deadly force; or (ii) there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to the actor or another if the arrest or apprehension is delayed; and (2) a person other than a peace officer acting in a peace officer's presence and at his direction is justified in using deadly force against another when and to the degree the person reasonably believes the deadly force is immediately necessary to make a lawful arrest, or to prevent escape after a lawful arrest, if: (a) the use of force would have been justified by the law; (b) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and (c) the

actor reasonably believes: (i) the felony or offense against the public peace for which arrest is authorized included the use or attempted use of deadly force; or (ii) there is a substantial risk that the person to be arrested will cause death or serious bodily injury to another if the arrest or apprehension is delayed.

**H.B. 1982 (Pacheco) – Medical Cannabis:** would: (1) provide that medical cannabis may be dispensed to a patient only by a pharmacist; (2) provide that a person may not cultivate, produce, manufacture, or distribute medical cannabis without a license; and (3) authorize a fee for a license issued under (2).

**H.B. 2007 (Reynolds) – Law Enforcement Agencies:** would provide, among other things, that: (1) a law enforcement agency of a city or county shall adopt a policy requiring a peace officer to participate in at least eight hours of community events in the city or county not later than the 60th day after the date the peace officer begins employment with the agency; (2) a law enforcement agency may grant an extension of the period described in (1), above, based on reasonable grounds; (3) the Texas Commission on Law Enforcement (TCOLE) shall establish and administer a grant program through which eligible cities and counties may apply for a grant to provide increased compensation to peace officers employed by a law enforcement agency based on the extent to which the peace officers employed by the law enforcement agency of the applicant city or county: (a) hold a bachelor's degrees or higher; (b) reside in the applicable city or county; and (c) have received certificates of distinction for certain achievements, including performing more than 40 hours of community service, completing more than 50 hours of continuing education programs, or providing more than 25 hours of instruction in continuing education programs; (4) TCOLE shall annually evaluate each law enforcement agency of a city or county for professionalism based on the following criteria and any additional criteria TCOLE adopts by rule: (a) whether at least half of the peace officers of the agency reside in the applicable city or county; (b) whether the peace officers of the agency in supervisory positions hold bachelor's degrees or higher; (c) the peace officers of the agency each perform 30 or more hours of community service annually; (d) the agency has a citizens academy or youth enrichment program; and (e) the peace officers of the agency are certified as special officers for offenders with mental impairments; (5) TCOLE may establish and administer a grant program to award grants to agencies that receive positive evaluations; (6) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete a training program on implicit bias that consists of not less than eight hours of training; and (7) as part of the continuing education programs, a peace officer must complete a training and education program developed by the commission that includes not less than: (a) four hours of training on implicit bias; and (b) eight hours of training on de-escalation and crisis intervention techniques.

**H.B. 2008 (Reynolds) – Peace Officer License Suspension:** would amend current law to provide that the Texas Commission on Law Enforcement shall suspend a peace officer's license upon notification that the officer has been dishonorably discharged. (Companion bill is **S.B. 352** by **Miles**.)

**H.B. 2009 (Reynolds) – No Knock Entries:** would prohibit a magistrate, including a municipal judge, from issuing an arrest or search warrant that authorizes a peace officer from entering, for the purpose of executing a warrant, into a building or other place without giving notice of the

officer's authority or purpose before entering (a no-knock entry). (Companion bill is **S.B. 175** by **Miles**.)

**H.B. 2011 (Reynolds) – Duty to Intervene:** would provide that: (1) a peace officer has a duty to intervene to stop or prevent another peace officer from using excessive force against a person suspected of committing an offense if an ordinary, prudent peace officer would intervene under the same or similar circumstances; and (2) a peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report and the supervisor of the peace officer who used the excessive force. (Companion bill is **S.B. 68** by **Miles**.)

**H.B. 2028 (Lambert) – Ungraded Eggs:** would, among other things, prohibit a state agency or political subdivision from prohibiting the following from purchasing, reselling, or using ungraded eggs: (1) a hatchery buying eggs exclusively for hatching purposes; (2) a hotel, restaurant, or other public eating place where all eggs purchased are served by the establishment; (3) a food manufacturer purchasing eggs for use only in the manufacture of food products, except for a person who operates a plant for the purpose of breaking eggs for freezing, drying, or commercial food manufacturing; (4) an agent employed and paid a salary by a person licensed by the Texas Department of Agriculture; or (5) a retailer selling eggs to the ultimate consumer of the eggs.

**H.B. 2054 (Beckley) – Sex Parlors:** would: (1) redefine “massage parlor” as a “sex parlor” that is a business establishment that purports to provide services involving physical contact with a customer and that allows: (a) a person to engage in sexual contact for compensation; or (b) a person to provide services involving physical contact with a customer in a private or semiprivate location while nude or wearing clothing intended to arouse or gratify the sexual desire of any person; and (2) authorize the governing body of a municipality, by ordinance, to prohibit or otherwise regulate sex parlors.

**S.B. 652 (Eckhardt) – Criminal Penalties for Drug Possession:** would: (1) reduce the criminal penalties for possession of small amounts of marijuana; (2) provide that a peace officer or any other person may not arrest an offender without a warrant for certain drug offenses that are misdemeanors punishable by a fine only; and (3) provide, with certain exceptions, that a peace officer who is charging a person with committing certain Class C misdemeanor drug offenses may not arrest the person and shall issue the person a citation.

**S.B. 664 (Powell) – Strangulation:** would provide that: (1) a peace officer who responds to a call for service that involves an alleged or suspected act of strangulation shall: (a) request assistance from emergency medical services personnel to evaluate and render aid to the victim of strangulation; (b) use the checklist described in (4), below, in providing appropriate assistance to the victim; and (c) provide the victim with referral information to the appropriate support agency for purposes of receiving additional assistance; (2) a peace officer's report regarding the incident must thoroughly document the following: (a) the name, identification number, employment agency, and unit number of all emergency medical services personnel providing assistance under (1), above; (b) victim and witness accounts of the suspect's behavior, actions, and any comments made during the act of strangulation; (c) the officer's observations regarding the suspect's behavior, actions, and any comments made after the officer's arrival on the scene; and (d) the

referral information given to the victim under (1)(c), above; (3) emergency medical services personnel providing assistance under (1), above, shall conduct a medical evaluation and assessment of the victim; and (4) the Texas Commission on Law Enforcement shall develop and make available a checklist to assist peace officers in evaluating an alleged or suspected act of strangulation and providing assistance to the victim of strangulation.

## **Sales Tax**

**H.B. 1696 (Raney) – Remote Sales Taxes:** would provide that the comptroller may not except a remote seller or marketplace provider from collecting sales and use taxes, among other statutory requirements, based on: (1) revenue or sales in an amount greater than \$100,000 in a 12-month period; or (2) transactions in a number greater than 200 in a 12-month period. (Note: this legislation would supersede the comptroller’s “safe harbor” rule providing that remote sellers with total Texas revenue of less than \$500,000 in the preceding 12 calendar months are not required to collect state and local sales and use taxes in Texas.)

**H.B. 1992 (Thierry) – Sales Tax Exemption:** would exempt the following from sales and use taxes as “emergency preparation items”: (1) medical or other face masks used to protect the nose and mouth of a person wearing the mask from potential contaminants, or from transmission of particles from the person wearing the mask; (2) disposable gloves the primary purpose of which is to act as a protective barrier to prevent the possible transmission of disease; and (3) disinfectant cleaning supplies, including bleach products and sanitizing wipes. (Companion is **S.B. 438** by **Blanco**.)

## **Community and Economic Development**

**H.B. 1785 (Thierry) – Operating Boarding Home without License:** would: (1) create a Class B misdemeanor offense when a person operates a boarding home facility without a local permit; and (2) provide that (1) only applies when a county or municipality requires a permit to operate a boarding home facility. (Companion bill is **S.B. 500** by **Miles**.)

**H.B. 1803 (Wilson) – Homelessness:** would: (1) prohibit a municipality from purchasing a property to house homeless individuals unless the commissioners court of the county in which the property is located approves a plan described in (4), below; (2) provide that a municipality may not convert the use of a property owned by the municipality to enable the property to house homeless individuals unless the commissioners court of the county in which the property is located approves a plan described in (4), below; (3) for the purposes of the plan in (4), below, define “proposed new residents” as homeless individuals the municipality intends to house at the purchased or converted property; (4) require a plan to house homeless individuals to describe: (a) the availability of local health care for proposed new residents, including access to Medicaid services and mental health services; (b) the availability of indigent services for proposed new residents; (c) the availability of reasonably affordable public transportation for proposed new residents; (d) local law enforcement resources in the area of the property; and (e) what steps the municipality has taken to coordinate with the local mental health authority to provide for any

proposed new residents; (5) require a municipality to respond to any reasonable requests for additional information made by the commissioners court regarding the proposed property purchase or use conversion; and (6) require a municipality that intends to purchase or convert a property to house homeless individuals to: (a) post notice of the proposed use of the property at the property not later than the 61st day before the proposed date of purchase or conversion; and (b) publish notice of the proposed purchase or conversion of the property for 10 consecutive days in a newspaper of general circulation in the county in which the property is located. (Companion bill is **S.B. 646** by **Schwertner**.)

**H.B. 1885 (Harris) – Regulation:** would, with certain exceptions, prohibit a city from regulating an activity or structure in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections.

**H.B. 1897 (Sanford) – Annexation:** would: (1) require that, at the time a municipality makes an offer to a landowner to enter into an agreement in which the landowner consents to annexation, the municipality must provide the landowner with a written disclosure: (a) that the landowner is not required to enter into the agreement; (b) of the authority under which the municipality may annex the land with references to relevant law; (c) with a plain-language description of the annexation procedures applicable to the land; and (d) regarding whether the procedures require the landowner's consent; and (2) provide that a failure to provide the disclosure in (1) makes the annexation agreement void.

**H.B. 1916 (C. Turner) – Credit Access Business:** would prohibit a credit access business from making a telemarketing call to a consumer whose name and telephone number are on the Texas no-call list.

**H.B. 1929 (Wilson) – ETJ Development Agreements:** would, except in the extraterritorial jurisdiction (ETJ) of a city with a population of 1.9 million or more, provide that: (1) a city that enters into an ETJ development agreement waives immunity from suit for the purpose of adjudicating a claim for breach of contract; and (2) actual damages, specific performance, or injunctive relief (but not consequential or exemplary damages) may be granted in an adjudication brought against a city for breach of an ETJ development agreement.

**H.B. 1931 (Walle) – Public Facility Corporations:** would, among other things, provide for beneficial tax treatment relating to a leasehold or other possessory interest in a public facility only if the public facility user with a leasehold or other possessory interest in a public facility used to provide multifamily housing meets the following requirements: (1) the public facility user reserve at least 10 percent of the residential units in a housing development for individuals or families participating in the housing choice voucher program if the development is located: (a) in the attendance zone of an elementary school that has passed accountability standards for the most recent school year; (b) in the attendance zone of a high school with a graduation rate of at least 85 percent; and (c) in a census tract in which fewer than 10 percent of the households have a household income equal to or less than the federal poverty line and the median income for households is equal to or greater than 80 percent of area median income; and (2) the public facility user may not: (a) refuse to rent a residential unit in a housing development to an individual or family because the individual or family participates in the housing choice voucher program; or (b) use a financial or

minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for a residential unit.

**H.B. 1937 (Pacheco) – Deferred Presentment Transactions:** would provide that: (1) the maximum rate or amount of interest that may be contracted for, charged, or received from a borrower for a deferred presentment transaction (which includes a payday or auto title loan) is 36 percent a year, unless otherwise provided by law; (2) the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction is calculated including total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit access business or a representative of the credit access business; (3) the annual percentage rate of an extension of consumer credit in the form of a deferred presentment transaction that a credit access business obtains for a consumer or assists a consumer in obtaining may not exceed 36 percent; and (4) a deferred presentment transaction entered into in violation of (1), (2), or (3), above, is void and unenforceable.

**H.B. 1968 (Reynolds) – Municipal Management Districts:** would provide that: (1) the board of a municipal management district may declare that a position on the board is a civil office of emolument for purposes of the constitutional dual office holding prohibition if the city council of the city in which the district is located consents by resolution or ordinance; and (2) a director of a municipal management district whose position is made a civil office of emolument under (1) is entitled to receive fees of office and reimbursement of eligible expenses in the manner available to other districts in state law.

**H.B. 2027 (Cortez) – Low Income Housing Tax Credit Program:** would eliminate: (1) the requirement for a city council to hold a public hearing and adopt a resolution in order for the Texas Department of Housing and Community Affairs (TDHCA) to approve an application for housing tax credits for developments financed through the private activity bond program; (2) the requirement that TDHCA score and rank applications using a point system that prioritizes criteria in a particular order; and (3) the ability of TDHCA to provide incentives through the qualified allocation plan to reward applicants for low income housing tax credits for locating a housing development in a census tract in which there are no other existing developments supported by housing tax credits.

**S.B. 631 (Buckingham) – Board of Adjustment:** would provide that, in exercising its authority to grant or deny a zoning variance, a board of adjustment may consider the following as grounds to determine whether compliance with the zoning ordinance as applied to a structure would result in an unnecessary hardship: (1) whether the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the most recent certified appraisal roll; (2) whether compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur; (3) whether compliance would result in the structure not being in compliance with a requirement of a city ordinance, building code, or other requirement; (4) whether compliance would result in the unreasonable encroachment on an adjacent property or easement; or (5) whether the city considers the structure to be a nonconforming structure. (Companion bill is **H.B. 1475** by **Cyrrier**.)

**S.B. 646 (Schwertner) – Homelessness:** would: (1) prohibit a municipality from purchasing a property to house homeless individuals unless the commissioners court of the county in which the property is located approves a plan described in (4), below; (2) provide that a municipality may not convert the use of a property owned by the municipality to enable the property to house homeless individuals unless the commissioners court of the county in which the property is located approves a plan described in (4), below; (3) for the purposes of the plan in (4), below, define “proposed new residents” as homeless individuals the municipality intends to house at the purchased or converted property; (4) require a plan to house homeless individuals to describe: (a) the availability of local health care for proposed new residents, including access to Medicaid services and mental health services; (b) the availability of indigent services for proposed new residents; (c) the availability of reasonably affordable public transportation for proposed new residents; (d) local law enforcement resources in the area of the property; and (e) what steps the municipality has taken to coordinate with the local mental health authority to provide for any proposed new residents; (5) require a municipality to respond to any reasonable requests for additional information made by the commissioners court regarding the proposed property purchase or use conversion; and (6) require a municipality that intends to purchase or convert a property to house homeless individuals to: (a) post notice of the proposed use of the property at the property not later than the 61st day before the proposed date of purchase or conversion; and (b) publish notice of the proposed purchase or conversion of the property for 10 consecutive days in a newspaper of general circulation in the county in which the property is located. (Companion bill is **H.B. 1803** by **Wilson**.)

**S.B. 659 (Buckingham) – Disannexation:** would: (1) provide for the disannexation of an area that: (a) does not receive full municipal services and was exempt from municipal taxation for more than 20 years under an ordinance that provided that the area was exempt from taxation until full municipal services were provided; or (b) was annexed for limited purposes before certain laws were enacted and has not received at any time full municipal services; and (2) provide that if, after receiving a valid petition, a city fails to disannex property described in (1), the person filing the petition may bring an action against the city to compel disannexation and potentially recover attorney’s fees and court costs. (Companion bill is **H.B. 1653** by **Craddick**.)

**S.B. 683 (Blanco) – Defense Communities:** would make various changes relating to defense economic readjustment zones.

## **Elections**

**H.B. 1708 (White) – Voting System:** would: (1) define "auditable voting system" as a voting system that produces a voter-verifiable paper record; (2) define "voter-verifiable paper record" as a paper record of an electronically generated ballot that may be: (a) reviewed and corrected by the voter at the time the ballot is cast; and (b) used for a recount in an election in which electronically generated ballots were used; (3) prohibit a political subdivision from purchasing a voting system consisting of direct recording electronic voting machines that is not an auditable voting system; and (4) prohibit the use of a voting system consisting of direct recording electronic voting machines in an election unless the system is an auditable voting system.

**H.B. 1724 (Paul) – Poll Watchers:** would, among other things: (1) authorize a watcher to sit or stand near enough to see and hear the election officers conducting the observed activity, except as otherwise prohibited by state law; (2) provide that if an election clerk disagrees with a watcher concerning a matter discussed in (1), above, the clerk may not proceed until the presiding judge provides clarifying instruction; and (3) would provide that a person commits an offense if the person serves in an official capacity at a location at which the presence of watchers is authorized and knowingly prevents a watcher from seeing or hearing an activity the watcher is entitled to observe.

**H.B. 1725 (Paul) – Mail Ballot Delivery:** would prohibit the in-person delivery of ballots by mail.

**H.B. 1749 (Crockett) – Voter Registration:** would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at a polling place at which the person would be allowed to vote if the person submits a voter registration application, presents adequate proof of identification, and submits an affidavit stating the person is eligible to vote and voting only once in the election on the day the person offers to vote.

**H.B. 1806 (J. González) – Early Voting Ballot Board:** would, among other things: (1) provide that the early voting ballot board consists of a presiding judge, an alternate presiding judge, and at least two other members; (2) require the alternate president judge of an early voting ballot board to serve as presiding judge for an election if the regularly appointed presiding judge cannot serve; and (3) provide that an early voting ballot board may make a determination that the signatures on the carrier envelope certificate and ballot application are those of the same person by a vote of at least on-half of the board’s membership, with a tie-vote of the board’s membership resulting in the signatures being considered to be those of the same person.

**H.B. 1807 (J. González) – Vote by Mail Application:** would: (1) provide that the officially prescribed application form for an early voting ballot must include, among other things, a space for entering an applicant’s email address; (2) provide that the email address provided for the purpose of applying for an early voting ballot is confidential and does not constitute public information for purposes of the Public Information Act; (3) require the early voting clerk, before rejecting an application for a ballot to be voted by mail, to make a reasonable effort to contact the applicant by e-mail, at any e-mail address provided on the application, to ask questions about the application; (4) provide that if the early voting clerk does not receive a response before the seventh day after the date the clerk tries to contact an applicant as described in (3), the clerk may reject the application; (5) authorize an applicant for an application for a ballot to be voted by mail to make clerical corrections to the application by email; (6) require the early voting clerk to attach to and maintain with the original application submissions and corrections provided by email; and (7) prohibit an applicant from changing the address or county of residence submitted on the original application to a different address or county of residence by email.

**H.B. 1822 (Zwiener) – Early Voting by Mail:** would: (1) authorize a person to deliver a marked ballot voted by mail in-person during the early voted period to: (a) the early voting clerk’s office; or (b) an election officer at an early voting polling place where the voter who marked the ballot is

eligible to vote an early voting ballot by personal appearance; (2) authorize a person to deliver a marked ballot voted by mail to the early voting clerk's office while the polls are open on election day; (3) require the secretary of state to permit a person who submits an application for a ballot to be voted by mail to track the location and status of the person's application and ballot on the secretary of state's Internet website; and (4) require the signature verification committee and early voting ballot board to provide an opportunity for a voter to correct a defect in a timely delivered ballot under certain circumstances.

**H.B. 1832 (Rosenthal) – Early Voting by Mail:** would provide that an application for a ballot to be voted by mail is considered to be submitted for the year in which the application is submitted and the following calendar year if: (1) the first election in which the applicant is eligible to vote following the submission of the application is an election held on the uniform election date in November of an odd-numbered year; and (2) the applicant indicates that the application is for the next November election and the elections held in the following calendar year.

**H.B. 1882 (Bucy) – Early Voting:** would, among other things, provide that: (1) the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (2) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

**H.B. 1890 (Schofield) – Primary Runoff Election Date:** would set the primary runoff election date for a non-federal office as the second Tuesday in April following the general primary election.

**H.B. 1899 (Beckley) – Voter Information:** would, among other things: (1) require an office, agency, or other authority with whom an election application, report, or other election document is required to be submitted or filed that maintains an internet website to make election forms available on that entity's internet website; and (2) require the posting on the authority's Internet website, if the authority maintains a website, notice of the date, hour, and place of the drawing of names of candidates for placement on the ballot.

**H.B. 1901 (Beckley) – Early Voting Ballot Board:** would, among other things, require an early voting ballot board to deliver to the early voting clerk any early voting applications included in a carrier envelope with a ballot voted in an election held on the November uniform election date, regardless of whether the ballot is accepted.

**H.B. 1902 (White) – Voting System:** would require a voting system or voting system equipment to have all components of the voting system, including all software and hardware, manufactured, stored, and held in the United States.

**H.B. 1979 (Toth) – Early Voting Ballots:** would require, among other things: (1) an early voting ballot voted by mail to include a unique code readable by an electronic device that may be used to verify the authenticity of the ballot; (2) the early voting ballot board to identify the unique code included on each ballot with an electronic device and compare the code on the ballot to the codes

recorded by the early voting clerk; and (3) rejection of the ballot if the recorded code on the ballot does not match that recorded by the early voting clerk.

### **Emergency Management**

**H.B. 1747 (Lozano) – COVID-19 Vaccine:** would provide that the COVID-19 Expert Vaccine Allocation Panel convened to develop recommendations for the allocation of COVID-19 vaccines for the Department of State Health Services Commissioner shall prioritize the allocation and distribution of vaccines for first responders, including: (1) peace officers; (2) firefighters, including volunteer firefighters; and (3) certified emergency medical services personnel.

**H.B. 1909 (Leach) – Pregnancy Resource Centers:** would provide, among other things, that: (1) a pregnancy resource center is an essential business at all times, including during a declared state of disaster or public health disaster, and the center's services are considered essential regardless of whether the services are listed as essential or included in a category of services allowed to operate in an order issued under a state of disaster or a public health disaster; (2) an order issued under a state of disaster or public health disaster may not: (a) prohibit a pregnancy resource center from continuing to operate in the discharge of the center's purpose; or (b) require a pregnancy resource center to close; (3) sovereign and governmental immunity for liability are waived to the extent of liability for violation of (1) or (2), above; and (4) the attorney general may bring an action for injunctive or declaratory relief to enforce compliance, but may not recover expenses incurred in bringing, instituting, or intervening in an action.

**H.B. 1922 (Thierry) – Pandemic Response Plan:** would provide that: (1) the Texas Division of Emergency Management (TDEM) shall prepare and keep current a pandemic response plan that may include provisions for: (a) consulting infectious disease experts; (b) preventing and minimizing injury and damage caused by a pandemic; (c) prompt and effective response to a pandemic; (d) emergency relief; (e) identifying areas and populations particularly vulnerable to the occurrence of a pandemic; (f) communicating with governmental and private entities to facilitate coordination and collaboration for the efficient and effective planning and execution of a pandemic response plan; (g) organizing federal, state, and local pandemic response activities; (h) assisting local officials in designing local pandemic response plans; (i) preparing and distributing to appropriate state and local officials catalogs of federal, state, and private assistance programs; and (j) other necessary matters relating to pandemics; and (2) in preparing and revising the pandemic response plan, TDEM shall seek the assistance of, among others, necessary federal, state, or local governmental entities. (Companion bill is **S.B. 435** by **Blanco**.)

**H.B. 1923 (Thierry) – Disruption in Supply Chains Caused by COVID-19:** would require the comptroller to: (1) conduct a study to identify and evaluate local and state supply chain disruptions caused by the COVID-19 pandemic; and (2) prepare and submit a report containing the results of the study and any recommendations for legislative or other action to aid in the state's recovery from the COVID-19 pandemic and prepare for future health and economic crises to the governor and the legislature by September 1, 2022. (Companion bill is **S.B. 453** by **Blanco**.)

**H.B. 1978 (Toth) – Termination of COVID-19 Disaster Declaration:** would provide that: (1) the governor may not declare a state of disaster because of COVID-19; and (2) the state of disaster declared by the governor related to COVID, as renewed, is terminated.

**H.B. 1983 (Thierry) – Disaster Preparedness:** would: (1) add the term “pandemic” to the definition of disaster under the Texas Disaster Act; (2) provide that the business advisory council that was established to provide advice and expertise on actions state and local governments can take to assist businesses in recovering from a disaster shall, in addition to its other duties, propose solutions to mitigate medical supply chain problems and nursing and physician staff shortages that may occur during a disaster; and (3) provide that the disaster recovery task force shall, in addition to its other duties, address long-term solutions to issues arising from a disaster that are specific to a pandemic or epidemic, including unemployment issues and rental policies and other housing issues.

**H.B. 1985 (Thierry) – Unemployment Benefits:** would provide that: (1) during a public health disaster, the Texas Workforce Commission (TWC) shall suspend the following eligibility conditions to authorize an individual who is otherwise eligible to receive unemployment benefits to receive benefits: (a) the condition that an individual be actively seeking work; and (b) the condition that an individual has been totally or partially unemployed for a waiting period; and (2) the period of a suspension imposed under (1), above, begins on the date the public health disaster is declared, and TWC may reinstate the conditions described by (1), above, only after the public health disaster expires. (Companion bill is **S.B. 469** by **Blanco**.)

**H.B. 1989 (Thierry) – Personal Protective Equipment:** would provide, among other things, that: (1) the Department of State Health Services (DSHS), in coordination with other relevant state agencies, shall establish and maintain a minimum 90-day reserve of personal protective equipment (PPE) for use by health care workers and essential personnel during a public health disaster or other public health emergency; and (2) DSHS shall establish the Personal Protective Equipment Reserve Advisory Committee that shall, as necessary, make recommendations to the Health and Human Services Commissioner for the development of guidelines for the procurement, storage, and distribution of the PPE reserves. (Companion bill is **S.B. 437** by **Blanco**.)

### **Municipal Courts**

**H.B. 1693 (Shaheen) – Financial Responsibility:** would: (1) authorize a justice or municipal court to access the financial responsibility verification program to verify financial responsibility for the purpose of court proceedings; and (2) require the costs associated with accessing the verification program to be paid out of the county treasury by order of the commissioners’ court or the municipal treasury by order of the governing body of the municipality, as applicable.

**H.B. 1944 (Crockett) – Expunction:** would require a trial court, including a municipal court of record, to enter an order of expunction for the arrest records of a person who is acquitted of either a felony or misdemeanor.

**S.B. 690 (Zaffirini) – Remote Court Proceedings:** would, among other things: (1) define "remote proceeding" as a proceeding before a court in which one or more of the participants, including a judge, party, attorney, witness, court reporter, juror, or other individual, attends the proceeding remotely through the use of technology and the internet; (2) authorize a court in this state on the court's own motion or on the motion of any party to: (a) conduct a hearing or other proceeding as a remote proceeding without the consent of the parties unless the United States Constitution or Texas Constitution requires consent; and (b) allow or require a judge, party, attorney, witness, court reporter, juror, or any other individual to participate in a remote proceeding, including a deposition, hearing, trial, or other proceeding; and (3) provide that in any criminal proceeding that requires the consent of parties for the proceeding to be conducted as a remote proceeding, the prosecutor and defendant must each consent for the proceeding to be conducted as a remote proceeding.

### **Open Government**

**H.B. 1810 (Capriglione) – Electronic Public Information:** would provide that: (1) data dictionaries and other indicia of the type or category of information held in each field of a database is public information under the Public Information Act (PIA); (2) a governmental body's use of an electronic recordkeeping system may not erode the public's right of access to public information under the PIA; (3) the contents of public information that is produced and maintained in an electronic spreadsheet or database that is searchable or sortable (electronic public information), including the information described in (1), above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property; (4) if a request for public information applies to electronic public information and the requestor requests the information in a searchable or sortable format, the governmental body shall provide an electronic copy of the requested electronic public information in the searchable or sortable format requested using computer software the governmental body has in its possession, but if the requestor prefers, the governmental body shall provide a copy of electronic public information in the form of a paper printout; (5) a governmental body may not refuse to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require inputting range, search, filter, report parameters, or similar commands or instructions into the governmental body's computer system if the commands or instructions can be executed with computer software used by the governmental body in the ordinary course of business to access, support, or otherwise manage the information; (6) a requestor may request that a copy of electronic public information be provided in the format in which the information is maintained by the governmental body or in a standard export format such as a flat file electronic American Standard Code for Information Interchange (ASCII) if the governmental body's computer programs support exporting the information in that format, and the governmental body shall provide the copy in the requested format or in another format acceptable to the requestor; (7) if the electronic public information is maintained by a governmental body in a format that is: (a) searchable but not sortable, the governmental body shall provide an electronic copy of the information in a searchable format; or (b) sortable, the governmental body shall provide an electronic copy of the information in a sortable format; and (8) a governmental body shall use reasonable efforts to ensure that a contract entered into by the governmental body for the creation and maintenance of electronic public information does not impair the public's ability to inspect or copy the information or make the

information more difficult for the public to inspect or copy than records maintained by the governmental body.

**H.B. 1888 (Fierro) – Open Meetings:** would: (1) authorize a governmental body to hold an open or closed meeting by conference call; (2) define “conference call” to mean a meeting held by telephone conference call, videoconference call, or telephone conference and videoconference call; (3) require that each part of a meeting held by conference call required to be open to the public shall: (a) be audible to the public; (b) be visible to the public if it is a videoconference call; and (c) have two-way communication with each participant; (4) provide that a member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting; (5) provide that a member of a governmental body who participates in a meeting by conference call shall: (a) be counted as present at the meeting for all purposes; and (b) be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, but allow the governmental body to continue the meeting if a quorum of the body continues to participate in the meeting; (6) provide that a governmental body may allow a member of the public to testify at a meeting by conference call; (7) provide that a meeting held by conference call is subject to the notice requirements applicable to other meetings and also must include certain instructions to the public; (8) require that a meeting held by conference call be recorded, and that the recording be made available to the public; and (9) require the Department of Information Resources by rule to specify minimum standards for the recording of a meeting held by conference call.

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

### **Other Finance and Administration**

**H.B. 1703 (Middleton) – Conflicts Disclosure:** would, among other things, provide that a local government officer is required to file a conflicts disclosure statement if a vendor: (1) is a family member of the officer, defined to include a person within the third degree by blood or the second degree by marriage; (2) has an employment or business relationship with the officer or a family member of the officer, or a business entity in which the officer or a family member of the officer holds an ownership interest or is an employee, that results in the officer, family member, or business entity receiving certain taxable income; (3) has an employment or other business

relationship with the officer, a family member of the officer, or a business entity in which the officer or a family member of the officer holds an ownership interest or is an employee, or that the officer anticipates will result in the officer, family member, or business entity receiving any amount of taxable income, including investment income, in the future; or (4) has given to the officer or a family member of the officer, or a business entity in which the officer or family member of the officer holds an ownership interest or is an employee, certain gifts.

**H.B. 1720 (Reynolds) – County Assistance Districts:** would provide that, without a petition or election, a county assistance district may include an area in the district that has no registered voters.

**H.B. 1760 (Krause) – Reporting of Federal Funds:** would require a political subdivision that receives or expends a federal grant or other federal funds that have not been appropriated by the legislature to report to the Legislative Budget Board, the comptroller, and the governor not later than the 150<sup>th</sup> day of the political subdivision's fiscal year: (a) the total amount of federal funds received or expended in the previous fiscal year; and (b) the use or proposed use of those federal funds.

**H.B. 1767 (Anchia) – Handguns:** would: (1) prohibit a state agency or political subdivision from taking any action that states or implies that a license holder who is carrying a handgun is prohibited from entering or remaining on a premises or other place owned and occupied by the governmental entity or leased to and occupied by the governmental entity, unless the license holder is prohibited from carrying a handgun on the premises under certain laws; and (2) require a resident that gives an agency or political subdivision written notice of a violation of the prohibition in (1) include in the written notice a copy of any document or the specific location of a sign found to be in violation of the prohibition in (1).

**H.B. 1770 (Anchia) – Licensed Handgun Carry:** would provide that a city over 750,000 population may hold an election on the question of whether the city can adopt an ordinance to prohibit a person who holds a license to carry a handgun from carrying in that city.

**H.B. 1772 (Anchia) – Licensed Carry:** would provide that, in relation to the notice required to prohibit licensed carry (e.g., “30.06” and “30.07” signs), the words “Pursuant to Section 30.06, Penal Code, Concealed Carry of Handguns Prohibited” and/or “Pursuant to Section 30.07, Penal Code, Open Carry of Handguns Prohibited,” along with a pictogram that shows a handgun within a circle and a diagonal line across the handgun, provide sufficient notice to a license holder that carrying is prohibited on the premises.

**H.B. 1818 (Patterson) – Pet Stores:** would provide that: (1) a pet store may not sell a dog or cat unless the pet store obtained the dog or cat from: (a) an animal control agency; (b) an animal shelter; (c) an animal rescue organization; or (c) a licensed breeder; and (2) a pet store that violates (1) is liable to the state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of (1).

**H.B. 1819 (Martinez) – Emergency Services Districts:** would: (1) authorize two or more emergency services districts (ESDs) to adopt and enforce a fire code, including fines for any violations, for the area served by the ESDs if the ESDs have established a joint response area

through contracts that includes land in two or more counties; and (2) provide that the board of an ESD that adopts a fire code under (1) may not enforce the fire code in the boundaries of a city that has adopted a fire code, except for an area that has been annexed only for limited purposes in which the city does not enforce a fire code.

**H.B. 1841 (Lambert) – Local Mental Health Authority:** would provide that each local mental health authority group shall meet at least quarterly to collaborate on planning and implementing regional strategies to reduce: (1) costs to local governments of providing services to persons experiencing a mental health crisis; (2) transportation to mental health facilities of persons served by an authority that is a member of the group; (3) incarceration of persons with mental illness in county jails that are located in an area served by an authority that is a member of the group; and (4) visits by persons with mental illness at hospital emergency rooms located in an area served by an authority that is a member of the group. (Companion bill is **S.B. 454** by **Kolkhorst**.)

**H.B. 1857 (Anchia) – Licensed Carry:** would: (1) prohibit a person who holds a license to carry a handgun from carrying on the premises or property of an indoor or outdoor arena, stadium, golf course, automobile racetrack, amphitheater, auditorium, theater, museum, zoo, civic center, or convention center, unless the license holder is a participant in an event conducted at the facility and a handgun is used in the event; and (2) provide that the prohibition in (1) is not effective without proper notice.

**H.B. 1877 (Gates) – Vacant Residential Buildings:** would: (1) prohibit a city or county from adopting or enforcing an order, ordinance, or other regulation that requires an owner of a vacant residential building, when repairing damage to the building, to improve the building to a condition that is better than would have been legally acceptable before the damage occurred, including by requiring conformance to updated building code standards; (2) prohibit the governor to exempt a city or county from this prohibition by an executive order issued under the Texas Disaster Act; (3) provide that an owner of a vacant residential building who is required to improve the building in violation of this prohibition may: (a) bring an action against the city or county that violated state law for damages incurred due to the violation; and (b) recover reasonable attorney's fees and litigation costs if the owner prevails in the action; and (4) waive governmental immunity of the city or county to suit and from liability to the extent of liability created by this prohibition.

**H.B. 1878 (Gates) – Vacant Residential Buildings:** would: (1) prohibit a city or county from adopting or enforcing an order, ordinance, or other regulation that requires an owner of a vacant residential building to obtain a permit to conduct repairs to the building if the repairs are necessary to: (a) protect public safety; or (b) prevent further damage to the building; (2) prohibit the governor to exempt a county or municipality from this prohibition by an executive order issued under the Texas Disaster Act; (3) provide that an owner of a vacant residential building who is required to obtain a permit in violation of this prohibition may: (a) bring an action against the county or municipality that violated state law for damages incurred due to the violation; and (b) recover reasonable attorney's fees and litigation costs if the owner prevails in the action; and (4) waives governmental immunity of the city or county to suit and from liability to the extent of liability created by this prohibition.

**H.B. 1879 (Schofield) – Eminent Domain:** would, in relation to a property owner’s right to repurchase property from a condemning entity: (1) eliminate the following as elements establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; and (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress.

**H.B. 1887 (Schofield) – Local Debt:** would prohibit a political subdivision from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security.

**H.B. 1898 (Beckley) – Tuition Fees for Emergency Operators:** would provide, with certain exceptions, that: (1) the governing board of an institution of higher education shall exempt from the payment of tuition and laboratory fees charged by the institution for courses relating to emergency telecommunications, criminal justice, or emergency medical services an undergraduate student who: (a) is employed as an emergency response operator or emergency services dispatcher by Texas or by a political subdivision in Texas; (b) is enrolled in a certificate or degree program relating to emergency telecommunications, criminal justice, or emergency medical services at the institution; (c) is making satisfactory academic progress toward the student's certificate or degree as determined by the institution; and (d) applies for the exemption at least one week before the last date of the institution's regular registration period for the applicable semester or other term.

**H.B. 1960 (Beckley) – Short-Term Rental Preemption:** would severely limit a city’s authority to regulate short-term rentals. Specifically, the bill would provide that:

1. “short-term rental unit” means a dwelling that is: (a) used or designed to be used as the home of a person, family, or household, including a single-family dwelling or a unit in a multi-unit building, including an apartment, condominium, cooperative, or timeshare; and (b) rented wholly or partly for a fee and for a period of less than 30 consecutive days;
2. the bill does not require a city to regulate a short-term rental unit, but does require a city that elects to regulate a unit to comply with the bill;
3. except as provided by the bill, a city may not: (a) adopt or enforce an ordinance, rule, or other measure that: (i) prohibits or limits the use of property as a short-term rental unit; or (ii) is applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units; or (b) apply a municipal law, including a noise restriction, parking requirement, or building code requirement, or other law to short-term rental units or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons;
4. in regard to a short-term rental unit, a city may prohibit: (a) the use of the unit to promote activities that are illegal under municipal or other law; (b) the provision or management of the unit by a registered sex offender or any person having been convicted of a felony; (c)

the serving of food to a tenant unless the serving of food at the unit is otherwise authorized by municipal law; (d) the rental of the unit to a person younger than 18 years of age; or (d) the rental of the unit for less than 24 hours;

5. in regard to a short-term rental unit, a city may require: (a) a unit provider (an undefined term) to: (i) register the unit; (ii) designate an emergency contact responsible for responding to complaints regarding the unit; (iii) have the unit inspected on an annual basis by the local building code department or fire marshal, as applicable, to verify that the unit meets state and municipal requirements; and (iv) post the number of a permit issued by the city for the unit on every listing advertising the unit on a short-term rental unit listing service; and (b) either: (i) a unit provider or property manager on the provider's behalf to maintain property and liability insurance for the unit in an amount required by the city; or (ii) the unit provider to provide proof that the short-term rental unit listing service that lists the unit is maintaining property and liability insurance for the unit in an amount required by the municipality;
6. "bedroom" means an area of a residential dwelling intended and used as sleeping quarters, and the term does not include a kitchen, dining room, bathroom, living room, utility room, closet, or storage area;
7. a city may limit the maximum occupancy of individuals 18 years of age or older in a unit to a number that is not less than two individuals multiplied by the number of bedrooms in the unit plus two additional individuals;
8. with regard to registration, a city that adopts a registration requirement: (a) shall approve or deny a registration application not later than the 45th calendar day after the date the city receives the application, or the application is deemed approved; (b) if the municipality approves a registration application, shall issue a permit valid for at least one year following the date of the issuance of the permit; (c) may suspend a permit only in accordance with the bill; and (d) may not charge a registration fee in an amount greater than the lesser of an amount to cover the administrative costs of enforcing the registration requirement or \$450; (e) may require the short-term rental unit provider to affirm that the unit does not violate any rules or bylaws of any condominium, cooperative, property owners' association, or other similar entity that has jurisdiction over the property in which the unit is located; (f) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a short-term rental unit; (g) may deny renewal of a permit if the short-term rental unit provider did not provide the city with a renewal application before midnight on the date in which the permit expires; (g) may prohibit transfer of registration permits; (h) may not restrict the number of permits issued for short-term rental units, including units in multi-family dwellings, located in a commercial area or another area outside of a residential area of the city regardless of whether a unit is the primary residence of the unit owner; (i) may not restrict the number of permits issued for short-term rental units that are located within a residential area of the city and are the primary residence of the unit owner; (j) may restrict the number of permits issued for short-term rental units that are located in a residential area and not the primary residence of the owner if the city: (i) finds that active enforcement of the city's noise restrictions, parking requirements, building code requirements, or other laws is insufficient to protect the health and safety of municipal residents in the residential area; and (ii) does not prohibit more than 12.5 percent of the total number of residential properties in the city from being eligible for a permit; and (k) a registration requirement adopted by a city that is more stringent than

requirements in effect immediately before the new requirement takes effect applies only to a permit issued or renewed on or after the effective date of the new requirement;

9. with regard to registration suspension: (a) a city may suspend the registration of a short-term rental unit for a period not to exceed one year if: (i) as a direct result of the operation of the unit, the unit has been in violation of a municipal law related to noise, parking, or habitability standards at least three times during one calendar year; (ii) the unit provider is delinquent in the remittance of a local hotel occupancy tax by more than 90 days and the city has provided sufficient notice and opportunity for the provider to remit the tax; or (iii) the unit provider is in violation of a municipal requirement enacted in accordance with the bill; and (b) the city has the burden of proof of demonstrating that the violation was a direct result of the short-term rental unit's operation and the unit provider failed to make reasonable attempts to abate the violation;
10. in addition to any penalty provided for an underlying offense or violation, a city may assess a civil penalty against a unit provider not to exceed \$200 per day for a violation of the bill;
11. if a short-term rental unit provider knowingly tolerates a violation of the bill, fails to make reasonable attempts to abate a violation, and has violated a municipal law related to unsanitary conditions, noise, over-occupancy, parking, or solid waste five times or more in a calendar year, the city may assess a civil penalty against the unit provider in an amount not to exceed \$2,000 per day for the violation; and
12. the bill does not prohibit a city from contracting with a third party, which may be a short-term rental listing service (defined as a person who facilitates, including by listing short-term rental units on an Internet website, the rental of a short-term rental unit), to provide services that assist in ensuring compliance with municipal requirements imposed in accordance with the bill.

**H.B. 1961 (Beckley) – Short-Term Rental Preemption:** would severely limit a city's authority to regulate short-term rentals. Specifically, the bill would provide that:

1. "short-term rental unit" means a dwelling that is: (a) used or designed to be used as the home of a person, family, or household, including a single-family dwelling or a unit in a multi-unit building, including an apartment, condominium, cooperative, or timeshare; and (b) rented wholly or partly for a fee and for a period of less than 30 consecutive days;
2. the bill does not require a city to regulate a short-term rental unit, but does require a city that elects to regulate a unit to comply with the bill;
3. except as provided by the bill, a city may not: (a) adopt or enforce an ordinance, rule, or other measure that: (i) prohibits or limits the use of property as a short-term rental unit; or (ii) is applicable solely to short-term rental units, or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units; or (b) apply a municipal law, including a noise restriction, parking requirement, or building code requirement, or other law to short-term rental units or short-term rental unit providers, short-term rental unit tenants, or other persons associated with short-term rental units in a manner that is more restrictive or otherwise inconsistent with the application of the law to other similarly situated property or persons;

4. in regard to a short-term rental unit, a city may prohibit: (a) the use of the unit to promote activities that are illegal under municipal or other law; (b) the provision or management of the unit by a registered sex offender or any person having been convicted of a felony; (c) the serving of food to a tenant unless the serving of food at the unit is otherwise authorized by municipal law; (d) the rental of the unit to a person younger than 18 years of age; or (d) the rental of the unit for less than 24 hours;
5. in regard to a short-term rental unit, a city may require: (a) a unit provider (an undefined term) to: (i) register the unit; (ii) designate an emergency contact responsible for responding to complaints regarding the unit; (iii) have the unit inspected on an annual basis by the local building code department or fire marshal, as applicable, to verify that the unit meets state and municipal requirements; and (iv) post the number of a permit issued by the city for the unit on every listing advertising the unit on a short-term rental unit listing service; and (b) either: (i) a unit provider, or property manager on the provider's behalf, to maintain property and liability insurance for the unit in an amount required by the city; or (ii) the unit provider to provide proof that the short-term rental unit listing service that lists the unit is maintaining property and liability insurance for the unit in an amount required by the city;
6. "bedroom" means an area of a residential dwelling intended and used as sleeping quarters, and the term does not include a kitchen, dining room, bathroom, living room, utility room, closet, or storage area;
7. a city may limit the maximum occupancy of individuals 18 years of age or older in a unit to a number that is not less than two individuals multiplied by the number of bedrooms in the unit plus two additional individuals;
8. with regard to registration, a city that adopts a registration requirement: (a) shall approve or deny a registration application not later than the 45th calendar day after the date the city receives the application, or the application is deemed approved; (b) if the city approves a registration application, shall issue a permit valid for at least one year following the date of the issuance of the permit; (c) may suspend a permit only in accordance with the bill; (d) may not charge a registration fee in an amount greater than the lesser of an amount to cover the administrative costs of enforcing the registration requirement or \$450; (e) may require the short-term rental unit provider to affirm that the unit does not violate any rules or bylaws of any condominium, cooperative, property owners' association, or other similar entity that has jurisdiction over the property in which the unit is located; (f) may maintain an Internet website or telephone hotline that enables a member of the public to file a complaint regarding a short-term rental unit; (g) may deny renewal of a permit if the short-term rental unit provider did not provide the city with a renewal application before midnight on the date in which the permit expires; (g) may prohibit transfer of registration permits; (h) may not restrict the number of permits issued for short-term rental units, including units in multi-family dwellings, located in a commercial area or another area outside of a residential area of the city regardless of whether a unit is the primary residence of the unit owner; (i) may not restrict the number of permits issued for short-term rental units that are located within a residential area of the city and are the primary residence of the unit owner; (j) may place a reasonable density restriction or reasonable per capita percentage restriction on the number of permits issued for short-term rental units that are located in a residential area and not the primary residence of the owner if the city: (i) finds that

- active enforcement of the city's noise restrictions, parking requirements, building code requirements, or other laws is insufficient to protect the health and safety of city residents in the residential area; (ii) does not prohibit more than 12.5 percent of the total number of residential properties in the city from being eligible for a permit; and (iii) applies the restriction uniformly across the entire city; (k) the registration is considered approved if a city fails to approve or deny a registration application in accordance with certain requirements; and (l) a registration requirement adopted by a city that is more stringent than requirements in effect immediately before the new requirement takes effect applies only to a permit issued or renewed on or after the effective date of the new requirement;
9. with regard to registration suspension: (a) a city may suspend the registration of a short-term rental unit for a period not to exceed one year if: (i) as a direct result of the operation of the unit, the unit has been in violation of a municipal law related to noise, parking, or habitability standards at least three times during one calendar year; (ii) the unit provider is delinquent in the remittance of a local hotel occupancy tax by more than 90 days and the city has provided sufficient notice and opportunity for the provider to remit the tax; or (iii) the unit provider is in violation of a municipal requirement enacted in accordance with the bill; and (b) the city has the burden of proof of demonstrating that the violation was a direct result of the short-term rental unit's operation and the unit provider failed to make reasonable attempts to abate the violation;
  10. in addition to any penalty provided for an underlying offense or violation, a city may assess a civil penalty against a unit provider not to exceed \$200 per day for a violation of the bill;
  11. if a short-term rental unit provider knowingly tolerates a violation of the bill, fails to make reasonable attempts to abate a violation, and has violated a municipal law related to unsanitary conditions, noise, over-occupancy, parking, or solid waste five times or more in a calendar year, the city may assess a civil penalty against the unit provider in an amount not to exceed \$2,000 per day for the violation;
  12. with regard to listing requirements: (a) a short-term rental unit listing service may not list a short-term rental unit that does not hold a permit in violation of a municipal ordinance; and (b) a city that revokes a short-term rental unit permit may notify a short-term rental unit listing service of the revocation for the service to comply with (a);
  13. the comptroller's office shall establish and maintain a statewide database of all cities that have adopted short-term rental unit ordinances and publish the list on its website;
  14. the bill does not prohibit: (a) a condominium, cooperative, property owners' association, or other similar entity from prohibiting or otherwise restricting an owner of property within the entity's jurisdiction from using the property as a short-term rental unit; (b) a lessor, through the terms of a lease agreement, from restricting the use of the leased property as a short-term rental unit; or (c) a property owner from placing a restrictive covenant or easement on the property that restricts the future use of the property as a short-term rental unit;
  15. a person who facilitates a short-term rental but does not collect hotel tax on the short-term rental shall file with the comptroller a report stating: (a) the physical address of the property rented; (b) the name and address of the owner of the property rented; (c) the dates of the rental; (d) the amount paid for the rental if the person facilitated

- payment for the rental; (e) the listing price for the rental if the person listed a price for the rental; and (f) any other information required by the comptroller;
16. the comptroller shall make information obtained from a report under (15) available to a city or county that imposes a hotel occupancy tax on the short-term rental described by the report; and
  17. the bill does not prohibit a city from contracting with a third party, which may be a short-term rental listing service (defined as a person who facilitates, including by listing short-term rental units on an Internet website, the rental of a short-term rental unit), to provide services that assist in ensuring compliance with municipal requirements imposed in accordance with the bill.

**H.B. 1962 (Beckley) – Hotel Occupancy Taxes:** would, among other things: (1) require a short-term rental marketplace to collect the appropriate amount of city hotel occupancy taxes for a city in which a short-term rental is located on each booking charge with respect to that short-term rental; (2) require a short-term rental marketplace to report and remit all taxes collected by the marketplace in the manner required of a person owning, operating, managing, or controlling a hotel and in accordance with the ordinance adopted by the city imposing the tax, or otherwise by agreement with the comptroller or a third-party vendor, if applicable; (3) provide that a short-term rental marketplace is considered to be the person owning, operating, managing, or controlling the short-term rental for purposes of the collection and enforcement of city hotel occupancy taxes; (4) provide that a host may not collect and is not liable for a city hotel occupancy tax on a booking charge for a rental made through the short-term rental marketplace; (5) provide that a short-term rental marketplace may enter into an agreement with the comptroller to collect and remit to the comptroller city hotel occupancy taxes on each booking charge for a rental made through the short-term rental marketplace, or alternatively may enter into an agreement with a third-party vendor to remit to the city the city hotel occupancy taxes that the short-term rental collects; (6) require an agreement with a third-party vendor described by (5), above, to be approved by the city council in order to be effective; (7) require the comptroller or third-party vendor, as applicable, to promulgate a form a short-term rental marketplace must use to report the taxes collected by the short-term rental marketplace, and require the form to include specific information on receipts, booking charges, and the rate of the tax; (8) prohibit the form described in (7), above, from requiring the identification of a specific guest or the host of a short-term rental; (9) provide that if a short-term rental marketplace collects and remits city hotel occupancy taxes to the comptroller pursuant to an agreement, the comptroller shall: (a) deposit the taxes remitted to the comptroller in trust in the separate suspense account of the city in which the short-term rentals are located; and (b) send to the city treasurer or to the person who performs the office of the city treasurer payable to the city the city's share of the taxes remitted to the comptroller at least 12 times during each state fiscal year; (10) require the comptroller, before sending any money to a city, to deduct and deposit to the credit of the general revenue fund an amount equal to one percent of the amount of the taxes collected from rentals of short-term rentals located in the city during the period for which a distribution is made as the state's charge for services provided by the state; and (11) prohibit the comptroller from deducting from the distributions to a city more than \$50,000 in each state fiscal year.

**H.B. 2024 (Rosenthal) – Change of Name and Sex:** would, among other things: (1) establish a process by which a person may apply to the state registrar for the issuance of a new birth certificate

to reflect and incorporate into the new birth certificate a change to the person's name and sex or only to the person's sex; (2) require a person who applies for a new birth certificate under (1) to notify the appropriate local law enforcement authority of the proposed change to the person's name and sex or only to the person's sex, as applicable; and (3) provide that for each person to whom the state registrar issues a new birth certificate under (1), the state registrar shall provide a copy of the new birth certificate and accompanying certificate of change to the applicable local law enforcement authority.

**H.B. 2041 (Leman) – Eminent Domain:** would provide that an entity seeking to acquire property through the use of eminent domain shall, not later than the third business day before the date of a special commissioner's hearing, disclose to the property owner any and all current and existing appraisal reports produced or acquired by the entity relating specifically to the owner's property and used in determining the entity's opinion of value, if an appraisal report is to be used at the hearing. (Companion bill is **S.B. 721** by **Schwertner**.)

**H.B. 2042 (Leman) – Eminent Domain:** would, among other things: (1) provide that if an entity with eminent domain authority provides a form to an owner of real property requesting the owner's permission to enter the property to examine the property or conduct a survey of the property in connection with the potential acquisition of the property for a public use, the form must conspicuously state that: (a) the owner has a right to refuse to grant permission to the entity to enter the property and conduct the examination or survey; (b) the entity has a right to sue for a court order authorizing the entity to enter the property and conduct the examination or survey if the owner refuses to grant the permission; (c) the owner has a right to negotiate the terms of the examination or survey of the property; and (d) the entity has the responsibility for any damages arising from an examination or survey of the property; (2) provide that at the time a governmental or private entity with eminent domain authority makes an initial offer to a property owner to acquire real property, the entity must send by first-class mail a landowner's bill of rights statement to the last known address of the person in whose name the property is listed on the most recent property tax roll; and (3) require a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation to include in the initial offer: (a) a separate identification of the real property that the entity does not seek to acquire by condemnation; and (b) an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation. (Companion bill is **S.B. 723** by **Schwertner**.)

**H.B. 2043 (Leman) – Eminent Domain:** would provide that: (1) land qualifies for appraisal for property tax purposes as agricultural land if a portion or parcel of the land is subject to a right of way that is less than 200 feet wide and that was taken by condemnation if the remainder of the parcel of land qualifies for appraisal as agricultural land; and (2) if additional taxes are due because the land is diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Companion bill is **S.B. 725** by **Schwertner**.)

**H.B. 2044 (Leman) – Eminent Domain:** would, among other things, in relation to a property owner's right to repurchase property from a condemning entity: (1) eliminate as an element establishing "actual progress" on a project: (a) the acquisition of a tract or parcel of real property

adjacent to the property for the same public use project for which the owner's property was acquired; and (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is **S.B. 726** by **Schwertner**.)

**H.J.R. 85 (Patterson) – Operation of Industry:** would amend the Texas Constitution to provide that an agency or officer of the executive department of this state, a political subdivision of this state, or an officer of a political subdivision of this state may not prohibit the operation of an industry or other category of business or commercial activity otherwise legally operating in this state.

**H.J.R. 87 (Burns) – Unfunded Mandates:** would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2022, that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the city or county is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the city or county, for the payment or reimbursement of the costs incurred for the biennium by the city or county in complying with the requirement.

**H.J.R. 92 (Schofield) – Eminent Domain:** would amend the Texas Constitution to: (1) provide that a person from whom a real property interest is acquired by an entity through eminent domain for a public use, or that person's heirs, successors, or assigns, is entitled to repurchase the property under certain conditions; and (2) require that a governmental entity offer to sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns under certain circumstances.

**H.J.R. 93 (Schofield) – Eminent Domain:** would amend the Texas Constitution to provide that "public use" does not include the taking of property for transfer to a private entity. (Note: the current constitutional provision provides that property may not be taken to transfer to a private entity "for the primary purpose of economic development or enhancement of tax revenues.")

**S.B. 645 (Zaffirini) – Natural Gas Vehicle Grant Program:** would expand the natural gas vehicle grant program to fund a used natural gas vehicle of model year 2017 or later that is proposed to replace an on-road heavy-duty or medium-duty motor vehicle, provided that the model year may not be more than six years older than the current model year at the time of the submission of the grant application. (Companion bill is **H.B. 963** by **Lozano**.)

**S.B. 650 (Campbell) – Abortion:** would: (1) provide that a governmental entity may not enter into a taxpayer resource transaction, appropriate money, or spend money to provide to any person logistical support for the express purpose of assisting a woman with procuring an abortion or the services of an abortion provider; and (2) authorize the attorney general to enjoin a violation of the prohibition in (1). (Companion bill is **H.B. 1173** by **Noble**.)

**S.B. 678 (Alvarado) – Small Business Disaster Recovery Loans:** would require the comptroller by rule to establish a loan program to use money from the small business disaster recovery revolving fund to provide financial assistance to small businesses affected by a disaster.

**S.B. 681 (Blanco) – School Bus:** would, among other things: (1) define "idling" as allowing an engine to run while the motor vehicle is not engaged in forward or reverse motion; (2) require the board of trustees of each school district to adopt a policy that minimizes the amount of time that drivers of buses operated or contracted for operation by the district spend idling the bus engine; (3) to maximize the effectiveness of a policy adopted, a school district may, among other things: (a) review any federal, state, or local regulations relating to engine idling to ensure the district's policy is consistent with those regulations; and (b) encourage local governmental entities to adopt idling reduction plans and programs.

**S.B. 700 (Buckingham) – Texas Parks and Wildlife Department:** would, among other things, continue the functions of the Texas Parks and Wildlife Department until September 1, 2033. (Companion bill is **H.B. 1615** by **Cyrier**.)

**S.B. 721 (Schwertner) – Eminent Domain:** would provide that an entity seeking to acquire property through the use of eminent domain shall, not later than the third business day before the date of a special commissioner's hearing, disclose to the property owner any and all current and existing appraisal reports produced or acquired by the entity relating specifically to the owner's property and used in determining the entity's opinion of value, if an appraisal report is to be used at the hearing. (Companion bill is **H.B. 2041** by **Leman**.)

**S.B. 722 (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. 723 (Schwertner) – Eminent Domain:** would, among other things: (1) provide that if an entity with eminent domain authority provides a form to an owner of real property requesting the owner's permission to enter the property to examine the property or conduct a survey of the property in connection with the potential acquisition of the property for a public use, the form must conspicuously state that: (a) the owner has a right to refuse to grant permission to the entity to enter the property and conduct the examination or survey; (b) the entity has a right to sue for a court order authorizing the entity to enter the property and conduct the examination or survey if the owner refuses to grant the permission; (c) the owner has a right to negotiate the terms of the examination or survey of the property; and (d) the entity has the responsibility for any damages arising from an examination or survey of the property; (2) provide that at the time a governmental or private entity with eminent domain authority makes an initial offer to a property owner to acquire real property, the entity must send by first-class mail a landowner's bill of rights statement to the last known address of the person in whose name the property is listed on the most recent property tax roll; and (3) require a condemning entity that makes an initial offer that includes real property that the entity does not seek to acquire by condemnation to include in the initial offer: (a) a separate identification of the real property that the entity does not seek to acquire by condemnation; and (b) an offer for the real property that the entity does not seek to acquire by

condemnation separate from the offer made for the real property sought to be acquired by condemnation. (Companion bill is **H.B. 2042** by **Leman**.)

**S.B. 724 (Schwertner) – Eminent Domain:** would provide that if the amount of damages awarded by the special commissioners in an eminent domain proceeding is at least 20 percent greater than the amount of the condemnor’s final offer, or if the commissioners’ award is appealed and a court awards damages in an amount that is at least 20 percent greater than the amount of the condemnor’s final offer made, the condemnor: (1) shall pay all costs of the eminent domain proceeding; and (2) may be required to pay reasonable attorney’s fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

**S.B. 725 (Schwertner) – Eminent Domain:** would provide that: (1) land qualifies for appraisal for property tax purposes as agricultural land if a portion or parcel of the land is subject to a right of way that is less than 200 feet wide and that was taken by condemnation if the remainder of the parcel of land qualifies for appraisal as agricultural land; and (2) if additional taxes are due because the land is diverted to a nonagricultural use as a result of a condemnation, the additional taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken. (Companion bill is **H.B. 2043** by **Leman**.)

**S.B. 726 (Schwertner) – Eminent Domain:** would, among other things, in relation to a property owner’s right to repurchase property from a condemning entity: (1) eliminate as an element establishing “actual progress” on a project: (a) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner’s property was acquired; and (b) for a governmental entity, the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one tolling action before the tenth anniversary of the date of acquisition of the property; and (2) require three of five remaining elements to be met to establish actual progress. (Companion bill is **H.B. 2044** by **Leman**.)

## **Personnel**

**H.B. 1827 (Martinez Fischer) – Minimum Wage:** would provide that the minimum wage shall be the greater of the current minimum wage (\$7.25 per hour) or the following: (1) \$10 per hour in 2022; (2) \$12.50 per hour in 2023; (3) \$14 per hour in 2024; and (4) \$15 per hour thereafter.

**H.B. 1915 (C. Turner) – Overtime Pay:** would provide that: (1) for the purpose of calculating the minimum wage paid to an employee, an employer may not use a method that: (1) guarantees weekly pay for a variable number of hours; or (2) establishes a fixed salary for fluctuating hours in a workweek.

**H.B. 1917 (C. Turner) – Minimum Wage:** would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25/hour).

**H.B. 1940 (Gervin-Hawkins) – Disciplinary Appeals:** would provide that, in an appeal of a disciplinary suspension by a police officer or fire fighter to the civil service commission: (1) the

commission, in its decision, shall state whether the original written statement and charges of the police chief or fire chief, as applicable, are supported by substantial evidence in the record; (2) if the commission states in its decision that the statement and charges of the police chief or fire chief, as applicable, are not supported by substantial evidence in the record, the suspended fire fighter or police officer shall be restored to the person's former position or status in the department's classified service; and (3) if the commission states in its decision that the statement and charges of the police chief or fire chief, as applicable, are supported by substantial evidence in the record, the commission shall affirm the suspension.

**H.B. 1973 (Canales) – Investigation of Fire Fighters:** would provide that: (1) a city, 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 fire fighters in civil service cities or other applicable law; and (2) a copy of a signed complaint against a fire fighter shall be given to the fire fighter in accordance with the procedures adopted under (1), above.

**H.B. 1980 (Neave) – Nondisclosure and Confidentiality Agreements:** would provide that, except for a negotiated settlement agreement or administrative action, a nondisclosure or confidentiality agreement or other agreement between an employer and an employee is void and unenforceable as against the public policy to the extent the agreement: (1) prohibits the employee from notifying, or limits the employee's ability to notify, a local or state law enforcement agency or any state or federal regulatory agency of sexual assault or sexual harassment committed by an employee of the employer or at the employee's place of employment; or (2) prohibits an employee from disclosing to any person, including during any related investigation, prosecution, legal proceeding, or dispute resolution, facts surrounding any sexual assault or sexual harassment committed by an employee of the employer or at the employee's place of employment, including the identity of the alleged offender.

**H.B. 2002 (Stanford) – Mental Illness:** would provide that: (1) an employer, including a city, of a first responder (peace officer, fire fighter, or EMS personnel) may not suspend, terminate, or take any other adverse employment action, including a demotion in rank or reduction of pay or benefits, against a first responder solely because the employer knows or believes that the first responder has certain mental illness, except that the employer may take an appropriate adverse employment action that is necessary to ensure public safety; (2) a person may assert a violation of (1), above, against an employer, or as a defense, in a judicial or administrative proceeding and may seek: (a) compensatory damages; (b) reasonable attorney's fees and court costs; and (c) any other appropriate relief; and (3) sovereign immunity to suit is waived.

**H.B. 2047 (Talarico) – Injuries In the Scope of Duty:** would, among other things, provide that: (1) an employer, including a city (but excluding a city that has adopted civil service for its fire fighters or peace officers), may not take an adverse employment action against a peace officer, detention officer, county jailer, or fire fighter who has sustained a compensable injury on the basis of the person's inability to perform the duties for which the person was elected, appointed, or employed before the person is certified as having reached maximum medical improvement, unless

the person's treating doctor indicates that the person is permanently restricted from returning to perform the duties for which the person was elected, appointed, or employed; (2) an employer that violates (1), above, shall be liable for reasonable damages incurred by the person as a result of the violation in an amount not to exceed \$100,000; and (3) sovereign immunity to suit and from liability is waived, and a peace officer, detention officer, county jailer, or fire fighter may sue an employer for damages described in (2), above, and reinstatement to the person's former position of employment.

### **Purchasing**

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

**H.B. 1974 (Canales) – Contingent Fee Contracts:** would define, for purposes of the Professional Services Procurement Act, the term "contingent fee contract" to include an amendment to a contingent fee contract if the amendment changes the scope of representation or may result in the filing of a lawsuit or the amending of a petition in an existing lawsuit.

**H.B. 2051 (Gervin-Hawkins) – Payment Bonds:** would increase the amount of a public works contract for which a payment bond is required from \$25,000 to \$100,000.

### **Transportation**

**H.B. 1946 (Goodwin) – Highway Safety Corridors:** would: (1) require the Texas Department of Transportation (TxDOT) to designate as a highway safety corridor a portion of a roadway containing a site with a high number of traffic fatalities, as identified by the city council; (2) require TxDOT to adopt rules regarding the process a city must use to identify a highway safety corridor; and (3) require TxDOT to erect signs along a highway safety corridor reading "Fines double: highway safety corridor."

**H.B. 1998 (Lucio) – Weight Limitations:** would provide that a vehicle or combination of vehicles that is powered by an engine fueled primarily by liquefied petroleum gas may exceed certain weight limitations by an amount that is equal to the difference between the weight of the vehicle attributable to the liquefied petroleum gas tank and fueling system carried by that vehicle and the weight of a comparable diesel tank and fueling system, provided that the maximum gross weight of the vehicle or combination of vehicles may not exceed 82,000 pounds.

### **Utilities and Environment**

**H.B. 1714 (Munoz) – Municipally Owned Utility Fees:** would provide that: (1) a municipality with a population of less than 150,000 that owns, operates, or controls a water or sewer utility may assess a fee of not more than \$1 per month; and (2) the fee in (1) may be transferred to the general fund of the municipality for the purposes of funding an animal shelter owned or operated by the municipality.

**H.B. 1873 (Gates) – Municipally Owned Water Utilities:** would provide that: (1) a city may not charge a late payment fee that is more than the greater of \$5 or two percent of the amount past due, not to exceed \$500; (2) notwithstanding the provisions of a resolution or ordinance, a customer charged a late fee may appeal the charge by filing a petition with the utility commission; and (3) the utility commission shall hear the appeal described in (2) de novo and the city charging the fee has the burden of proof to establish the fee complies with (1).

**H.B. 1912 (Wilson) – Concrete Plants:** would, among other things, require that at a Texas Commission on Environmental Quality (TCEQ) meeting or hearing regarding the issuance or renewal of a standard permit for certain aggregate production operations and concrete batch plants TCEQ shall: (1) accept written questions about the facility from the public until the 15th day before the date of the hearing or meeting; and (2) not later than the 14th day before the date of the hearing or meeting, notify certain entities (including each municipality and county in which the facility is located or proposed to be located) of the date, time, and place of the hearing or meeting.

**H.B. 1947 (Ordaz Perez) – Medical Waste:** would: (1) require an applicant for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste, to send notice of the application or notice of intent to: (a) the state senator and representative who represent the area in which the facility is or is to be located; (b) the commissioners court of the county in which the facility is or is to be located; and (c) the governing bodies of the city and school district in which the facility is or is to be located, as applicable; (2) require the Texas Commission on Environmental Quality (TCEQ) to reject an application submitted by a person who has not complied with (1); and (3) provide that TCEQ may not issue a permit for a new medical waste facility or the subsequent areal expansion of a medical waste facility or unit of that facility if the boundary of the facility or unit is to be located within 500 feet of an established residence, farm, ranch, church, school, university, community college, day-care center, surface water body used for a public drinking water supply, or dedicated public park.

**H.B. 1951 (Patterson) – Electricity Pricing:** would require: (1) the Public Utility Commission and the Energy Reliability Council of Texas independent system operator to adopt rules, operating

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

**H.B. 1965 (Beckley) – ERCOT:** would, among other things, require 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.

**H.B. 2016 (Thierry) – ERCOT:** would, among other things, require 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.

**H.B. 2038 (Talarico) – Lead Service Lines:** would require a public water system, which includes a city, to replace lead service lines in each public school, private school, or child care facility that is served by the system.

**S.B. 668 (Menéndez) – Confidentiality of Government-Operated Utility Customer Information:** would: (1) provide that information is excepted from disclosure under the Public Information Act if it is information maintained by a government-operated utility that: (a) discloses whether services have been discontinued or are eligible for disconnection by the government-operated utility; or (b) is collected as part of an advanced metering system for usage, services, and billing, including amounts billed or collected for utility usage, except that all such information is to be made available to that customer or their designated representative; (2) amend the existing confidentiality provision for personal and utility usage information for government-operated utility customers by making that information confidential unless the customer requests that the government-operated utility disclose such information on an appropriately marked form or other written request for disclosure (Note: current law makes personal information and utility usage information confidential only if the customer elects to keep the information confidential on a form provided by the government-operated utility); and (3) provide that a government-operated utility may post notice of the customer's right to request disclosure of personal and utility usage information, along with the form to elect for disclosure, on the government-operated utility's website in lieu of sending the notice and form with each customer's utility bill. (Companion bill is **H.B. 872** by **Bernal**.)

## **Coronavirus (COVID-19) Updates**

The Texas Municipal League is open for business. The building is closed to all but essential personnel and most staff is working remotely, but the League remains open for business and is fully ready to serve. Cities are encouraged to call or email for legal assistance, help with ordinances, or for general advice or assistance. Let us know how we can assist you and your city.

Call TML staff at 512-231-7400, or email the legal department for legal assistance at [legalinfo@tml.org](mailto:legalinfo@tml.org); Rachael Pitts for membership support at [RPitts@tml.org](mailto:RPitts@tml.org); and the training team for questions about conferences and workshops at [training@tml.org](mailto:training@tml.org).

The League has prepared a coronavirus clearinghouse [web page](#) to keep cities updated. In addition, everyone who receives the *Legislative Update* should receive an email update each Tuesday with information on new developments. The email updates are our primary means of communication during the pandemic. Those emails are archived [chronologically](#) as well as by [subject matter](#).

*TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.*