



Legislative UPDATE

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Number 8

“Our Home, Our Decisions” Launches New Website

TML’s “Our Home, Our Decisions” campaign has launched a [new website](#) focusing on the importance of local governments to maintain the ability to govern locally. The goal of the campaign is to emphasize the necessity for local decision-making and to preserve the ability for cities to retain the experts needed to achieve the goals of their communities.

The website contains a variety of resources for city officials including information that highlights the difficulties of a one-size-fits-all approach, and support for community advocacy. The website can be found [here](#).

“Our Home, Our Decisions” will play an active role on [Twitter](#) and we encourage city officials to follow and share posts on social media. If your city would like to highlight articles illustrating the great work that your city is doing in your community, please email articles to TML’s Grassroots and Legislative Services Manager JJ Rocha at jj@tml.org.

Broadband Update: **FCC Emergency Broadband Program and State Status**

Access to quality broadband service is a top priority for federal and state agencies. Last week, the Federal Communications Commission took action to advance that goal, and the Texas comptroller’s office shared information about the state of broadband in Texas.

On February 25, the FCC voted to adopt a [Report and Order](#) establishing the [Emergency Broadband Benefit Program](#), a \$3.2 billion federal initiative to provide qualifying households with a discount (up to \$50 per month) on Internet bills and a one-time discount (up to \$100) on a computer or tablet.

The program is available to a household if one member of the household:

- Qualifies for the [FCC's Lifeline Program](#) for low-income consumers.
- Receives benefits under the free and reduced-price school lunch program or the school breakfast program, or did so in the 2019-2020 school year.
- Received a federal student-aid Pell Grant during the current award year.
- Experienced a substantial loss of income since February 29, 2020, and the household had a total income in 2020 below \$99,000 for single filers and \$198,000 for joint filers.
- Meets the eligibility criteria for a participating providers' existing low-income or COVID-19 program.

The benefit is limited to one monthly service discount and one device discount per eligible household.

The FCC has not established a start date for consumer enrollment. Please check www.fcc.gov/broadbandbenefit regularly for the latest information.

Closer to home, Census data indicates that nearly 20 percent of Texas households do not have adequate broadband service, particularly in rural areas. The February edition of the Texas comptroller's newsletter – [Fiscal Notes](#) – examines broadband in Texas: how it's used, who has it and who doesn't, and how the state can help bring this service to as many Texans as possible.

The newsletter also reviews the “fifth-generation” array of mobile communications technologies, collectively called 5G. According to the comptroller, “increasing the performance of mobile devices is particularly important due to the worldwide adoption of smartphones and tablets for business, industry, commerce and leisure.”

Texas legislators have filed several bills related to broadband deployment. Those are available at www.tml.org, under Policy, Legislative Information, “City-Related Bills Filed.”

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 some 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. 3 (Burrows) – **Texas Pandemic Response Act**: this bill, known as the Texas Pandemic Response Act, would make numerous changes regarding how the state and local governments prevent, prepare for, respond to, and recover from a pandemic disaster. Of primary importance to cities, the bill would, among many other things:

1. define the term “pandemic disaster” to mean the occurrence or imminent threat of an outbreak of an infectious disease that spreads to a significant portion of the population of multiple countries or the world and that threatens widespread or severe damage, injury, or loss of life or property in the state resulting from any natural or man-made cause related to the outbreak;
2. authorize the governor, by executive order or proclamation, to declare a state of pandemic disaster if the governor determines that a state of pandemic disaster is occurring in the state or that the occurrence or threat of a pandemic disaster is imminent;
3. authorize the governor to, on request of a city, waive or suspend a deadline, including a deadline relating to a budget or property tax rate, imposed on the political subdivision by a statute or a state agency order or rule if he waiver or suspension is reasonably necessary to cope with the pandemic disaster;
4. authorize the governor to temporarily reassign resources, personnel, or functions of state agencies and cities for the purpose of performing or facilitating emergency services during a pandemic disaster;
5. provide that the presiding officer of a city council is designated as the pandemic emergency management director for the city;
6. authorize a pandemic emergency management director to serve as the governor’s designated agent in the administration and supervision of duties under the Texas Disaster Pandemic Act, and authorize the pandemic emergency management director to exercise the powers granted to the governor on an appropriate local scale;
7. authorize a pandemic emergency management director to designate a person to serve as pandemic emergency management coordinator, who serves as an assistant to the pandemic emergency management director;

8. provide that a deadline imposed by local law on a city, including a deadline relating to a budget or property tax, is suspended if: (a) the city is wholly or partly located in an area in which a pandemic disaster has been declared by the president of the United States or the governor; and (b) the city's presiding officer proclaims that the city is unable to comply with the requirement because of the pandemic disaster;
9. authorize a city's presiding officer to issue an order ending the suspension of a deadline under Number 8, above, and provide that a deadline may not be suspended for more than 30 days after the date the presiding officer issues the proclamation described by Number 8(b), above;
10. provide that any local order or rule issued in response to a state or local state of pandemic disaster is superseded and void to the extent that it is inconsistent with orders, declarations, or proclamations issued by the governor or Department of State Health Services;
11. prohibit an election official of a political subdivision from seeking to alter, in response to a pandemic disaster, any voting standard practice, or procedure in a manner not otherwise expressly authorized by state law, unless the election official first obtains approval of the proposed alternation from the secretary of state by submitting a written request for approval to the secretary of state;
12. provide that if the governor issues a written determination finding that the presiding officer of a city council has taken issued an order requiring the closure of a private business in response to a pandemic, the city council for that city may not adopt a property tax rate for the current tax year that exceeds the lesser of the city's no-new-revenue tax rate or voter-approval tax rate for that tax year;
13. provide that, for a tax year in which the restriction in Number 12, above, applies to a city, the difference between the city's actual tax rate and voter-approval tax rate for purposes of calculating the city's unused increment rate is considered to be zero;
14. provide that a city is no longer subject to the limitation prescribed by Number 12, above, in the first tax year in which the governor rescinds the governor's written determination;
15. provide that a person commits an offense if the person violates a provision of the pandemic components of a state, local, or interjurisdictional emergency management plan or a rule, order, or ordinance adopted under those provisions, and that a violation is punishable by a fine only in an amount not to exceed \$1000 to be enforced by state and local officials; and
16. authorize the attorney general to provide legal counsel to a city subject to a declared state of pandemic disaster on issues related to pandemic disaster mitigation, preparedness, response, and recovery applicable to the area subject to the pandemic disaster declaration, if a request for legal counsel is submitted by the emergency management director or mayor of a city.

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.

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. 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.

H.B. 5 (Ashby) – Broadband Development Office: would, among other things:

1. require the governor's broadband development council to: (a) research the progress of deployment of broadband statewide and the purchase of broadband by residential and commercial customers; and (b) study industry and technology trends in broadband;
2. establish a broadband development office within the comptroller's office;
3. for purposes of the broadband development office, define "broadband service" as internet service with the capability of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
4. authorize the comptroller by rule to adjust the threshold speeds for broadband services defined in Number 3, above, if the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability that are different from those listed in Number 3, above;
5. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office; and (c) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband service;
6. require the broadband development office to create, update annually, and publish on the comptroller's website a map classifying each designated area in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the designated area have access to

- broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the designated area have access to broadband service;
7. require the map described in Number 6, above, to display: (a) the number of broadband service providers that serve each designated area; (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; and (c) each public school in the state and an indication of whether the area has access to broadband service;
 8. 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 may report the information to the office;
 9. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate designated area on the map as an eligible area or ineligible area;
 10. 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 designated areas determined to be eligible areas;
 11. require the broadband development office to establish and publish eligibility criteria for award recipients under Number 10, 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;
 12. 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;
 13. 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;
 14. require the broadband development office to prepare, update, and publish on the comptroller's Internet website a state broadband plan that establishes long-term goals for greater access to and the adoption of broadband service in Texas;
 15. require the broadband development office, in developing the state broadband plan, to: (a) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services; (b) consider the policy recommendations of the governor's broadband development council; (c) favor policies that are technology-neutral and protect all members of the public; and (d) explore state and regional approaches to broadband development; and
 16. 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.

(H.B. 5 is similar, but not identical, to S.B. 5 by Nichols.)

S.B. 861 (Paxton) – **Open Meetings**: would provide for remote meetings under the Open Meetings Act, and:

For city meetings held by telephone conference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by telephone conference;
2. remove the requirement that an emergency or public necessity exist;
3. require the notice of the meeting: (a) include the statement “Telephone conference call under Section 551.125, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may listen to or participate in the meeting; (c) include access information for an audio feed of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
4. require that any method of access that is provided to the public for listening to or participating in the telephone conference call meeting be widely available at no cost to the public;
5. require that each part of the meeting that is required to be open to the public shall be audible to the public and shall be recorded, and the recording shall be made available to the public;
6. require the identification of each party to the telephone conference be clearly stated prior to speaking;
7. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public listening remotely can follow along with the meeting.

For city meetings held by videoconference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by videoconference;
2. allow a member of the governmental body to participate remotely in a meeting by videoconference call if the audio feed and, if applicable, video feed of the member’s or employee’s participation complies with the other requirements for a videoconference meeting;
3. provide that a member of a governmental body who participates as described in Number 2, above, shall be counted as present at the meeting for all purposes;
4. provide that a member of a governmental body shall be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, and that the body may continue the meeting only if members in a number sufficient to constitute a quorum remain audible and visible to each other and, during the open portion of the meeting, to the public;
5. require the notice of the meeting: (a) include the statement “Videoconference call under Section 551.127, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may observe or participate in the meeting; (c) include access information for both audio-only and audiovisual feeds of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;

6. require that any method of access that is provided to the public for the purpose of observing or participating in a meeting be widely available at no cost to the public;
7. require each portion of a meeting held by videoconference call that is required to be open to the public shall be audible and, if applicable, visible to the public;
8. provide that if a problem occurs that causes a meeting to no longer be audible to the public, the meeting must be recessed until the problem is resolved;
9. require an audio recording of the meeting, and that the recording be made available to the public;
10. provide that the face of each participant who is participating in the call using video communication, while that participant is speaking, be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
11. provide that participant using solely audio communication: (a) shall, while speaking, be clearly audible to each other participant and, during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
12. authorize the Department of Information by rule to specify minimum technical quality standards for the meeting, and require that access information described by Number 5(c) be of sufficient quality so that members of the public can observe the demeanor or hear the voice, as applicable, of each participant in the open portion of the meeting;
13. provide that a governmental body: (a) may allow a member of the public to testify at a meeting from a remote location by videoconference call; and (b) must allow a member of the public testify from a remote location using video or audio communication if holding a meeting by videoconference call where public testimony is taken; and
14. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public observing remotely can follow along with the meeting.

H.B. 2500 (Bailes) – **Newspaper Notice**: would provide that a governmental entity or representative may publish notice on a third-party Internet website, as an alternative to certain newspaper notice requirements, if: (1) the governing body finds, after holding a public hearing on the matter that: (a) Internet publication of notices is in the public interest; (b) Internet publication of notices will not, after consideration of the level of Internet access in the applicable area, unreasonably restrict public access to the notices; and (c) the cost of publishing the notices in a newspaper exceeds the cost of Internet publication; (2) the governmental entity or representative posts the findings in (1) on the entity’s or representative’s website; and (3) the governmental entity or representative also prominently posts each notice for public review at the office location of the governmental entity or representative that is the most accessible to the intended recipients of the notice.

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, and we will recognize you in next week's edition.

The following officials testified (or provided written testimony) in committee hearings held February 24 through March 2:

- Barry Gordon, Mayor, City of Duncanville
- Paulette Guajardo, Mayor, City of Corpus Christi

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. 2212 (Muñoz) – Appraisal District: would, among other things, provide that: (1) an appraisal district is governed by a board of five directors; (2) one director is elected from each of the four commissioners precincts of the county for which the appraisal district is established; (3) the county assessor-collector is a director by virtue of the person's office; (4) if the county assessor-collector is ineligible to serve pursuant to a contract, the appraisal district is governed by the four directors elected from the commissioners precincts and a director elected from the county at large; and (5) the directors other than the county assessor-collector are elected at the general election for state and county officers and serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 2288 (White) – Property Tax Appraisal: would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as agricultural or open-space land. (See **H.J.R. 106**, below.)

H.B. 2311 (Krause) – Appraisal Cap: would: (1) would reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.J.R. 108**, below.)

H.B. 2342 (Zwiener) – Property Tax Installment Payments: would authorize an individual to pay a taxing unit's property taxes imposed on the individual's residence homestead in four equal installments.

H.B. 2403 (Krause) – Appraisal District: would provide that, for an appraisal district established in a county with a population of 120,000 or more, the governing body of each taxing unit entitled to cast at least five percent of the total votes must determine its vote on members of the appraisal district board of directors by resolution adopted at the first or second open meeting of the governing body that is held after the date the chief appraiser delivers the ballot to the presiding officer of the governing body, and that the governing body must submit its vote to the chief appraiser not later than the third day following the date the resolution is adopted.

H.B. 2413 (Shine) – Property Tax Appraisal: would, among other things, authorize a property owner to bring suit to compel an appraisal district, chief appraiser, or appraisal review board to comply with a procedural requirement applicable to a property tax protest. (Companion bill is **S.B. 449** by **Hancock**.)

H.B. 2425 (Murr) – Property Tax Appraisal: would make land subject to certain predation management activities eligible for appraisal as qualified open-space land for property tax purposes on the basis of its use for wildlife management.

H.B. 2429 (Meyer) – Property Tax Rate Notice: would, for a city with a population of less than 30,000 that is not required to hold a tax rate election and for which the qualified voters may not petition to hold an election, establish alternate provisions for notice of the property tax rate when the de minimis tax rate of the city exceeds the voter-approval tax rate.

H.B. 2489 (Cook) – Property Tax Appraisal: would provide that if the appraised value of a residence homestead is lowered as a result of an agreement between the property owner and the appraisal district or as a result of a protest or appeal, the chief appraiser may not increase the appraised value of the property in any of the three tax years following the tax year in which the appraised value is lowered to an amount that exceeds the lesser of: (1) the market value of the property for the tax year; or (2) the sum of: (a) the appraised value of the property for the tax year in which the value is lowered; and (b) the market value of each new improvement made to the property in any of those three tax years, as determined for the tax year in which the improvement is made.

H.B. 2535 (Sanford) – Property Tax Appraisal: would provide that, in determining the market value of real property, the chief appraiser shall analyze the effect of that value on, and exclude from that value the value of, any improvements used for the noncommercial production of food for personal consumption.

H.J.R. 106 (White) – Property Tax Appraisal: would amend the Texas Constitution to repeal the provision that subjects land designated for agricultural use to an additional tax when the land is diverted to a purpose other than agricultural use or sold. (See **H.B. 2288**, above.)

H.J.R. 108 (Krause) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.B. 2311**, above.)

S.B. 742 (Birdwell) – Installment Payments in Disaster Area: would provide that, for a property in a disaster area that has not been damaged as a result of a disaster, the governing body of a taxing unit may authorize a person to pay the taxing unit’s property taxes in four equal installments 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 three equal installments.

S.B. 794 (Campbell) – Disabled Veteran Property Tax Exemption: would modify the eligibility for a homestead property tax exemption for a totally disabled veteran to a disabled veteran who “has been awarded by” the United States Department of Veterans Affairs 100 percent disability compensation, instead of a disabled veteran who “receives from” the United States Department of Veterans Affairs 100 percent disability compensation.

S.B. 887 (Eckhardt) – Homestead Exemption: would: (1) authorize the governing body of a taxing unit, in the manner provided by law for official action by the body, to adopt a local option property tax exemption of either a percentage or a portion, expressed as a dollar amount, of the appraised value of an individual’s homestead, but not both; and (2) provide that if the governing body adopts a local option homestead exemption of a dollar amount of the appraised value of a residence homestead, the amount of the exemption in a tax year may not be less than \$5,000. (See **S.J.R. 42**, below.)

S.J.R. 42 (Eckhardt) – Homestead Exemption: would amend the Texas Constitution to authorize the governing body of a political subdivision to exempt from property taxes a portion, expressed as a dollar amount not less than \$5,000, of the market value of the residence homestead of a married or unmarried adult, including one living alone. (See **S.B. 887**, above.)

Public Safety

H.B. 9 (Klick) – Obstructing Highway: would provide that it is a state jail felony if, in committing the offense of obstructing a highway or other passageway, the actor knowingly: (1) prevents the passage of an authorized emergency vehicle that is operating the vehicle’s emergency

audible or visual signals; or (2) obstructs access to a hospital or other health care facility that provides emergency medical care.

H.B. 2105 (Dutton) – Firearms: would provide that a person commits a criminal offense if the person is carrying a partially or wholly visible firearm other than a handgun and the person intentionally: (1) refuses to give the person’s name, address, or date of birth to a peace officer who requests the information; or (2) gives a false or fictitious name, address, or date of birth to a peace officer who has requested the information.

H.B. 2106 (Perez) – Credit Card Fraud: would, among other things: (1) provide that a law enforcement agency or the financial crimes intelligence center may disclose information regarding the discovery of a credit card skimmer—which would otherwise be confidential—to the public if the law enforcement agency or the chief intelligence coordinator for the center determines that the disclosure of the information furthers a law enforcement purpose; (2) remove the provision from law that allows law enforcement agencies or other governmental agencies designated by the attorney general to collaborate with the attorney general to establish a payment fraud fusion center; (3) provide that the Department of Public Safety may enter into agreements with law enforcement agencies or other governmental agencies for the operation of the financial crimes intelligence center; (4) provide that information a law enforcement agency or other governmental agency collects and maintains under an agreement entered into with DPS in (3) is the intellectual property of the center and on termination of the agreement, the contracting agency shall transfer the information to DPS in accordance with the terms of the agreement; and (5) provide that the center may, among other things, provide training and educational opportunities to law enforcement.

H.B. 2143 (Rodriguez) – Sporting Rifle: would allow a city with a population of 600,000 or more to regulate the carrying of a partially or wholly visible modern sporting rifle on or about a person in a public place.

H.B. 2150 (Allison) – Obstructing a Highway: would increase the criminal penalty for obstructing a highway or other passageway from a Class B misdemeanor to a felony of the third degree.

H.B. 2154 (Dutton) - Training: would create the officer training advisory committee to conduct a study of the Texas Commission on Law Enforcement’s training programs that are established and maintained for individuals seeking to be peace officers, county jailers, school marshals, public security officers, and telecommunicators.

H.B. 2170 (Raymond) – Autopsy Reimbursement: would, among other things, provide that the head of a law enforcement agency may use any portion of the gross amount credited to the agency’s special fund from money received under the felony forfeiture process to reimburse a county commissioners court for the reasonable costs of transporting a body for the purpose of an autopsy.

H.B. 2232 (Bucy) – Alcohol Sales: would authorize: (1) a local option election to be held on the proposition of whether to prohibit or legalize the sale of liquor for off-premise consumption on Sunday; and (2) in an area where the sale on Sunday of liquor for off-premises consumption has been approved by local option election: (a) the holder of a package store permit to sell, offer for

sale, or deliver liquor on Sunday between 10 a.m. and 9 p.m.; (b) the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer anytime on Sunday; and (c) the holder of a local distributor's permit to sell, offer for sale, or deliver liquor to a retailer on Sunday between 5 a.m. and 9 p.m.

H.B. 2233 (Ramos) – Cite and Release Policies: would, among other things, provide that: (1) the Bill Blackwood Law Enforcement Management Institute of Texas and the Caruth Police Institute shall, in consultation with other appropriate entities, including law enforcement agencies, jointly develop, adopt, and disseminate to law enforcement agencies a model policy and associated training materials regarding the issuance of citations in lieu of arrest for misdemeanors; (2) each law enforcement agency shall adopt, implement, and as necessary amend a detailed written policy regarding the issuance of citations in lieu of arrest for misdemeanors, provided that such policy meets the applicable requirements of the model policy; and (3) not later than September 1 of each even-numbered year, each law enforcement agency shall review its adopted policy and modify the policy as appropriate.

H.B. 2302 (White) – False Statement Offense: would provide that: (1) a peace officer commits an offense if the officer files a report with the law enforcement agency employing the officer regarding the commission or investigation of an offense and intentionally or knowingly makes a false statement in the report; and (2) an offense described in (1), above, is a Class A misdemeanor, except it is not an offense if the peace officer attributes the false statement to another person in the report.

H.B. 2334 (Crockett) – Crowd Control: would provide that: (1) a peace officer may not use a less lethal device, including a less lethal chemical device or a less lethal projectile as a means to: (a) control the activity or movement of a nonviolent gathering of persons; or (b) disperse persons engaging in speech or expressive conduct protected by the United States Constitution or Texas Constitution; and (2) each law enforcement agency in this state shall adopt a policy that prohibits a peace officer employed by the agency from using less lethal devices for a purpose prohibited under (1), above.

H.B. 2353 (Neave) – Evidence of Sexual Assault: would require a law enforcement agency that fails to submit evidence it receives of a sexual assault or other sex offense to a public accredited crime laboratory for analysis within 30 days to provide to the Department of Public Safety written documentation of the failure, including a detailed explanation for the failure.

H.B. 2358 (Reynolds) – False Statement Offense: would provide that, if it is shown on the trial of an offense of making a false statement to a law enforcement officer that the false statement consisted of an allegation that another person engaged in conduct violating the Penal Code, the offense is the greater of: (1) the category of offense of the most serious offense falsely reported; or (2) a Class A misdemeanor.

H.B. 2362 (Harris) – Law Enforcement Funding: would:

1. characterize a “defunding local government” as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government’s preceding fiscal year, reduces: (i) the appropriation to the local government’s law enforcement agency; (ii) the

number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above;

2. provide that in making a determination of whether a local government is a "defunding local government" according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
5. prohibit a defunding local government's total expenditures from all available sources of revenue in a fiscal year from exceeding the local government's total expenditures from all available sources of revenue in the fiscal year immediately preceding the fiscal year during which the criminal justice division of the governor's office issued the written determination declaring the local government to be a defunding local government;
6. provide that a local government is no longer considered to be a defunding local government when the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the reductions described by Number 1(a), above; and
7. provide that revenue received from the issuance of bonds approved by voters or from a grant, donation, or gift is not considered an available source of revenue for purposes of the expenditure limitation in Number 5, above.

H.B. 2366 (Buckley) – Penal Offenses: would provide, among other things, that: (1) the offense of directing a light from a laser pointer to a uniformed safety officer, including a peace officer, security guard, firefighter, emergency medical service worker, or other uniformed municipal, state, or federal officer is enhanced to: (a) a felony of the third degree if the conduct causes bodily injury to the officer; or (b) felony of the first degree if the conduct causes serious bodily injury to the officer; and (2) a person commits an offense if the person explodes or ignites fireworks with the intent to: (a) interfere with the lawful performance of an official duty by a law enforcement officer; or (b) flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor.

H.B. 2402 (Price) – Local Taxes and Fees on Firearms: would, among other things, prohibit a city from imposing a tax, assessment, fee, or other charge, including an application, license, or registration fee, on a sale of or an authorization to obtain or possess ammunition, firearms, or

firearm supplies other than a tax, assessment, fee, or other charge specifically authorized by state law in effect on January 1, 2021.

H.B. 2419 (Shaheen) – Rioting: would provide that: (1) the punishment for certain offenses related to assault, arson, criminal mischief, criminal trespass, robbery, burglary, and theft, is increased to the punishment prescribed for the next higher category of offense if it is shown on the trial of the offense that at the time of the offense the actor was participating in a riot, and (2) if the offense described in (1), above, is punishable: (a) as a Class A misdemeanor, the minimum term of confinement for the offense is increased to 180 days; and (b) as a felony of the first degree, the punishment of that offense may not be increased.

H.B. 2437 (Davis) – Peace Officers’ Oath: would provide that the Texas Commission on Law Enforcement (TCOLE) shall require each person who passes the required examination for the issuance of a license as a peace officer or reserve law enforcement officer to sign and submit to TCOLE a specific oath of office.

H.B. 2438 (Meyer) – Law Enforcement Funding: would:

1. characterize a “defunding local government” as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government’s preceding fiscal year, reduces: (i) the appropriation to the local government’s law enforcement agency; (ii) the number of peace officers the local government’s law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government’s law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government’s law enforcement agency; and (b) for which the criminal justice division of the governor’s office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a “defunding local government” according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor’s office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor’s office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor’s office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
5. prohibit the governing body of a defunding local government from adopting a property tax rate for the current tax year that exceeds the lesser of the city’s no-new-revenue tax rate or voter-approval tax rate for that tax year;
6. provide that, in a tax year in which a city is considered to be a defunding taxing unit, the difference between the city’s actual tax rate and voter-approval tax rate for purposes of calculating the city’s unused increment rate is considered to be zero; and

7. provide that a local government is no longer considered to be a defunding local government when the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the reductions described by Number 1(a), above.

H.B. 2452 (Campos) – Prohibited Motor Vehicle Stops: would provide that each law enforcement agency shall adopt a policy prohibiting a peace officer of the agency from making a motor vehicle stop on the shoulder of a controlled access highway.

H.B. 2462 (Neave) – Forensic Medical Examinations: would provide that: (1) if a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (2) if a sexual assault is not reported within the period described by (1), above, on receiving the consent described by (1), above, a law enforcement agency may request a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if: (a) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or (b) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted; and (3) if a sexual assault is reported to a law enforcement agency as provided by (1) or (2), above, the law enforcement agency shall: (a) document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination; (b) provide the documentation of the agency's decision regarding a request for a forensic medical examination to: (i) the health care facility and the physician, sexual assault examiner, or sexual assault nurse examiner, as applicable, who provides services to the victim that are related to the sexual assault; and (ii) the victim or the person who consented to the forensic medical examination on behalf of the victim; and (c) maintain the documentation of the agency's decision in accordance with the agency's record retention policies.

H.B. 2464 (Neave) – Grant Funding: would provide that the failure to comply with the requirements of collection, preservation, and tracking of evidence of a sex offense, including the analysis of evidence of sexual assault or other sex offenses, may be used to determine eligibility for receiving grant funds from the Texas Department of Public Safety, the office of the governor, or another state agency.

H.B. 2496 (Buckley) – Firefighters: would authorize the issuance of specialty license plates for certain volunteer firefighters and fire protection personnel, and provide that part of the fee for issuance of the plates be used only by the Texas Commission on Fire Protection to make grants to an organization of professional firefighters located in Texas that provides emergency relief and scholarship funds to professional firefighters and their dependents.

H.B. 2517 (Meza) – Suicide Prevention in Jails: would provide, among other things, that the Commission on Jail Standards (Commission) shall require each municipal jail or lockup to: (1) provide two hours of training to each jailer or person responsible for the supervision of a person

confined in the jail or lockup on the procedures for identifying, documenting, and handling a person who is potentially suicidal or has a mental health condition; (2) conduct and document mental health screenings during the intake process; (3) house in a cell with cameras any person that is identified as potentially suicidal or who discloses a previous diagnosis for a mental health condition; (4) regularly check on each person described by (3), above; and (5) report to the Commission, in the manner prescribed by the Commission, any incident involving the suicide or attempted suicide of a person confined in the jail or lockup not later than 48 hours after the incident.

S.B. 737 (Birdwell) – First Responders Carrying Handguns: would: (1) require the public safety director of the Department of Public Safety to establish a handgun training course for first responders who hold a license to carry a handgun; (2) prohibit a governmental entity from adopting a rule or regulation that prohibits a first responder who holds a license to carry a handgun and has completed the course described in (1) from: (a) carrying a concealed or holstered handgun while on duty; or (b) storing a handgun on the premises of or in a vehicle owned or operated by the governmental entity if the gun is properly secured; (3) provide that a first responder may discharge a handgun while on duty only in self-defense; (4) provide that a governmental entity that employs or supervises a first responder is not liable in civil action arising from the discharge of a handgun by a first responder who is licensed to carry a handgun; (5) provide that the discharge of a handgun by a first responder who is licensed to carry a handgun is outside the course and scope of the first responder's duties; and (6) provide that the new law authorizing the discharge of a firearm by a first responder may not be construed to waive, under any law, immunity from suit or liability of a governmental entity that employs or supervises first responders. (Companion bill is **H.B. 1069** by **Harris**.)

S.B. 747 (Miles) – Use of Chemical Devices: would require each law enforcement agency to adopt a policy prohibiting a peace officer of the agency from using, against a person younger than 18 years of age, a chemical device that for the purpose of incapacitating or substantially diminishing the capacity of a person causes chemical irritation of the eyes, throat, lungs, or skin.

S.B. 748 (Miles) – Radio Communications: would require each law enforcement agency to make radio communications sent by the agency for a law enforcement purpose readily accessible to the general public, except for radio communications sent by designated units in the agency that perform special operations or the gathering and analyzing of information for the purpose of generating intelligence.

S.B. 752 (Miles) – Alcoholic Beverage Permit: would provide standing to protest certain alcoholic beverage permit and license applications if a sexually oriented business is to be operated on the premises covered by the permit and a petition is signed by 50 percent of the residents who reside within 1,000 feet of any property line of the affected premises.

S.B. 811 (Schwertner) – 911 Good Samaritan: would provide: (1) 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) 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) 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. (Companion bill is **H.B. 1694** by **Raney**.)

S.B. 837 (Alvarado) – Licensing Certain Veterans as Peace Officers: would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to obtain a license and TCOLE’s rules; and (b) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge.

S.B. 842 (Menéndez) – Community-Based Policing: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall establish a statewide comprehensive education and training program that includes community-based policing for peace officers and reserve law enforcement officers; (2) the program described in (1), above, shall contain a component in which officers and members of the community the officers serve meet and share their perspectives on issues covered by the training.

S.B. 899 (Alvarado) – Missing Persons: would provide, among other things, that: (1) a law enforcement agency on receiving a report of a missing child or missing person shall, not later than the 30th day after receiving the report, enter the name of the child or person into the National Missing and Unidentified Persons System, with all available identifying features and all available information describing any person reasonably believe to have taken or retained the missing child or missing person; (2) a law enforcement agency or the agency’s designee shall, not later than the 10th working day after the date one or more identifying features of the unidentified body are determined and reported to the agency or the 30th day after the date the death is reported to the agency, whichever is earlier, enter all available identifying features of the unidentified body into the National Missing and Unidentified Persons System; and (3) immediately after the return of a missing child or missing person or identification of an unidentified body, the local law enforcement agency having jurisdiction of the investigation shall notify the National Missing and Unidentified Persons System.

Sales Tax

H.B. 2088 (Julie Johnson) – Street Maintenance Sales Tax: would, in addition to authorizing certain cities that are members of a subregion of a specific transportation authority to adopt the street maintenance sales tax up to a maximum local sales tax rate of 2.25 percent at any location in the city, generally authorize any city to use the street maintenance sales tax to maintain and repair a city: (1) street or sidewalk; or (2) water, wastewater, or stormwater system located in the width of a way of a city street.

H.B. 2410 (Dean) – Local Sales Tax Sourcing: would: (1) define “Internet order” as an order placed by a purchaser through a website, software application, or other method using the Internet using a computer or mobile device that does not belong to the seller, and provide that the term does not include an order placed by telephone call, regardless of whether the call is completed using Voice over Internet Protocol or a mobile device; and (2) provide that, for purposes of the local sales and use tax, a sale of a taxable item is consummated at the location in this state to which the item is shipped or delivered or at which possession is taken by the purchaser if the sale is made through an Internet order.

H.B. 2510 (Noble) – Sales Tax Exemption: would exempt the sale of an animal by a nonprofit animal welfare organization from sales and use taxes. (Companion bill is **S.B. 197** by **Nelson**.)

S.B. 775 (Nichols) – Sales Tax Exemption: would exempt from sales tax a medical billing service.

S.B. 778 (Hinojosa) – Sales Tax Reallocations: would authorize a local governmental entity, including a city, to access the comptroller’s audit reports and audit working papers in the comptroller’s possession filed by not more than five individual taxpayers doing business in the city or local governmental entity that are included and identified by the city or local governmental entity relating to a sales tax reallocation or refund.

Community and Economic Development

H.B. 5 (Ashby) – Broadband Development Office: would, among other things:

17. require the governor’s broadband development council to: (a) research the progress of deployment of broadband statewide and the purchase of broadband by residential and commercial customers; and (b) study industry and technology trends in broadband;
18. establish a broadband development office within the comptroller’s office;
19. for purposes of the broadband development office, define “broadband service” as internet service with the capability of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
20. authorize the comptroller by rule to adjust the threshold speeds for broadband services defined in Number 3, above, if the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability that are different from those listed in Number 3, above;

21. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the office; and (c) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband service;
22. require the broadband development office to create, update annually, and publish on the comptroller's website a map classifying each designated area in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the designated area have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the designated area have access to broadband service;
23. require the map described in Number 6, above, to display: (a) the number of broadband service providers that serve each designated area; (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; and (c) each public school in the state and an indication of whether the area has access to broadband service;
24. 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 may report the information to the office;
25. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate designated area on the map as an eligible area or ineligible area;
26. 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 designated areas determined to be eligible areas;
27. require the broadband development office to establish and publish eligibility criteria for award recipients under Number 10, 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;
28. 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;
29. 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;
30. require the broadband development office to prepare, update, and publish on the comptroller's Internet website a state broadband plan that establishes long-term goals for greater access to and the adoption of broadband service in Texas;
31. require the broadband development office, in developing the state broadband plan, to: (a) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services; (b) consider the policy recommendations of the governor's broadband development council; (c) favor policies that are technology-neutral and protect all members of the public; and (d) explore state and regional approaches to broadband development; and

32. 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.

H.B. 1925 (Capriglione) – Camping in Public: would: (1) create a Class C misdemeanor criminal offense for a person who intentionally or knowingly camps in a public place without the consent of the officer or agency having the legal duty or authority to manage the public place; (2) provide that consent given by an officer or agency of a political subdivision is not effective for the purposes of (1), above; (3) provide that the bill does not preempt an ordinance, order, rule, or other regulation adopted by a state agency or political subdivision relating to prohibiting camping in a public place or affect the authority of a state agency or political subdivision to adopt or enforce an ordinance, order, rule, or other regulation relating to prohibiting camping in a public place if the ordinance, order, rule, or other regulation: (a) is compatible with and equal to or more stringent than the offense in (1), above; or (b) relates to an issue not specifically addressed by the bill; (4) provide that a local entity may not adopt or enforce a policy under which the entity prohibits or discourages the enforcement of any public camping ban; (5) provide that, in compliance with (4), a local entity may not prohibit or discourage a peace officer or prosecuting attorney who is employed by or otherwise under the direction or control of the entity from enforcing a public camping ban; (6) provide that the attorney general may bring an action in a district court in Travis County or in a county in which the principal office of the entity is located to enjoin a violation of (4) and may recover reasonable expenses, including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs; (7) provide that a local entity may not receive state grant funds for the state fiscal year following the year in which a final judicial determination in an action brought under (6) is made that the entity has intentionally violated (4), above; and (8) provide that a local entity that has not violated (4) may not be denied state grant funds, regardless of whether the entity is a part of another entity that is in violation of (4).

H.B. 2076 (Shaheen) – Property Owners' Association: would provide that a city in which a subdivision with a property owners' association is located shall require the association to file with the city a copy of the policy regarding the enforcement of fines assessed by the association, and provide a copy of the policy to an owner of each property in the subdivision.

H.B. 2251 (Hernandez) – Community Collaborative Program: would provide that the Texas Department of State Health Services shall require each entity awarded a community collaborative program grant to leverage additional funding or in-kind contributions from private sources or local governmental sources in an amount that is at least equal to the amount of the grant awarded.

H.B. 2261 (Wu) – Municipal Management Districts: would authorize a municipal management district to establish an improvement project or provide services related to the construction, acquisition, improvement, relocation, operation, maintenance, or provision of public education facilities.

H.B. 2323 (Schofield) – Emergency Services Districts: would require an emergency services district board to remove territory from a district on request of a city, only if the city has secured an

alternative emergency service provider for the portions of territory located in the city's extraterritorial jurisdiction.

H.B. 2371 (Shaw) – Affordable Housing: would require that: (1) the pre-application and application procedures relating to certain applications for housing funds administered by the Texas Department of Housing and Community Affairs (TDHCA) provide for written notice to any neighborhood organization that is on record with the state or county in which the development described in the application is to be located and that has boundaries containing the proposed development site or has a boundary located not more than one mile from the proposed site; and (2) TDHCA score and rank certain applications using a point system that considers quantifiable community participation with respect to the development, evaluated on the basis of written statements from any neighborhood organization that is on record with the state or county in which the development is to be located and that has boundaries containing the proposed development site or has a boundary located not more than one mile from the proposed site.

H.B. 2372 (Slaton) – Solar Facility Decommissioning: would, among other things, prohibit: (1) the governing body of a taxing unit from entering into a tax abatement agreement to exempt a portion of the value of real property on which a solar facility is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term; and (2) the Public Utility Commission from authorizing a person who operates a solar facility to interconnect the facility to the ERCOT transmission grid unless the person has entered into an agreement with the county in which the facility is located providing that the operator is responsible for decommissioning the solar facility. (Companion bill is **S.B. 829** by **Hall**.)

H.B. 2394 (Campos) – Homelessness: would: (1) require the Texas Department of Public Safety to establish and administer a homeless impact grant program to provide grants for the provision of additional security and sanitation services for homeless individuals in areas for which a public improvement district has been created; and (2) authorize a city or county that has created a public improvement district to apply for and use a grant under the program if: (a) the district is located in a county with an unsheltered homeless individual count that exceeds 500 according to the most recent point-in-time homeless census; and (b) the services for which the grant will be made are an authorized public improvement project of the district.

H.B. 2404 (Meyer) – Chapter 380 Economic Development Agreements: would, among other things:

1. require the comptroller to create and make accessible on the Internet a database, to be known as the Chapter 380 and 381 Agreement Database, that contains information regarding all city and county economic development agreements under Chapters 380 and 381 of the Local Government Code, respectively;
2. for each local economic development agreement described in Number 1, above, the database must include: (a) the name of the local government that entered into the agreement; (b) a numerical code assigned to the local government by the comptroller; (c) the address of the local government's administrative offices and public contact information; (d) the name of the appropriate officer or other person representing the local government and that person's contact information; (e) the name of any entity that entered

into the agreement with the local government; (f) the date on which the agreement went into effect and the date on which the agreement expires; (g) the focus or scope of the agreement; (h) an electronic copy of the agreement; and (i) the name and contact information of the individual reporting the information to the comptroller;

3. require a city to, not later than the seventh day after entering into, amending, or renewing an economic development agreement under Chapter 380 of the Local Government Code, submit to the comptroller the information described by Number 2, above, in the form and manner prescribed by the comptroller in addition to providing a direct link on the city's website to the location of the agreement information published on the comptroller's website;
4. authorize the comptroller to consult with the appropriate officer of, or other person representing, each local government that enters into a local economic development agreement to obtain the information necessary to operate and update the database;
5. require the comptroller to enter the relevant information into the database not later than the 15th business day after the date the comptroller receives the information from the providing local government;
6. require the information, including a copy of the agreement, to remain accessible to the public through the database during the period the agreement is in effect;
7. provide that if a local government that enters into a local economic development agreement described in Number 1, above, does not comply with the requirement to provide information to the comptroller, the comptroller shall send a written notice to the local government describing the information that must be submitted to the comptroller and inform the local government that if the information is not provided on or before the 30th day after the date the notice is provided, the local government will be subject to a civil penalty of \$1,000;
8. provide that if a local government does not report the required information to the comptroller, the local government is liable to the state for a civil penalty of \$1,000 and the attorney general may sue to collect a civil penalty; and
9. create a defense to an action brought under Number 8, above that the local government provided the required information or documents to the extent the information or documents are not exempt from disclosure or confidential under the Public Information Act.

H.B. 2405 (Rodriguez) – Homeless: would provide that: (1) a city zoning or land use ordinance may not prohibit a religious organization from using the organization's facility as housing for homeless individuals, or from having housing units for the homeless on the organization's property; and (2) a city may adopt or enforce an ordinance that imposes reasonable health and safety regulations on housing for homeless individuals provided on a religious organization's property, including requirements that the organization provide electricity and heat for each housing unit, and at least one kitchen and bathroom on the property. (Companion bill is **S.B. 46** by **Zaffirini**.)

H.B. 2531 (Anderson) – Broadband in State Rights-of-Way: would require the Texas Transportation Commission to promulgate rules: (1) establishing an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for: (a) new broadband facility installations; (b) additions to or maintenance of existing broadband facility installations; (c) adjustments or relocations of broadband facilities; and (d)

existing broadband facilities retained within the rights-of-way; and (2) prescribing minimum requirements for the accommodation, method, materials, and location for the installation, adjustment, and maintenance of broadband facilities under the accommodation process. (Companion bill is **SB 507** by **Nichols**.)

S.B. 5 (Nichols) – Broadband Development Office: would, among other things:

1. require the existing governor's broadband development council to: (a) research the progress of deployment of broadband statewide; and (b) study industry and technology trends in broadband;
2. establish the state broadband development office within the University of Texas System;
3. for purposes of the state broadband development office, define "broadband service" as internet service provided directly to end user retail customers and capable of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
4. require the state 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;
5. establish a board of advisors for the state broadband development office consisting of 11 appointed members;
6. require the office to create, update annually, and publish on the office'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;
7. require the map described in Number 6, 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;
8. provide that if information available from the Federal Communications Commission is not sufficient for the 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;
9. establish a petition process, under which a political subdivision or broadband service provider may petition the office to re-designate a census block on the map as an eligible area or ineligible area;
10. require the 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;
11. require the office to establish and publish eligibility criteria for award recipients under Number 10, 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;
12. provide that the office may not: (a) favor a particular broadband technology in awarding grants, loans, or other financial incentives; (b) award grants, loans, or other financial incentives to a broadband provider that does not report information requested by the office;

- (c) 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; or (d) take into consideration distributions from the state universal service fund when deciding to award grants, loans, or other financial incentives;
- 13. 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
- 14. 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.

S.B. 796 (Schwertner) – Homeless Shelters: would provide that: (1) a city shall hold a public hearing concerning a property that it proposes to: (a) purchase for the purpose of housing homeless individuals; or (b) convert for the purpose of housing homeless individuals; (2) the hearing must be held before the city approves the purchase or conversion; (3) notice of a hearing shall be provided to every residence located within two miles of the property that is proposed to be: (a) purchased for the purpose of housing homeless individuals; or (b) converted for the purpose of housing homeless individuals; (4) notice must be delivered via certified mail not later than 36 hours before the hearing begins; and (5) an individual who is entitled to notice may petition a district court in the county in which the property is located for injunctive relief if a city fails to comply with the required process.

S.B. 804 (Menéndez) – Tourism Public Improvement Districts: would: (1) authorize a city council to include property in a tourism public improvement district after establishment of the district if: (a) the property is a hotel; and (b) a sufficient number of the record owners of the real property currently included and proposed to be included in the district have consented to be included in the district by signing the original petition to establish the district or by signing a petition or written consent to include property in the district; and (2) provide that for purposes of (1)(b), above, the number of consenting record owners is sufficient if the record owners own more than 60 percent of the appraised value of taxable real property liable for assessment in the district and: (a) constitute more than 60 percent of all record owners of taxable real property liable for assessment in the district; or (b) own, in aggregate, more than 60 percent of the area of all taxable real property liable for assessment in the district.

S.B. 829 (Hall) – Solar Facility Decommissioning: would, among other things: (1) prohibit the governing body of a taxing unit from entering into a tax abatement agreement to exempt a portion of the value of real property on which a solar facility is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term; and (2) prohibit the Public Utility Commission from authorizing a person who operates a solar facility to interconnect the facility to the ERCOT transmission grid unless the person has entered into an agreement with the county in which the facility is located providing that the operator is responsible for decommissioning the solar facility. (Companion bill is **H.B. 2372** by **Slaton**.)

S.B. 848 (Blanco) – Transfer of Real Property: would: (1) for an entity and a city that have entered into an economic development agreement under Chapter 380 of the Local Government Code, authorize a city to transfer to an entity real property or an interest in real property; (2) provide that consideration for a transfer authorized in (1), above, is in the form of an agreement between the parties that requires the entity to use the property in a manner that primarily promotes a public purpose of the city relating to economic development; (3) require an economic development agreement involving the transfer of real property to include provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (4) prohibit a city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (5) require a city, before making a transfer under an economic development agreement, to provide notice to the general public in a newspaper of general circulation in the county in which the property is located, or if there is no such newspaper, by any means for the city to provide specific public notice authorized by statute or by ordinance of the city; and (6) provide that a city may transfer real property acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority in a Chapter 380 economic development agreement only if: (a) the city offers the previous owner an opportunity to repurchase the real property at the current market value and the previous owner declines; or (b) the city cannot locate the previous owner with reasonable effort.

Elections

H.B. 2059 (Bucy) – Runoff Election Date: would: (1) set a runoff election date on the first Saturday after the 27th day after the date of the main election; and (2) repeal current state law that allows a runoff election date later than the 45th day after the date the final canvass of the main election is completed, if prescribed by a home-rule city charter.

H.B. 2060 (Bucy) – Early Voting by Mail: would provide that an application for a ballot to be voted by mail serves as an application both for a ballot for the main election and for any resulting runoff election, unless the applicant indicates otherwise on the application.

H.B. 2061 (Bucy) – Voter Identification: would provide that the following documents are acceptable forms of photo identification for purposes of voting: (1) an official Native American identification card or tribal document that contains the voter's photograph and address; (2) an identification card issued by an institution of higher education in Texas that contains the voter's photograph; and (3) an identification card issued by a state agency that contains the voter's photograph.

H.B. 2082 (Reynolds) – Polling Places: would provide, in a county with a population of more than 500,000, that each election precinct established for an election may be served by more than one polling place if: (a) each polling place is located within the boundary of the precinct; and (b) consideration is given to population density in selecting the location of each polling place, so that each polling place serves approximately the same number of voters.

H.B. 2092 (Sanford) – Partisan City Elections: would provide that a candidate must declare a party affiliation to run for a city office.

H.B. 2149 (Clardy) – Temporary Branch Polling Places in Less Populous Counties: would, among other things, provide that, for an election in which the territory served by the early voting clerk is situated in a county with a population under 100,000: (1) voting at a temporary branch polling place may be conducted on any one or more days and during any hours of the period for early voting by personal appearance, as determined by the authority establishing the branch; (2) the authority authorized to order early voting on a Saturday or Sunday for the main early voting polling place may also order early voting to be conducted on a Saturday or Sunday at any one or more of the temporary branch polling places; and (3) the schedules for conducting voting are not required to be uniform among the temporary branch polling places.

H.B. 2229 (Hull) – Polling Place: would amend current law prohibiting certain weapons on the premises of a polling place to only prohibit weapons in the portion of the premises of a polling place where voting or other election-related activities are occurring on the day of an election or while early voting is in progress.

H.B. 2260 (Dutton) – Application for Office: would: (1) allow a candidate to utilize a name under which the candidate is known other than the candidate's surname acquired by law or marriage and given name, or a contraction or familiar form of a given name by which the candidate is known or an initial of a given name, if the candidate submits with the application for a place on the ballot 50 affidavits, each: (a) signed by a person eligible to vote in the election for which the candidate is applying; and (b) stating that the candidate is known to the person signing the affidavit by the name under which the candidate is seeking to run; and (2) create a civil penalty in an amount not to exceed \$10,000 for giving false information in order to acquire the affidavits required or who induces a person to sign a false affidavit.

H.B. 2263 (Paul) – Accepting Election Materials: would provide that: (1) voter registration applications, ballots, and applications for mail in ballots that do not comply with current law may not be cured; and (2) petitions for a place on the ballot for public office may only be cured if submitted with a notarized affidavit.

H.B. 2265 (Paul) – Early Voting Hours: would provide that voting during the early voting period may not be conducted earlier than 7 a.m. or later than 7 p.m.

H.B. 2283 (King) – Election Expenditures: would prohibit: (1) the joint elections commission, county election commission, and county election board from accepting a contribution offered by a private individual, a corporation, a partnership, a trust, or another third party; and (2) making an expenditure using funds not appropriated by the governing body of the relevant political subdivision or subdivisions.

H.B. 2291 (Dutton) – Eligibility for Public Office: would require a candidate to provide a certified copy of the candidate's pardon or other documentation evidencing removal of the disability to holding public office.

H.B. 2293 (Patterson) – Early Voting: would prohibit early voting by personal appearance earlier than 6 a.m. or later than 9 p.m.

H.B. 2318 (Geren) – Numbering of Propositions: would provide that if more than one political subdivision’s proposition is to appear on a ballot, the authority ordering the election shall assign a unique letter of the alphabet to each measure.

H.B. 2320 (Jetton) – Ballot by Mail: would: (1) create a state jail felony offense for a person convicted of indicating the ground of eligibility for early voting on an application for ballot by mail and distributes the application to an applicant with intent that the applicant will submit the application on the applicant's behalf to the early voting clerk; and (2) provide an affirmative defense for a person that signed the application for the ballot as a witness or otherwise assisted the applicant pursuant to current state law.

H.B. 2321 (Jetton) – Early Voting Ballot: would require the signature verification committee or early voting ballot board, as the case may be, to compare the signatures of early voting ballots to each signature of the voter obtained from the Department of Public Safety and on file with the county clerk or voter registrar.

H.B. 2322 (Jetton) – Voter Information: would provide that a copy of an application for a ballot to be voted by mail or information on the roster for a person to whom an early voting mail ballot has been sent are not available for public inspection, except to the voter seeking to verify that the information pertaining to the voter is accurate, until the first business day after the November uniform election date.

H.B. 2347 (Klick) – Voting Procedures: would, among other things: (1) provide that a voter who has not voted before the time for closing an early voting polling place is entitled to vote after that time if the voter is inside or waiting to enter the polling place at closing time; and (2) require the presiding judge to take precautions necessary to prevent voting after closing time by persons who are not entitled to do so.

H.B. 2373 (Goodwin) – Voting by Mail: would modify current law to allow for the delivery of ballots voted by mail to be deposited in an authorized depository box. (Companion bill is **H.B. 1385** by **Crockett**.)

H.B. 2455 (Shaw) – Application for Ballot by Mail: would provide that an applicant for a ballot to be voted by mail may submit the application by delivering it in person to the early voting clerk if the application is submitted not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 11th day before election day unless that day is a Saturday, Sunday, or legal state or national holiday, in which case the last day is the first preceding regular business day.

H.B. 2457 (Goodwin) – Preferential Voting: would, among other things, provide that: (1) the governing body of a city or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city or school district; (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate

the voter favors most to the candidate the voter favors least; and (3) a runoff election is not held for an office to which preferential voting applies. (This bill is identical to **H.B. 2460** by **Goodwin**.)

H.B. 2478 (Harris) – Early Voter Identification: would, among other things, require a photograph or copy of an approved photo identification to be submitted along with an application for an early voting ballot by mail and with the completed and marked early voting ballot.

H.B. 2501 (Swanson) – Elections: would allow voters the opportunity to select "I choose not to vote in this race" instead of voting for the candidates appearing on the ballot or the list of write-in candidates for each race.

S.B. 889 (Eckhardt) – Poll Watchers: would, among other things: (1) amend current law to allow a nonpartisan election observation organization to appoint a “watcher” to observe the conduct of an election; (2) authorize the secretary of state to certify qualifying nonpartisan election observation organizations and to adopt rules establishing the criteria to determine whether an organization may be certified; and (3) establish criteria that makes an individual eligible to be a watcher.

Emergency Management

H.B. 3 (Burrows) – Texas Pandemic Response Act: this bill, known as the Texas Pandemic Response Act, would make numerous changes regarding how the state and local governments prevent, prepare for, respond to, and recover from a pandemic disaster. Of primary importance to cities, the bill would, among many other things:

17. define the term “pandemic disaster” to mean the occurrence or imminent threat of an outbreak of an infectious disease that spreads to a significant portion of the population of multiple countries or the world and that threatens widespread or severe damage, injury, or loss of life or property in the state resulting from any natural or man-made cause related to the outbreak;
18. authorize the governor, by executive order or proclamation, to declare a state of pandemic disaster if the governor determines that a state of pandemic disaster is occurring in the state or that the occurrence or threat of a pandemic disaster is imminent;
19. authorize the governor to, on request of a city, waive or suspend a deadline, including a deadline relating to a budget or property tax rate, imposed on the political subdivision by a statute or a state agency order or rule if he waiver or suspension is reasonably necessary to cope with the pandemic disaster;
20. authorize the governor to temporarily reassign resources, personnel, or functions of state agencies and cities for the purpose of performing or facilitating emergency services during a pandemic disaster;
21. provide that the presiding officer of a city council is designated as the pandemic emergency management director for the city;
22. authorize a pandemic emergency management director to serve as the governor’s designated agent in the administration and supervision of duties under the Texas Disaster Pandemic Act, and authorize the pandemic emergency management director to exercise the powers granted to the governor on an appropriate local scale;

23. authorize a pandemic emergency management director to designate a person to serve as pandemic emergency management coordinator, who serves as an assistant to the pandemic emergency management director;
24. provide that a deadline imposed by local law on a city, including a deadline relating to a budget or property tax, is suspended if: (a) the city is wholly or partly located in an area in which a pandemic disaster has been declared by the president of the United States or the governor; and (b) the city's presiding officer proclaims that the city is unable to comply with the requirement because of the pandemic disaster;
25. authorize a city's presiding officer to issue an order ending the suspension of a deadline under Number 8, above, and provide that a deadline may not be suspended for more than 30 days after the date the presiding officer issues the proclamation described by Number 8(b), above;
26. provide that any local order or rule issued in response to a state or local state of pandemic disaster is superseded and void to the extent that it is inconsistent with orders, declarations, or proclamations issued by the governor or Department of State Health Services;
27. prohibit an election official of a political subdivision from seeking to alter, in response to a pandemic disaster, any voting standard practice, or procedure in a manner not otherwise expressly authorized by state law, unless the election official first obtains approval of the proposed alternation from the secretary of state by submitting a written request for approval to the secretary of state;
28. provide that if the governor issues a written determination finding that the presiding officer of a city council has taken issued an order requiring the closure of a private business in response to a pandemic, the city council for that city may not adopt a property tax rate for the current tax year that exceeds the lesser of the city's no-new-revenue tax rate or voter-approval tax rate for that tax year;
29. provide that, for a tax year in which the restriction in Number 12, above, applies to a city, the difference between the city's actual tax rate and voter-approval tax rate for purposes of calculating the city's unused increment rate is considered to be zero;
30. provide that a city is no longer subject to the limitation prescribed by Number 12, above, in the first tax year in which the governor rescinds the governor's written determination;
31. provide that a person commits an offense if the person violates a provision of the pandemic components of a state, local, or interjurisdictional emergency management plan or a rule, order, or ordinance adopted under those provisions, and that a violation is punishable by a fine only in an amount not to exceed \$1000 to be enforced by state and local officials; and
32. authorize the attorney general to provide legal counsel to a city subject to a declared state of pandemic disaster on issues related to pandemic disaster mitigation, preparedness, response, and recovery applicable to the area subject to the pandemic disaster declaration, if a request for legal counsel is submitted by the emergency management director or mayor of a city.

H.B. 1500 (Hefner) – Firearm Regulation: would provide that: (1) in connection with a disaster, no person may prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range; (2) the governor may not, during a state of disaster, suspend or limit the sale, dispensing, or transportation of explosives or combustibles that are components of firearm ammunition; (3) a directive issued by the governor during a state of emergency may not: (a) provide for the control of the storage,

use, and transportation of explosives or flammable materials that are components of firearm ammunition; or (b) prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler; and (4) a city does not have the authority to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster even if the city finds the regulations necessary to protect public health and safety. (Companion bill is **S.B. 18** by **Creighton**.)

H.B. 2066 (Dominguez) – Expansion of Emergency Management: would amend current law to clarify the purpose of the Texas Disaster Act of 1975 to include cybersecurity events.

H.B. 2073 (Burrows) – Quarantine Leave: would provide that: (1) a political subdivision, including a city, shall place a fire fighter, peace officer, or emergency medical technician employed by the political subdivision on paid quarantine leave if the person is ordered by a supervisor or a health authority to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty; (2) a fire fighter, peace officer, or emergency medical technician on quarantine leave shall be entitled to: (a) all employment benefits and compensation, including leave accrual, pension benefits, and health benefit plan benefits; and (b) costs related to the quarantine, including lodging, medical, and transportation costs; and (3) a political subdivision may not reduce any leave balance accrued by a fire fighter, peace officer, or emergency medical technician in connection with the quarantine leave required by (1), above.

H.B. 2097 (Schaefer) – Face Coverings: would provide that the governor or a local official may not issue an executive order, proclamation, or regulation, as applicable, that requires a person to wear a mask or personal protective equipment unless expressly provided by a statute.

H.B. 2098 (Schaefer) – Violations of Emergency Management Plan: would repeal provisions of the Texas Disaster Act, which provide that a state, local, or interjurisdictional emergency management plan may: (1) provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense; and (2) prescribe a punishment for the offense but may not prescribe a fine that exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

H.B. 2196 (Schaefer) – Emergency Management: would, among other things: (1) remove from the definition of disaster, under the Texas Disaster Act, “other public calamity requiring emergency action”; (2) delete the provision that provides that the governor’s executive orders, proclamations, and regulations issued during a disaster have the force and effect of law; (3) eliminate the ability of the governor to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business or waive or suspend a deadline imposed by a statute; (4) eliminate the governor’s ability to temporarily suspend or modify for a period of not more than 60 days any public health, safety, zoning, intrastate transportation, or other law related to providing temporary housing or emergency shelter for disaster victims; (5) repeal the provision that authorizes the governor to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles; and (6) repeal the provision that authorizes the governor to suspend, during a disaster, the waiting period that is otherwise required in order to be eligible for unemployment benefits.

H.B. 2208 (Lopez) – Confidentiality of Disaster Information: would provide that the following information maintained by a governmental body is confidential: (1) the name, social security number, house number, street name, and telephone number of an individual or household that applies for or receives disaster recovery assistance, including utility payment assistance and state or federal disaster recovery funds; (2) the name, tax identification number, address, and telephone number of a business entity or an owner of a business entity that applies for or receives disaster recovery assistance, including utility payment assistance and state or federal disaster recovery funds; and (3) any other information the disclosure of which would identify or tend to identify a person or household that applies for or receives disaster recovery assistance, including utility payment assistance and state or federal disaster recovery funds.

H.B. 2211 (Metcalf) – In-Person Hospital Visits: would provide, among other things, that a hospital may not, during a qualifying period of disaster, prohibit in-person visitation with a patient receiving care or treatment at the hospital unless federal law or a federal agency requires the hospital to prohibit in-person visitation during that period.

H.B. 2239 (Gates) – Disaster Tax Relief: would, among other things, provide that if a city issues an order, proclamation, or regulation pursuant to its authority in the Texas Disaster Act that either closes, prohibits individuals from patronizing, or reduces operating hours or occupancy capacity of certain private businesses, or prohibits landlords from enforcing lease terms that are otherwise enforceable, a business or landlord subject to the order, proclamation, or regulation shall not be liable for any taxes imposed by the city on the business or landlord, including related property taxes.

H.B. 2249 (Hefner) – Firearm Regulation: would provide that: (1) in connection with a disaster, no person may prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range; (2) the governor may not, during a state of disaster, suspend or limit the sale, dispensing, or transportation of explosives or combustibles that are components of firearm ammunition; (3) a directive issued by the governor during a state of emergency may not: (a) provide for the control of the storage, use, and transportation of explosives or flammable materials that are components of firearm ammunition; or (b) prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler; and (4) a city does not have the authority to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster even if the city finds the regulations necessary to protect public health and safety. (Companion bill is **S.B. 18** by **Creighton**.)

H.B. 2270 (C. Turner) - 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**.)

H.B. 2271 (C. Turner) – 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**.)

S.B. 18 (Creighton) – Firearm Regulation: would provide that: (1) in connection with a disaster, no person may prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer or a sport shooting range; (2) the governor may not, during a state of disaster, suspend or limit the sale, dispensing, or transportation of explosives or combustibles that are components of firearm ammunition; (3) a directive issued by the governor during a state of emergency may not: (a) provide for the control of the storage, use, and transportation of explosives or flammable materials that are components of firearm ammunition; or (b) prohibit or restrict the business or operations of a firearms or ammunition manufacturer, distributor, wholesaler; and (4) a city does not have the authority to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster even if the city finds the regulations necessary to protect public health and safety. (Companion bills are **H.B. 1500** and **H.B. 2249** by **Hefner**.)

S.B. 865 (Creighton) - Statewide Disaster Alarm System: would, among other things, provide that: (1) the Texas Division of Emergency Management (TDEM) shall conduct a study on the efficacy of existing mass notification deployments by local governmental entities throughout the state and the feasibility of establishing a statewide disaster alert system; (2) the study must: (a) identify the costs to local governmental entities associated with existing local disaster alert or notification systems; (b) examine the potential benefits to local governmental entities of implementing an alert system; (c) examine the importance of a local governmental entity's discretion regarding the entity's level and manner of participating in the alert system; (d) examine potential costs to local governmental entities or this state associated with implementing the alert system; and (e) identify any state or local governmental entity actions necessary to implement a comprehensive alert system; (3) if, based on the findings of the study described, TDEM and the office of the governor conclude that the benefits to the state and local governmental entities of implementing a coordinated alert system outweigh any additional costs, TDEM, with cooperation of appropriate state agencies and using money available for that purpose, shall develop and implement the alert system; (4) a local government entity that chooses to participate in an alert system implemented under (3), above, may use local funds for that purpose and may contract with TDEM for services associated with the alert system; (5) an alert system may be operated in conjunction with any other emergency alert system required by federal or state law and designed to notify persons statewide of a disaster affecting any location in the state; and (6) a participating

local government entity may, in coordination with TDEM, chose the manner in which the alert system is activated and notifications are issued within the entity's geographic region. (Companion bill is **H.B. 655** by **Raymond**.)

S.B. 877 (Hancock) – Building Inspections: would: (1) provide that a building inspection in an area of a city subject to a disaster declaration by the governor or a declaration of local disaster may be performed by: (a) a person certified to inspect buildings by the International Code Council; (b) a person employed as building inspector by the city in which the building is located; or (c) a person employed as a building inspector by any city, if the city in which the building is located has approved the person to perform inspections during the disaster; and (2) prohibit a city from collecting an inspection fee related to an inspection performed under (1). (Companion bill is **H.B. 2548** by **Morrison**.)

Municipal Courts

H.B. 2338 (Crockett) – Expunction: would: (1) entitle a person who was placed under custodial or noncustodial arrest for certain misdemeanor offenses to have all records and files related to the arrest, including any applicable records and files related to the conviction for the offense, expunged if: (a) the person was placed on deferred adjudication community supervision for the misdemeanor offense; (b) the person has not been convicted or placed on deferred adjudication community supervision for an offense, other than a traffic offense punishable by fine only, committed after the date of the misdemeanor offense for which the person was placed on deferred adjudication community supervision; (c) the person has no charges pending against the person for the commission of any offense, other than a traffic offense punishable by fine only; and (d) a period of not less than ten years has passed since the date on which: (i) the person's sentence for the offense described by (1)(a), including any term of confinement or period of community supervision imposed and payment of all fines and costs imposed, is fully discharged; or (ii) the person received the dismissal and discharge of the deferred adjudication community service; (2) provide that the person must submit an ex parte petition for expunction to the court that placed the person on deferred adjudication community supervision; and (3) require the court to enter an order directing expunction in accordance with state law if the court finds the petitioner is entitled to expunction of any arrest records and files that are the subject of the petition.

H.B. 2441 (White) – Municipal Courts: would provide that any officer authorized to collect a fine, fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes: (a) the defendant is deceased; (b) the defendant is serving a sentence for imprisonment for life or life without parole; (c) the fine, fee, or item of cost has been unpaid for at least 15 years; or (d) the fine, fee, or item of cost is otherwise uncollectible; and (3) the court may order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record.

Open Government

H.B. 2357 (Reynolds) – Public Information: would: (1) provide that information is confidential and not subject to public disclosure if the information: (a) identifies an individual as the victim of certain crimes; or (b) identifies the victim of any criminal offense, if the victim was younger than 18 years of age when any element of the offense was committed; and (2) allow information under (1) to be disclosed: (a) to any victim identified by the information, or to the parent or guardian of a victim described by (1)(b); (b) to a law enforcement agency for investigative purposes; or (c) in accordance with a court order requiring the disclosure.

H.B. 2383 (Moody) – Access to Law Enforcement Records: would provide, among other things, that:

1. the office of the attorney general shall establish and maintain, on its internet website, a publicly accessible database of officer-involved injury or death reports that are required to be submitted to the office;
2. the following information is public information under the Public Information Act (PIA): (a) basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv) a mug shot; (v) a report relating to an officer-involved shooting; (vi) a report relating to an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vii) a report relating to a peace officer's use of force resulting in death or serious bodily injury; or (viii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;
3. law enforcement information that deals with the detection, investigation or prosecution of a crime that does not result in conviction or deferred adjudication, or an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution, that does not result in conviction or deferred adjudication is public information if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;
4. a letter, memorandum, or document regarding a peace officer's alleged misconduct in the peace officer's departmental civil service personnel file (commonly referred to as the "g" file) is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document;
5. a law enforcement agency shall, with exceptions, make public any video recording in the agency's possession involving a critical incident, including an officer-involved shooting, use of force that results in death or serious bodily injury, or a custodial death, not later than the 60th day after the date of the critical incident;

6. a fire or police department in a civil service city may maintain a “g” file to store sensitive personal information, including the individual’s home address, home telephone number, personal cellular telephone number, emergency contact information, social security number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
7. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency’s: (i) complete factual findings; and (ii) analysis of the conduct and appropriate discipline of the covered employee;
8. a written request for information recorded by a body worn camera shall be treated as a request for public information under the PIA; and
9. provisions of current law related to withholding from release a portion of a body worn camera recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative are repealed.

H.B. 2396 (Meyer) – Public Information: would remove motor vehicle market research activities from the list of motor vehicle record information that may be disclosed by a city to certain requestors.

H.B. 2401 (Middleton) – Religion: would: (1) prohibit a local officer or employee from enforcing: (a) the “Blaine Amendments” (certain sections in the Texas Constitution that prohibit the appropriation of state funds for the benefit of a sect, religious society, theological or religious seminary); (b) the Separation of Church and State doctrine against any person or entity in Texas; and (c) the Establishment Clause of the First Amendment against any person or entity other than the federal government, its officers, or its instrumentalities; (2) provide certain exceptions to the prohibition in (1), above; (3) prohibit a local officer or employee from enforcing any restrictions on speech or expression that single out churches or other religious organizations or chill the speech of any person by publishing any such restrictions as required by law; and (4) authorize a person or entity to bring a civil action for violations of the prohibitions in (1) and (3), and allow for the award of attorneys’ fees in Establishment Clause lawsuits.

H.B. 2421 (Davis) – Public Information: would provide that the following personal identifying information collected by a regional transportation authority is confidential and not subject to public disclosure: (1) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and (2) other personal information, including financial information. (Companion bill is **S.B. 858** by **Johnson**.)

H.B. 2511 (Meza) – Law Enforcement Exception: would provide that information that deals with detection, investigation or prosecution of a crime, or a law enforcement internal record or notation in relation to an investigation, that did not result in a conviction or deferred adjudication is public information under the Texas Public Information Act if it is in response to a written request made by: (1) a person who is the subject to the information, record or notation; or (2) if the person is deceased, the person’s spouse, child, or parent, an administrator of the person’s estate, or any of their attorneys.

S.B. 729 (Johnson) – 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. (Companion bill is **H.B. 1810** by **Capriglione**.)

S.B. 841 (Hughes) – Public Information: would add certain honorably retired law enforcement positions to the personal information exceptions of the Public Information Act and the confidentiality of home address section in the tax appraisal statute. (Companion bill is **H.B. 1440** by **Schaefer**.)

S.B. 858 (Johnson) – Public Information: would provide that the following personal identifying information collected by a regional transportation authority is confidential and not subject to public disclosure: (1) trip data, including the time, date, origin, and destination of a trip, and demographic information collected when the person purchases a ticket or schedules a trip; and (2) other personal information, including financial information. (Companion bill is **H.B. 2421** by **Davis**.)

S.B. 861 (Paxton) – Open Meetings: would provide for remote meetings under the Open Meetings Act, and:

For city meetings held by telephone conference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by telephone conference;
2. remove the requirement that an emergency or public necessity exist;
3. require the notice of the meeting: (a) include the statement “Telephone conference call under Section 551.125, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may listen to or participate in the meeting; (c) include access information for an audio feed of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
4. require that any method of access that is provided to the public for listening to or participating in the telephone conference call meeting be widely available at no cost to the public;
5. require that each part of the meeting that is required to be open to the public shall be audible to the public and shall be recorded, and the recording shall be made available to the public;
6. require the identification of each party to the telephone conference be clearly stated prior to speaking;
7. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public listening remotely can follow along with the meeting.

For city meetings held by videoconference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by videoconference;
2. allow a member of the governmental body to participate remotely in a meeting by videoconference call if the audio feed and, if applicable, video feed of the member’s or employee’s participation complies with the other requirements for a videoconference meeting;
3. provide that a member of a governmental body who participates as described in Number 2, above, shall be counted as present at the meeting for all purposes;
4. provide that a member of a governmental body shall be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, and that the body may continue the meeting only if members in a number sufficient to constitute a quorum remain audible and visible to each other and, during the open portion of the meeting, to the public;

5. require the notice of the meeting: (a) include the statement “Videoconference call under Section 551.127, Government Code” in lieu of the place of the meeting; (b) list each physical location where members of the public may observe or participate in the meeting; (c) include access information for both audio-only and audiovisual feeds of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
6. require that any method of access that is provided to the public for the purpose of observing or participating in a meeting be widely available at no cost to the public;
7. require each portion of a meeting held by videoconference call that is required to be open to the public shall be audible and, if applicable, visible to the public;
8. provide that if a problem occurs that causes a meeting to no longer be audible to the public, the meeting must be recessed until the problem is resolved;
9. require an audio recording of the meeting, and that the recording be made available to the public;
10. provide that the face of each participant who is participating in the call using video communication, while that participant is speaking, be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
11. provide that participant using solely audio communication: (a) shall, while speaking, be clearly audible to each other participant and, during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
12. authorize the Department of Information by rule to specify minimum technical quality standards for the meeting, and require that access information described by Number 5(c) be of sufficient quality so that members of the public can observe the demeanor or hear the voice, as applicable, of each participant in the open portion of the meeting;
13. provide that a governmental body: (a) may allow a member of the public to testify at a meeting from a remote location by videoconference call; and (b) must allow a member of the public testify from a remote location using video or audio communication if holding a meeting by videoconference call where public testimony is taken; and
14. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public observing remotely can follow along with the meeting.

Other Finance and Administration

H.B. 2119 (Burrows) – Third-Party Food Delivery Service: would, among other things: (1) define “third-party food delivery service” as a website, mobile application, or other Internet-based service that acts as an intermediary between consumers and multiple restaurants not owned or operated by the service to arrange for the delivery of food or beverages from those restaurants; (2) preempt a city or county from adopting or enforcing an ordinance or regulation that: (a) applies requirements to a third-party food delivery service that are more restrictive than the requirements that apply to the service under state law; (b) affects the fees charged to a restaurant by a third-party food delivery service; or (c) affects the terms of an agreement between a third-party food delivery service and a restaurant; (3) provide that the Department of State Health Services or a local health

authority may not require a third-party food delivery service employee or independent contractor to complete an education program on basic food safety accredited under the bill; and (4) provide that local health authority may not charge a fee to an employee or contractor who provides proof of completion of an education program on basic food safety accredited under the bill. (Companion bill is **S.B. 911** by **Hancock**.)

H.B. 2144 (Harris) – Public Nuisance: would, among other things, provide that: (1) a person may be held liable for a public nuisance only if the person causes an unlawful condition and controls that unlawful condition at the time the condition violates an established public right; (2) conditions arising from the following conduct are not considered unlawful conditions for the purposes of a public nuisance: (a) an activity expressly authorized or encouraged by a statute, ordinance, rule, or other similar measure adopted by the state, a political subdivision of the state, the United States, or a regulatory agency of the state or the United States; and (b) the lawful manufacturing, distributing, selling, advertising, or promoting of a lawful product; (3) only the state or a political subdivision of the state may bring a public nuisance action and may do so only by a government attorney of the relevant jurisdiction; (4) to bring a public nuisance action, the state or the political subdivision must have a substantial ownership interest in or authority over the real property or waterway, or ancillary space related to the real property or waterway, to which the public nuisance relates; and (5) a financial expenditure made by the state or a political subdivision related to the remediation, abatement, or injunction of an unlawful condition does not constitute an injury sufficient to confer standing to file or maintain a public nuisance action.

H.B. 2163 (Stephenson) – First Responder Driver’s License Fees: would waive the fee for the issuance or renewal of a driver’s license for current first responders, including: (1) peace officers; (2) fire protection personnel; (3) certain volunteer firefighters; (4) ambulance drivers; and (5) individuals certified as emergency services personnel by the Department of State Health Services.

H.B. 2169 (Sanford) – Handguns: would, in regard to the eligibility requirements for a license to carry a handgun, repeal the requirement that a person not have been finally determined to be delinquent in the payment of a tax or other money collected by the comptroller, the tax collector of a political subdivision, or any other agency or subdivision of the state.

H.B. 2199 (Parker) – Digital Identity Work Group: would, among other things: (1) define "digital identity" as including: (a) credentials issued by federal, state, and local governmental agencies to a person for identification, licensure, registration, and other purposes; (b) credentials conferred to a person to verify the person's skills and qualifications; (c) digital credentials issued for user authentication and access management; and (d) digitally-verifiable claims; and (2) establish the digital identity work group to develop recommendations for the use of digital identity, and to identify optimal policies and state investments related to digital identity technology.

H.B. 2204 (S. Thompson) – Charitable Bingo: would, among other things, require a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November

1, 2019; (2) remit 25 percent of the amount collected as the prize fee to the county if the bingo game is conducted within the city limits and the county voted to impose the prize fee by November 1, 2019; (3) remit 25 percent of the amount collected as the prize fee to the city if the bingo game is conducted within the city limits of a city that voted to impose the prize fee by November 1, 2019; and (4) deposit any remaining amount collected as the prize fee in the general charitable fund of the organization or organizations conducting the bingo game.

H.B. 2205 (Romero) – Swimming Pools: would provide that pool safety standards adopted by rule by the Department of State Health Services must comply with a version of the International Swimming Pool and Spa Code that is not older than the version in effect on May 1, 2019.

H.B. 2210 (Raymond) – Intergovernmental Agreements: would provide that a local government may enter into an interlocal contract with a branch of the armed forces of the United States to provide installation-support services to a military installation located in Texas. (Companion bill is **S.B. 780** by **Hinojosa**.)

H.B. 2215 (Hernandez) – Diaper Changing Stations: would, with certain exceptions, require a person (including a city) who engages in or contracts for the construction of a building, or the renovation of the restrooms of a building, with one or more restrooms accessible to the public, to provide a private space for a diaper changing station that is available in a shared restroom or space, or in each restroom or space designated as a diaper changing station.

H.B. 2262 (Schofield) – Fleet Vehicles: would: (1) provide that a county or city that owns and operates a motor vehicle, trailer, or semitrailer that is exempt from the payment of a registration fee under certain law may choose to register some or all of those vehicles for an extended registration and inspection period of three years; and (2) require a county or city that chooses to register a vehicle as described in (1) to provide for the timely inspection of the vehicle before registration.

H.B. 2303 (Kacal) – Handguns: would (1) provide that a municipal attorney or assistant municipal attorney may establish handgun proficiency by obtaining from a handgun proficiency instructor approved by the Texas Commission on Law Enforcement a sworn statement that indicates that the person, during the 12-month period preceding the date of the person's application to the department, demonstrated to the instructor proficiency in the use of handguns; (2) except a municipal attorney or assistant municipal attorney from state laws that prohibit carrying weapons in certain places; and (3) provide that certain state laws that prohibit displaying a handgun in plain view in a public place do not apply to: (a) peace officers or special investigators; and (b) honorably retired peace officers or other qualified retired law enforcement officers who hold a certificate of proficiency and carry a photo identification that verifies the person is an honorably retired peace officer or other qualified retired law enforcement officer.

H.B. 2319 (Jetton) – Federal Lobbyists: would prohibit: (1) a state agency from using appropriated money to employ a person who is a lobbyist or lobbying firm as defined by the federal Lobbying Disclosure Act of 1995; and (2) a political subdivision or private entity that receives state funds from using the funds to pay a person or entity that is a lobbyist or lobbying firm as defined by the federal Lobbying Disclosure Act of 1995.

H.B. 2415 (Meyer) – Motor Vehicle Rental Taxes: would, among other things, require a marketplace rental provider to collect the motor vehicle rental tax for the benefit of a city or county venue project.

H.B. 2500 (Bailes) – Newspaper Notice: would provide that a governmental entity or representative may publish notice on a third-party Internet website, as an alternative to certain newspaper notice requirements, if: (1) the governing body finds, after holding a public hearing on the matter that: (a) Internet publication of notices is in the public interest; (b) Internet publication of notices will not, after consideration of the level of Internet access in the applicable area, unreasonably restrict public access to the notices; and (c) the cost of publishing the notices in a newspaper exceeds the cost of Internet publication; (2) the governmental entity or representative posts the findings in (1) on the entity's or representative's website; and (3) the governmental entity or representative also prominently posts each notice for public review at the office location of the governmental entity or representative that is the most accessible to the intended recipients of the notice.

H.B. 2515 (Shaheen) – Short-Term Rentals: would, among other things: (1) provide that on the receipt of notice of a third violation of a municipal ordinance within a one-year period involving a short-term rental unit that is listed by a short-term rental unit listing service, the listing service shall remove the unit from the listing service's Internet website, application, or other online platform for at least 30 days; (2) provide that certain individuals may bring an action for appropriate injunctive relief against the owner of a short-term rental unit that is the subject of three or more violations of city ordinances and the person may seek to recover reasonable attorney's fees and court costs; and (3) require a city to provide written notice to a short-term rental unit listing service for a violation of a city ordinance involving a short-term rental unit listed on the listing service.

S.B. 26 (Paxton) – Religious Freedom: would provide that: (1) for purposes of a disaster, the Texas Religious Freedom Restoration Act is not considered a regulatory statute and may not be suspended; and (2) a government agency or public official may not issue an order that closes or has the effect of closing places of worship in Texas or in a geographic area of Texas. (Companion bill is **H.B. 1239** by **Sanford**.)

S.B. 703 (Buckingham) – Texas Department of Agriculture: this is the Texas Department of Agriculture sunset bill. The bill, among other things: (1) continues the department until 2033; and (2) repeals: (a) the Rural Foundation; (b) the Rural Health & Economic Development Advisory Council; and (c) the Early Childhood Health and Nutrition Interagency Council.

S.B. 705 (Lucio) – Animal Health Commission: this is the Texas Animal Health Commission sunset bill. The bill continues the commission until 2033.

S.B. 780 (Hinojosa) – Intergovernmental Agreements: would provide that a local government may enter into an interlocal contract with a branch of the armed forces of the United States to provide installation-support services to a military installation located in Texas. (Companion bill is **H.B. 2210** by **Raymond**.)

S.B. 798 (Nelson) – Family Violence: would, among other things, allow a victim of dating violence, a victim of family violence, or a child of a victim of dating or family violence, to request, without payment of a fee, a certified copy of the individual’s birth record.

S.B. 843 (Springer) – Food Service Establishments: would allow a licensed food service establishment (i.e., a place where food is prepared for individual portion service) to sell directly to an individual consumer food, other than prepared food, that: (1) is in its original condition or packaging as received by the establishment; (2) is labeled with the name and source of the food and the date the food is sold; (3) bears an official mark of USDA inspection, if the food is meat or poultry; (4) does not exceed the shelf life as displayed on the packaging; and (5) has been properly refrigerated, if applicable. (Companion bill is **H.B. 1276** by **Parker**.)

S.B. 871 (Nichols) – State Board of Plumbing Examiners: would continue the functions of the Texas State Board of Plumbing Examiners.

Personnel

H.B. 2242 (Patterson) – Line of Duty Illness or Injury Leave: would provide that, regardless of contrary provisions of a collective bargaining, meet or confer or other similar agreement: (1) a county or city shall provide a firefighter or police officer with a paid leave of absence for an illness or injury related to the person's line of duty; (2) the leave described in (1), above, shall be for a period commensurate with the nature of the line of duty illness or injury, and if necessary, the leave shall continue for at least one year; (3) at the end of the one-year period described in(2), above, the governing body of the city or county, as applicable, may extend the leave at full or reduced pay; (4) if the leave is not extended or the police officer’s or firefighter’s salary is reduced below 60 percent of the person's regular monthly salary and the person is a member of a pension fund, the person may retire on pension until they are able to return to duty; (5) if pension benefits are not available to a firefighter or police officer who is temporarily disabled by a line of duty injury or illness and if the year at full pay and any extensions granted by the governing body have expired, the firefighter or police officer may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; (6) if the year at full pay and any extensions granted by the governing body have expired, the firefighter or police officer may use 12 weeks of unpaid leave; (7) a firefighter or police officer who is temporarily disabled by an illness or injury that is not related to the person’s line of duty may: (a) use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; or (b) have another firefighter or police officer volunteer to do the person's work while the person is temporarily disabled by the injury or illness; (8) if able, a firefighter or police officer may return to light duty while recovering from a temporary disability, and, if necessary, the light duty assignment shall continue for at least one year; (9) after recovery from a temporary disability, a firefighter or police officer shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave; and (10) another firefighter or police officer may voluntarily do the work of an injured firefighter or police officer until the person returns to duty.

H.B. 2273 (M. González) – Unemployment Benefits: would allow an individual to qualify for unemployment benefits if the individual involuntarily leaves the workplace because of sexual harassment and: (1) reports the sexual harassment to the individual's employer or a law enforcement agency; or (2) files a sexual harassment complaint with the Texas Workforce Commission or the Equal Employment Opportunity Commission.

H.B. 2408 (Rodriguez) – Total Unemployment Benefits: would, among other things, provide that: (1) an eligible individual who is totally unemployed in a benefit period is entitled, for the benefit period, benefits at the rate of 2/43 of the wages received by the individual from employment by employers during that quarter in the individual's base period in which wages were highest; and (2) the maximum weekly benefit amount and the minimum week benefit amount are increased to 60 percent and 15 percent, respectively, of the average weekly wage in covered employment in the state.

H.B. 2485 (Herrero) – Jury Service: would amend current law to add an exemption from jury service for: (1) a firefighter, including a fire chief, who is a permanent, paid employee of the fire department of a city or county or of a special district or authority that provides firefighting services; and (2) a police officer, including a police chief, who is a permanent, paid employee of the police department of a city or county.

H.B. 2502 (Patterson) – First Responder Lifetime Income Benefits: would: (1) provide that, for a claim for lifetime income benefits by an employee who is a first responder, the maximum weekly income benefit in effect on the date the claim for lifetime income benefits is finally adjudicated by the Texas Division of Workers' Compensation or a court, as applicable, is applicable for the entire time that the benefit is payable; (2) add the following injuries to the list of injuries that are eligible for lifetime income benefits until the death of the employee: (a) an injury to the spine that results in substantial paralysis to the extent that the employee must use a wheelchair for mobility, regardless of whether minimal movement of an affected limb is possible; and (b) a physically traumatic injury to the brain resulting in the person having an incurable mental illness or intellectual disability; and (3) the amount of lifetime income benefits of an employee who is a first responder is 100 percent of the employee's average weekly wage.

H.B. 2507 (S. Thompson) – Pay Discrimination: would provide, among other things, that: (1) for the purpose of an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; (2) an employer, including a city, commits an unlawful employment practice if the employer: (a) verbally or in writing inquires into an applicant's wage history information from the applicant or from a previous employer of the applicant; or (b) requires disclosure of an applicant's wage history; and (3) an employer commits an unlawful employment practice if the employer terminates, discriminates or retaliates against an employee, applicant, or other person because the person inquired about, disclosed, compared, or otherwise discussed an employee's wages or an applicant's prospective wages.

H.B. 2524 (Reynolds) – Discrimination: would, among other things, provide that: (1) a person engages in a discriminatory practice if the person, because of the sexual orientation or gender identity or expression of an individual: (a) denies that individual full and equal accommodation in any place of public accommodation; or (b) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity or expression; (2) an aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice to obtain the following relief with respect to the discriminatory practice: (a) actual and punitive damages; (b) reasonable attorney’s fees; (c) court costs; and (d) any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or other appropriate action; and (3) an employer, including a city, may not discriminate against a person on the basis of sexual orientation or gender identity or expression.

S.B. 818 (Powell) – Unemployment Compensation: would provide that: (1) benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee’s last separation from the employer’s employment before the employee’s benefit year: (a) was caused by the employee being called to provide service in the uniformed services or in the Texas military forces, provided that the employer has not been found to be in violation of federal or state reemployment provisions with respect to the employee; and (2) an individual is not disqualified for unemployment benefits if the individual’s separation from employment was caused by the individual being called to provide services in the uniformed services or the Texas military forces.

S.B. 819 (Powell) – Unemployment Compensation: would provide that: (1) benefits computed on benefit wage credits of an employee or former employee may not be charged to the account of an employer if the employee’s last separation from the employer’s employment before the employee’s benefit year resulted from the employee leaving the employee’s workplace to protect the employee or employee’s immediate family from family violence or stalking or violence related to a sexual assault; and (2) an individual is not disqualified for unemployment benefits if the individual leaves the workplace to protect the individual or the individual’s immediate family from family violence or stalking or violence related to a sexual assault.

Purchasing

H.B. 2116 (Krause) – Architects and Engineers: would: (1) with certain exceptions, provide that a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property is void and unenforceable if the covenant or promise provides that a licensed engineer or registered architect must defend a party, including a third party; (2) provide that a covenant or promise in, in connection with, or collateral to a contract for engineering or architectural services related to an improvement to real property may provide for the reimbursement of an owner’s reasonable attorney’s fees in proportion to the engineer’s or architect’s liability; and (3) provide that a contract for engineering or architectural services related to an improvement to real property may not require a licensed engineer or registered architect to perform professional services to a level of professional skill and care beyond

that which would be provided by an ordinarily prudent engineer or architect with the same professional license under the same or similar circumstances.

H.B. 2156 (Raymond) – Flag Purchases: would require: (1) each U.S. flag purchased by a city to be manufactured in the United States using materials grown, produced, or manufactured in the United States; and (2) each Texas state flag purchased by a city to be manufactured in this state using materials grown, produced, or manufactured in this state.

H.B. 2246 (Shine) – Employee-Owned Businesses: would, among other things, provide that in purchasing goods or services, a local government may give preference to an employee-owned company domiciled in Texas if other considerations are equal.

S.B. 779 (Hinojosa) – Professional Services: would add a forensic analyst, forensic science expert, and any service within the scope of the practice of forensic science to the list of professional services that must be procured in accordance with the Professional Services Procurement Act.

S.B. 799 (Nelson) – Professional Services: would, among other things, give a governmental entity contracting for the services of physicians, optometrists, and registered nurses, where the number of contracts awarded is not otherwise limited, the option of making the selection and award on the basis of: (1) the provider's agreement to payment of a set fee, as a range or lump sum amount; and (2) the provider's affirmation and the governmental entity's verification that the provider has the necessary license and experience.

Transportation

H.B. 2081 (Reynolds) – Crosswalk: would provide that it is a criminal offense for a person, with criminal negligence, to operate a motor vehicle within the area of a crosswalk and cause bodily injury to a pedestrian or a person operating a bicycle, scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart.

H.J.R. 109 (Walle) – Transportation Funding: would amend the Texas Constitution to provide that dedicated revenue transferred to the state highway fund may be used for constructing, maintaining, and acquiring rights-of-way for: (1) public transportation; (2) public bicycle paths; and (3) public sidewalks. (Companion bill is **S.J.R. 40** by **Miles**.)

S.B. 763 (Powell) – Urban Air Mobility: would require the Texas Transportation Commission to appoint an advisory committee to assess current state law and any potential changes to state law that are needed to facilitate the development of urban air mobility operations and infrastructure in this state. (Companion bill is **H.B. 2637** by **Cook**.)

S.B. 826 (Hughes) – Digital Billboards: would: (1) require the Texas Department of Transportation (TxDOT) to enter into an agreement with a private entity to provide information necessary for certain statewide alert systems (e.g., Amber Alerts, Silver Alerts) through a system of dynamic message signs that are: (a) located across the state; and (b) capable of displaying digital images useful in locating the missing individual; (2) require that the agreement in (1) generate net

revenue to the state, and prohibit tax revenue from being used to fund the installation and operation of the dynamic message signs; and (3) provide that TxDOT does not have to comply with (1) if it would result in the loss of federal highway funding or other punitive action would be taken against the state due to noncompliance with federal law, regulation, or policy.

S.J.R. 40 (Miles) – Transportation Funding: would amend the Texas Constitution to provide that dedicated revenue transferred to the state highway fund may be used for constructing, maintaining, and acquiring rights-of-way for: (1) public transportation; (2) public bicycle paths; and (3) public sidewalks. (Companion bill is **H.J.R. 109** by **Walle**.)

Utilities and Environment

H.B. 1820 (Zwiener) – TCEQ Penalties: would, among other things: (1) provide that the Texas Commission Environmental Quality (TCEQ) may increase the amount of a penalty assessed under the bill by an amount not to exceed an unspecified percentage of the maximum authorized penalty if the alleged violator has a history of previous violations; (2) require TCEQ to adjust its penalties for inflation each year; (3) require TCEQ to adopt rules to impose permit conditions that establish a: (a) maximum number of emissions events that may occur in a year before the commission will temporarily revoke the facility's permit or take another enforcement action; and (b) maximum volume of emissions events, expressed in terms of a percentage of permitted emissions, that may occur in a year before the commission will temporarily revoke the facility's permit or take another enforcement action; (4) establish an excessive emissions event penalty of not less than \$1 per pound of each pollutant released that: (a) exceeds an authorized emission limit for the pollutant, or (b) is not authorized by any permit, permit by rule, or regulation; (5) create a toxic chemical emergency alert system; (6) require that the penalty for violation of a community right-to-know statute must be tripled if a first responder is injured as a result of exposure to a hazardous material while responding to an incident at the facility that is subject to the penalty; (7) increase the penalty for each violation not provided for in statute to \$50,000 per day; (8) require that each day a continuing violation of a law under TCEQ's jurisdiction occurs to be considered a separate violation with certain exceptions; and (9) repeal the affirmative defense to TCEQ enforcement of an emission event under the Clean Air Act.

H.B. 2148 (Stephenson) – Public Water Supplies: would require the Texas Commission on Environmental Quality to give notice of the contamination to the owner or operator of each public water supply system that may be affected by the contamination as soon as possible after TCEQ detects or becomes aware of contamination of water that is a source for a public water supply and not later than the time TCEQ notifies the news media of the contamination.

H.B. 2224 (C. Bell) – Municipal Water Rates: would provide that a city or a municipally owned utility may not establish a rate, applicable only to entities that qualify for a sales tax or property tax exemption, that is higher than a rate established for entities that receive comparable utility services. (Companion bill is **S.B. 784** by **Creighton**.)

H.B. 2275 (Zwiener) – Critical Infrastructure Resiliency: would: (1) create a water infrastructure resiliency fund that may be used by the Texas Water Development Board (TWDB)

only: (a) to make a grant to an entity, including local government entities that provide water or wastewater services, for weatherizing and hardening water and wastewater systems, including, but not limited to: (i) covering wells; (ii) purchasing reserve power supply such as onsite generation and energy storage systems; and (iii) building connectivity to neighboring water suppliers; (b) to pay the necessary and reasonable expenses of the board in administering the infrastructure fund; (2) provide that in making grants under (1), the TWDB shall consider: (a) the expected number of individuals who will benefit from the project; (b) existing infrastructure and overall need for the project; (c) the potential benefit of the project to low income communities and areas in disparate parts of the state; (d) equitable geographic distribution of grants awarded throughout the state; (e) projects that utilize distributed energy resources; (f) the existence of matching federal funds for the project and if available federal funds have been exhausted; and (g) the total effect of the project's goals; (3) provide that a local government entity that provides water or wastewater service that receives a grant under (1) is required to provide a match of at least ten percent with an unspecified percentage of that match coming from local resources; (4) create a critical infrastructure resiliency fund that may be used by the Texas Division of Emergency Management (TDEM) to make a grant to an entity, including a municipally owned utility; (5) create the electric grid improvement account as an account that is part of the critical infrastructure fund, which TDEM may use to provide grants for related activities to: (a) localized improvements to the electric grid and other energy systems with onsite generation including, but not limited to, smart metering; and (b) improvements at and between buildings to create micro-grids using onsite generation and energy storage; (6) create a local communications resiliency account that is part of the critical infrastructure fund, which TDEM may use to provide grants for activities related to: (a) hardening lines of emergency communication; and (b) purchasing reserve power supply such as onsite generation and energy storage systems necessary to sustain emergency communications; and (7) create a medical infrastructure resiliency account that is part of the critical infrastructure fund, which TDEM may use to provide grants for activities related to purchasing reserve power supply such as onsite generation and energy storage systems necessary to sustain critical medical care.

H.B. 2350 (Zwiener) – TWDB Financial Assistance: would, among other things: (1) create a water resource restoration program to be administered by the Texas Water Development Board to assist in enhancing water quality in Texas through the provision of financial assistance to political subdivisions for locally directed projects; (2) provide that a proposed project must be compatible with the goals of the program and include the application of best management practices for the primary purpose of water quality protection and improvement and may include: (a) the preservation or restoration of regional scale natural landscape features, including forests, floodplains, and wetlands; (b) practices that reduce impervious cover in a watershed; (c) practices that increase water infiltration and retention, including the use of bioretention, trees, green roofs, permeable pavements, rain gardens, constructed wetlands, and cisterns; (d) the implementation of green streets in public rights-of-way or urban forestry program to manage stormwater and enhance tree health; (e) the expanded use of tree box filters; (f) stormwater collection and distribution systems, including cisterns, separate stormwater sewer systems, and downspout disconnection systems that use onsite stormwater management and remove stormwater from sewer systems; (g) soil quality enhancement activities; (h) the removal and replacement of turf with native grasses and vegetation that improve water infiltration; (i) the establishment or restoration of permanent riparian buffers, floodplains, wetlands, and other natural features including vegetative buffers,

grass swales, soft bioengineered stream banks, and stream daylighting; (j) the management of wetlands to improve water quality and support water infiltration and retention; and (k) sustainable landscaping to improve hydrologic processes; (3) provide that a proposed project may not include: (a) passive recreation activities and trails including bike trails, playgrounds, athletic fields, picnic tables, and picnic grounds; (b) non-permeable surface parking lots; (c) stormwater ponds or dirt-lined detention basins that serve an extended or filtration function; (d) in-line and end-of-pipe treatment systems that only filter or detain stormwater without the use of natural plants and trees; (e) underground stormwater control and treatment devices, including hydrodynamic separators, baffle systems for grit, trash removal, and oil and grease separators; (f) stormwater conveyance systems, including pipes and concrete channels, that are not soil or vegetation based; (g) hardening, channelizing, dredging, or straightening streams or stream banks; (h) street sweepers, sewer cleaners, and vacuum trucks unless they support nature-based infrastructure projects; (i) supplemental environmental projects required as a part of a consent decree; or (j) the acquisition of property, an interest in property, or improvements to property through the use of eminent domain; and (4) require the TWDB to adopt rules to establish a means of prioritizing projects in disadvantaged communities.

H.B. 2368 (Shaw) – Water Quality: would require the Texas Commission on Environmental Quality (TCEQ) to establish and maintain a portal for local governments to access: (1) information TCEQ has about water quality, including the results of an investigation it conducts; and (2) any discharge monitoring report TCEQ receives.

H.B. 2369 (Shaw) – Weather-Related Disaster Emission Events: would require the Texas Commission on Environmental Quality to adopt rules to implement, in the event of a state or federally declared weather-related disaster, a system of staggered shutdowns for regulated entities located in the area covered by the disaster declaration that are required to report emissions events using certain criteria.

H.B. 2370 (Morales Shaw) – Concrete Plants: would, among other things, provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 440 yards of a proposed concrete plant is an affected person and may request a permit application hearing with the Texas Commission on Environmental Quality.

H.B. 2381 (Larson) – Texas Energy and Communications Commission: would establish the Texas Energy and Communications Commission to consolidate the functions of the Public Utility Commission of Texas and the Railroad Commission of Texas. (Companion bill is **S.B. 853** by **Menéndez**.)

H.B. 2422 (Zweiner) – Aggregate Productions: would authorize certain counties to: (1) prohibit the construction or expansion of an aggregate production operation at a location less than one mile from a residence, school, place of worship, hospital, or land platted for residential development; and (2) establish conditions on the construction or expansion of an aggregate production operation for locations in the county based on development patterns, distance from a roadway, traffic conditions, emission of dust from an operation, or public safety.

H.B. 2470 (Rodriguez) – Public Utility Commission/Energy Blackouts: would require: (1) the Public Utility Commission to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region; (2) the rules in (1) to provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (3) an independent organization for the ERCOT power region to adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; and (4) the independent organization to use all other sources of power and demand reduction available before the independent organization calls on the emergency reserve power generation capacity to prevent blackout conditions. (Duplicate bills are **H.B. 2472** by **Thierry**, **H.B. 2480** by **Reynolds**, and **H.B. 2506** by **Jarvis Johnson**.)

H.B. 2476 (Allison) – Weather Emergency Preparedness: would require: (1) the Railroad Commission to require an operator of a gas well to implement measures to prepare the well to operate during a weather emergency; (2) the Public Utility Commission to require each provider of generation in the ERCOT power region to implement measures to prepare generation facilities to provide adequate electric generation service during a weather emergency; (3) the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to implement measures to prepare facilities to maintain service quality and reliability during a weather emergency; and (4) the RRC to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during a weather emergency.

H.B. 2481 (Reynolds) – Gas Weather Emergency Preparedness: would require: (1) the Public Utility Commission to require each provider of generation in the ERCOT power region to implement measures to prepare generation facilities to provide adequate electric generation service during a weather emergency; (2) the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to implement measures to prepare facilities to maintain service quality and reliability during a weather emergency; and (3) the Railroad Commission to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during a weather emergency.

H.B. 2483 (P. King) – Utility Facilities for Restoring Service: would provide that: (1) a transmission and distribution utility may lease or own and operate facilities that provide temporary, emergency electric energy to aid in restoration of service to its own distribution customers during a widespread outage; (2) a transmission and distribution utility may procure and own, or enter into a cooperative agreement with other utilities to jointly procure and own, long lead time facilities that would aid in restoration of electric service for its own distribution customers following a widespread outage; (3) the Public Utility Commission shall permit a transmission and distribution utility that leases or owns and operates facilities under this section to recover the costs of leasing

or ownership and operation of the facilities, using the rate of return on investment established in the final order of the utility's most recent base rate proceeding; (4) the PUC shall also authorize a utility to defer incremental operations and maintenance expenses associated with the leasing or ownership of the facilities for recovery in a future ratemaking proceeding; (5) a utility may request recovery of the costs of leasing or ownership and operation of the facilities under the bill, including any deferred expenses, through a proceeding for periodic rate adjustments or in another ratemaking proceeding; and (6) at the time the utility seeks cost recovery of the facilities under (5), it shall submit an analysis of the costs and benefits of owning versus leasing the facilities, if the facilities are available in the competitive marketplace.

H.B. 2526 (Shaheen) – Electric Grid Study: would: (1) require the Public Utility Commission to conduct a study on electric grid resilience and emergency response in electric power generation; (2) require that the study in (1) must include: (a) an analysis of: (i) technologies, methods, and concepts that may improve community resilience to frequent or long-duration power outages; (ii) upgrades and improvements to grid infrastructure to accommodate projected changes in power demand; and (iii) previous long-duration power outages that occurred over a large area to identify common elements and best practices for electricity restoration and the mitigation and prevention of future outages; and (b) the development of: (i) methods to improve government and community preparation for long-duration power outages and power outages that occur over a large area; (ii) tools to help electric utilities ensure continuous delivery of electricity to emergency facilities; (iii) tools to improve coordination between the independent organization for the ERCOT power region, entities that distribute electric energy, and political subdivisions; (iv) technologies and capabilities to withstand and address the current and predicted effect of extreme weather events and other natural disasters, including the effect of the changing climate on electric grid infrastructure; (v) methods to improve information sharing between relevant federal and state agencies in the event of a mass power outage, or a physical or cyber attack on electric infrastructure; (vi) advance monitoring, analytics, operation, and controls of electric grid systems to improve electric grid resilience; (vii) methods to maintain cybersecurity during restoration of electric grid infrastructure and operation; and (viii) methods to strengthen against or otherwise natural hazards; (3) provide that in conducting the study, the PUC may collaborate with other state agencies, institutions of higher education, nonprofit corporations, electric utilities, and other interested persons; and (4) provide that the PUC shall report the results of the study to the legislature by September 1, 2022.

S.B. 744 (Springer) – Electric Utilities: would, among other things, require an electric utility to create and post on its website a map of Feeder lines and all other lines that connect a substation to the area where power is to be finally distributed to the consumers.

S.B. 784 (Creighton) – Municipal Water Rates: would provide that a city or a municipally owned utility may not establish a rate, applicable only to entities that qualify for a sales tax or property tax exemption, that is higher than a rate established for entities that receive comparable utility services. (Companion bill is **H.B. 2224** by **C. Bell**.)

S.B. 817 (Gutierrez) – Winterization for Electric Utilities: would:

1. require the Public Utility Commission to require electric utilities, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in Texas to:

- a. prepare for extreme weather events to ensure reliable operation, meaning operating the elements of the power system within equipment and electric system thermal, voltage and stability limits, so that instability, uncontrolled separation or cascading will not occur as a result of a sudden disturbance, including a cybersecurity incident or unanticipated failure of system elements;
 - b. obtain or perform a comprehensive engineering analysis to identify potential freezing problems or other cold weather operational issues;
 - c. ensure that its heat tracing, insulation, lagging and wind breaks are designed to maintain water temperature (in those lines with standing water) at or above 40 degrees when ambient temperature, taking into account the accelerated heat loss due to wind, falls below freezing;
 - d. determine the duration that a power system can maintain water, air, or fluid systems above freezing when offline, and have contingency plans for periods of freezing temperatures exceeding this duration;
 - e. establish policies that make winter preparation a priority each fall, establish personnel accountability and audit procedures, and reinforce the policies annually;
 - f. develop a winter preventive maintenance program for its freeze protection elements, which should specify inspection and testing intervals both before and during the winter, and at the end of winter, an additional round of inspections and testing should be performed and an evaluation made of freeze protection performance, in order to identify potential improvements, required maintenance, and freeze protection component replacement for the following winter season;
 - g. prioritize repairs identified by the inspection and testing the proper functioning of freeze protection systems will be completed before the following winter;
 - h. perform an assessment for each generating unit to determine the proper placement of temporary or permanent wind breaks or enclosures to protect and prevent freezing of critical and vulnerable elements during extreme weather, including in enclosed or semi-enclosed spaces and provide that temporary wind breaks should be designed to withstand high winds, and should be fabricated and installed before extreme weather begins;
 - i. install thermometers in rooms containing equipment sensitive to cold and in freeze protection enclosures to ensure that temperature is being maintained above freezing and to determine the need for additional heaters or other freeze protection; and
 - j. fulfill any other standard adopted by the commission by rule concerning extreme weather preparedness;
2. require, before each winter begins and before a forecast freezing weather, electric utilities, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in this state shall inspect, test, or maintain:
 - a. the power supply to all heat trace circuits, including all breakers and fuses;
 - b. the continuity of all heat trace circuits, check the integrity of all connections in the heat trace circuits, and ensure that all insulation on heat traces is intact;
 - c. all heat trace controls or monitoring devices for proper operation, including but not limited to thermostats, local and remote alarms, lights, and monitoring cabinet heaters;

- d. the amperage and voltage for its heat tracing circuits and calculate whether the circuits are producing the output specified in the design criteria, and maintain or repair the circuits as needed;
 - e. all accessible thermal insulation and verify that there are no cuts, tears, or holes in the insulation, or evidence of degradation; and
 - f. the valves and connections are insulated to the same temperature specifications as the piping connected to it;
3. require electric utilities, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in Texas to train their personnel annually to increase awareness of the capabilities and limitations of the freeze protection monitoring system, proper methods to check insulation integrity and the reliability and output of heat tracing, and prioritization of repair orders when problems are discovered;
 4. require that, during an extreme weather event, electric utilities, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in Texas to:
 - a. schedule additional personnel for around-the-clock coverage of the power system; and
 - b. drain any non-critical service water lines in anticipation of severe cold weather; and
 5. provide that a violation of Numbers 1-4, above that interrupts the delivery of water, electric, or gas utility service in Texas is punishable by a fine to not exceed \$100,000 for each day the system remains in violation.

S.B. 830 (Zaffirini) – Certificates of Convenience and Necessity: would provide that the Public Utility Commission by rule shall require the municipality or franchised utility to submit a report to the PUC verifying that the municipality or franchised utility has paid all required adequate and just compensation to the retail public utility for obtaining the Certificate of Convenience and Necessity for an annexed area previously served by the retail public utility. (Companion bill is **H.B. 837** by **Lucio**.)

S.B. 845 (Zaffirini) – Weatherization of Utilities: would, among other things: (1) require the Public Utility Commission to adopt minimum weatherization standards for electric utilities, transmission and distribution utilities, electric cooperatives, municipally owned utilities, and generation providers that ensure services remain reasonably reliable in extreme weather conditions; (2) impose an administrative penalty on utilities that fail to comply with (1) as follows: (a) 30 days after a violator is notified that a violation has been identified, the PUC shall impose of a penalty of not less than \$25,000, unless: (i) the violator has requested a second inspection by the PUC during which they demonstrate the violation was remedied; or (ii) the violator has submitted a plan regarding how the violation will be cured, including a date by which the corrective measures will be complete, that is approved by the PUC; (b) 31 days after a violator is notified that a violation has been identified, the PUC shall impose a minimum administrative penalty of not less than \$2,500 for each day it continues; (c) 91 days after a violator is notified that a violation has been identified, the PUC shall impose a minimum administrative penalty of not less than \$5,000, but not to exceed \$25,000, per day for each day it continues; and (3) provide that the imposition of administrative penalties for a violation under (1) will cease upon completion of a second inspection conducted by the PUC during which they find the violation was remedied.

S.B. 853 (Menéndez) – Texas Energy and Communications Commission: would establish the Texas Energy and Communications Commission to consolidate the functions of the Public Utility Commission of Texas and the Railroad Commission of Texas. (Companion bill is **H.B. 2381** by Larson.)

S.B. 905 (Perry) – Potable Reuse of Wastewater: would: (1) define “direct potable reuse” as the introduction of treated reclaimed water either directly into a potable water system or into the raw water supply entering a drinking water treatment plant; and (2) require the Texas Commission on Environmental Quality to develop and make available to the public a regulatory guidance manual to explain TCEQ rules that apply to potable reuse.

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; Rachael Pitts for membership support at RPitts@tml.org; and the training team for questions about conferences and workshops at 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](#).

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