

TML LEGISLATIVE UPDATE



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Number 45

Pre-Filing of Bills Begins

Bill filing for the 2023 legislative session began on November 14, and 906 bills were filed that day. That number nearly doubled the 533 bills filed on the first day of the 2021 session.

During the 2021 session, more than 6,900 bills or significant resolutions were filed; more than 2,000 of them would have affected Texas cities in some substantial way. Over one thousand bills or resolutions passed and were signed into law; more than 240 of them impacted cities.

The number of city related bills as a percentage of total bills filed rises every year. Twenty years ago, around 17 percent of bills filed affected cities in some way. By 2021, that percentage increased to 31 percent. In other words, almost a third of the legislature's work directly or indirectly impacts cities, and much of that work aims to limit municipal authority.

Starting this week, the *Legislative Update* will feature summaries of city-related bills. Bills will be grouped according to topics to allow city officials to go directly to their area(s) of interest.

Stay Involved During the Legislative Session: Grassroots Involvement Program

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

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

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

Governor Announces \$355 Million in Public Safety Grants

Last week, Governor Abbott [announced](#) that the governor's Public Safety Office will administer more than \$355 million in grant funding for public safety programs and services. The grants include, but are not limited to, the following:

- **Bullet Resistant Vests:** 69 awards total \$4.6 million to provide peace officers with rifle-resistant body armor.
- **Homeland Security:** 350 awards totaling \$60 million to help prevent for the threats and hazards. These projects fund equipment, planning, training, exercises, and other activities for local, regional, and state-level agencies and strengthen core capabilities outlined in the National Preparedness Goal.
- **Project Safe Neighborhoods:** 17 awards totaling \$1.2 million for projects designed to create and foster safer neighborhoods through a sustain reduction in violent crime, including, but not limited to, addressing criminal gangs and felonious possession and use of firearms

Interested cities can find out more information and how to apply on the governor's eGrants [website](#).

City-Related Bills Filed

(Editor's Note: These summaries stop at H.B. 330 and S.B. 130. Summaries of higher numbered bills will appear in next week's edition. Also, some lower numbered bills were reserved by the House and Senate to be filed later in the process.)

Property Tax

H.B. 29 (Murr) – **School District Property Taxes**: would: (1) provide for the elimination of school district maintenance and operations property taxes by January 1, 2026, with certain exceptions; and (2) create a joint interim committee on the elimination of school district maintenance and operations property taxes.

H.B. 32 (Capriglione) – **Appraisal Cap**: would: (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.J.R. 6**, below).

H.B. 38 (Murr) – **School District Property Taxes**: would: (1) provide for the elimination of school district maintenance and operations property taxes, with certain exceptions; and (2) among other tax increases, raise the state sales and use tax rate to 12 percent to compensate for the loss of school district maintenance and operations property taxes.

H.B. 40 (Zwiener) – **Property Tax Exemptions**: would provide that a person is entitled to an exemption from taxation of the portion of the appraised value of the person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.J.R. 25**, below.)

H.B. 84 (Bernal) – **Homestead Appraisal**: would provide that when determining the market value of a residence homestead, the chief appraiser shall: (1) only consider the value of other residence homesteads in the same neighborhood, and (2) not consider the value of property without a residence homestead exemption when determining the market value for real property with a homestead exemption.

H.B. 144 (Bernal) – **Property Tax Exemption**: would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (See **H.J.R. 16**, below.)

H.B. 145 (Vasut) – **Appraisal Cap**: would reduce the property tax appraisal cap on homesteads from ten to 3.5 percent and apply the new appraisal cap to all real property. (See **H.J.R. 10**, below.)

H.B. 147 (Bernal) – **Property Tax Exemption**: would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (See **H.J.R. 16**, below.)

H.B. 159 (Landgraf) – **Tax Information Notice**: would require the designated officer or employee of a city to publish certain property tax information relating to the no-new-revenue tax rate, the voter-approval tax rate, and debt service tax rate in the newspaper.

H.B. 215 (Jarvis Johnson) – Homestead Exemptions: would, among other things, provide that: (1) an individual is entitled to an exemption from taxation of the total appraised value of the individual’s residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead tax exemption for their residence homestead for at least the preceding 10 years; and (2) the surviving spouse of an individual who qualified for an exemption under (1), above, is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse’s exemption applied if: (a) the deceased spouse died in a year in which they qualified for the exemption; (b) the surviving spouse was 55 years of age or older when their spouse died; and (c) the property was the residence homestead of the surviving spouse when their spouse died and remains their residence homestead.

H.B. 260 (Murr) – Appraisal of Open Space Land: would require the chief appraiser to take into consideration the effect that the presence of a disease or pest, or the designation of an area as a wildlife or livestock disease or pest area, has on the net income from the land when calculating net to land of open-space land located in or adjacent to an area designated as a wildlife or livestock disease or pest area.

H.B. 295 (Toth) – Appraisal Cap: would, among other things: (1) provide that the appraised value of residence homestead for the first year the owner qualifies for a homestead exemption is equal to the market value of the property; (2) provide that the appraised value of residence homestead for a subsequent tax year is equal to the appraised value of the property for the preceding tax year as adjusted by the chief appraiser for the current tax year to reflect any positive change from the preceding tax year in the purchasing power of the dollar for consumers in this state as determined by the comptroller; and (3) require an owner of property to apply for the appraisal increase limitation under (2), above, using an application form prescribed by the comptroller that includes, among other information, the purchase price of the property paid by the applicant. (See **H.J.R. 14**, below.)

H.J.R. 6 (Capriglione) – 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. 32**, above.)

H.J.R. 10 (Vasut) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 3.5 percent and apply the new appraisal cap to all real property. (See **H.B. 145**, above.)

H.J.R. 13 (Jarvis Johnson) - Property Tax Exemption: would amend the Texas Constitution to provide that: (1) an individual is entitled to an exemption from property taxation of the total appraised value of the individual’s residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead property tax exemption for at least the preceding ten years; and (2) the surviving spouse of an individual who qualifies for an exemption under (1), above, is entitled to an exemption from property taxation of the total appraised value of the same property to which the deceased spouse’s exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse

was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.B. 215**, above.)

H.J.R. 14 (Toth) - **Appraisal Cap**: would amend the Texas Constitution to provide that the appraised value of residence homestead: (1) for the first year the owner qualifies for a homestead exemption is equal to the market value of the property; and (2) for a subsequent tax year is equal to the appraised value of the property for the preceding tax year as adjusted by the chief appraiser for the current tax year to reflect any positive change from the preceding tax year in the purchasing power of the dollar for consumers in this state. (See **H.B. 295**, above.)

H.J.R. 16 (Bernal) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from property taxes the total assessed value of the residence homestead of an unpaid caregiver of an individual who is eligible to receive certain long-term services. (See **H.B. 147**, above.)

H.J.R. 25 (Zwiener) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from property taxation the portion of the appraised value of a person’s property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.B. 40**, above.)

S.B. 102 (Johnson) – **Property Tax Appraisal**: would provide that in a property tax protest or appeal on the grounds of unequal appraisal of property based upon the value relative to the median appraised value of a reasonable number of comparable properties, the appraisal district must generally use comparable properties located within the appraisal district, unless a reasonable number of comparable properties does not exist in the appraisal district, in which case the median appraised value of a reasonable number of comparable properties may be calculated using comparable properties in other parts of the state.

Public Safety

H.B. 69 (Schaefer) – **Forfeiture of Contraband**: would shift the burden of proof in a contraband forfeiture proceeding to provide that the state has the burden of proving by clear and convincing evidence that certain provisions do not apply to the owner or the interest holder’s interest in the property that is subject to seizure and forfeiture.

H.B. 73 (Murr) – **Landowner Liability**: would, among other things, provide that a landowner or lessee is not liable for damages arising from any incident or accident involving their livestock due to an act or omission of a firefighter or a peace officer who has entered the landowner’s property with or without the permission of the landowner, regardless of where the damage occurs.

H.B. 76 (Reynolds) – **Failure to Report Lost or Stolen Firearm**: would: (1) create a criminal offense if a person: (a) owns a firearm that is lost or stolen; and (b) fails to report the loss or theft to a law enforcement agency on or before the fifth day after the date the person became aware the firearm was lost or stolen; (2) provide that a peace officer who receives a report from the owner of a firearm that the firearm was lost or stolen shall report the loss or theft to the Department of Public

Safety (DPS) including: (a) the name of the owner and information about the firearm; and (b) the date the owner became aware of the lost or stolen firearm; (3) provide that DPS shall maintain the report until the fifth anniversary of the date the owner became aware the firearm was lost or stolen; and (4) provide that the clerk of the court shall provide written notice to DPS of a conviction or deferred adjudication for a violation of (1), above, no later than the fifth day after the date the person is convicted or placed on deferred adjudication community supervision.

H.B. 77 (Neave Criado) – Missing Child: would, among other things: (1) amend the definition of a “missing child” to include the child voluntarily leaving the child’s home without the consent of the custodian for a substantial length of time or without intent to return, by repealing the prior definition that included engaging in conduct indicating a need for supervision; (2) add the definition of “status offense” to include certain conduct committed by a child that would not be considered a crime if committed by an adult; (3) provide the place and conditions of detainment if the child is accused only of a status offense; (4) require that a child not be detained at a place of non-secure custody for longer than six hours, or at a non-secure correctional facility for longer than 24 hours, after the time the child arrived at the place of detention; (5) provide that if the child is not released before the sixth hour after the time the child arrived at the place of detention, the child is entitled to a detention hearing that must be held before the 24th hour after the time the child arrived at the place of detention, excluding weekends and holidays; and (6) repeal current law authorizing a law enforcement officer to fingerprint or photograph the child to establish the child’s identity under certain circumstances. (Companion bill is **S.B. 83** by **Johnson**.)

H.B. 80 (Gervin-Hawkins) – ETJ Animal Control: would provide that a municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction (ETJ) of the city if: (1) the authority receives a notarized affidavit: (a) signed by at least two residents from different households in the ETJ requesting assistance from the authority; and (b) alleging that dangerous or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the ETJ, and due to their presence, the ETJ is an unsafe environment for humans, domestic animals, or livestock; and (2) no animal control authority is authorized to operate in the ETJ, or the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs.

H.B. 106 (Bernal) – Firearms: would, among other things: (1) require a licensed firearms dealer to report the sale of more than one rifle or semiautomatic rifle to the same buyer, during a single transaction or multiple transactions in a five business day period, to the Department of Public Safety and the police department of the municipality in which the licensed firearms dealer is located or, if the licensed firearms dealer is not located in a municipality, the sheriff of the county in which the licensed firearms dealer is located; and (2) create a Class A misdemeanor offense for a person who violates (1), above.

H.B. 123 (Goodwin) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person’s use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person’s firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written

copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **S.B. 144** by **Gutierrez**.)

H.B. 127 (Canales) – **Marihuana Concentrate**: would: (1) define marihuana concentrate as the resin extracted from marihuana or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; and (2) add marihuana concentrate as a controlled substance subject to criminal penalties for possession or delivery of marihuana concentrate. (Companion bill is **S.B. 87** by **Johnson**.)

H.B. 136 (Reynolds) – **Extreme Risk Protective Orders**: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **S.B. 144** by **Gutierrez**.)

H.B. 178 (Murr) – Evidence Testing for Controlled Substances: would provide that if evidence that may be a controlled substance is submitted to a lab for testing, and it is reasonably possible that the substance is or contains fentanyl, a test must be performed to determine whether the substance is or contains fentanyl.

H.B. 179 (Goodwin) – Firearms: would, among other things: (1) create a criminal offense for a person who intentionally or knowingly displays a firearm while attending or within 500 feet of a public demonstration; and (2) provide defenses to prosecution under (1), above.

H.B. 192 (Schaefer) – Firearms: would: (1) remove “on the premises of any government court or offices utilized by the court” from the list of places where a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon; and (2) provide that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon, unless pursuant to written regulations or written authorization of the applicable government court, in: (a) a courtroom or other room in which a judicial proceeding is being held; (b) a jury room; (c) a judge’s chambers; or (d) the office of a member of a judge’s staff.

H.B. 208 (Murr) – Drug Free Zones: would increase certain controlled substance offenses to a felony of the first degree if it is shown at trial that the offense was committed in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, a playground, or on a school bus.

H.B. 218 (Moody) – Marijuana: would, among other things: (1) reduce the criminal penalties for certain drug offenses; (2) provide that a peace officer who is charging a person under (1), above, may not arrest the person and shall issue a citation; (3) provide that records of a person charged with certain drug offenses relating to a complaint may be expunged in certain circumstances; (4) require a court that dismisses a complaint under (2), above, to provide written notice to the person of the person’s right to expunction under the bill; (5) provide that the justice or municipal judge shall require a person who requests expungement under the bill to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement; and (6) create a penalty group 2-B to include Tetrahydrocannabinol or its synthetic equivalents.

H.B. 258 (M. Gonzalez) – Motorcycle Profiling: would provide that: (1) a peace officer may not engage in enforcement-initiated action based wholly or partly on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity, including a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the peace officer extends beyond the period necessary to effectuate the purpose of the stop; and (2) each law enforcement agency shall adopt a detailed written policy on motorcycle profiling that: (a) clearly defines acts constituting motorcycle profiling; (b) strictly prohibits peace officers employed by the agency from engaging in motorcycle profiling; (c) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in motorcycle profiling with respect to the individual; and (d) requires appropriate disciplinary action to be taken against a

peace officer employed by the agency who, after an investigation, is shown to have engaged in motorcycle profiling in violation of the agency's policy.

H.B. 278 (Cortez) – Licensing Veterans as Peace Officers: would: (1) allow a political subdivision, including a city, to 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; and (2) require that the Texas Commission on Law Enforcement 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 be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States.

H.B. 309 (Goodwin) – Pet Adoption: would: (1) require a releasing agency to collect a \$75 fee from each new owner who adopts a dog or cat that is not sterilized and then refund the collected fee to an owner who provides confirmation that the adopted cat or dog has been sterilized; and (2) provide that all fees not refunded must be used for the purpose of providing animal sterilization services.

S.B. 87 (Johnson) – Marihuana Concentrate: would: (1) define marihuana concentrate as the resin extracted from marihuana or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; and (2) add marihuana concentrate as a controlled substance subject to criminal penalties for possession or delivery of marihuana concentrate. (Companion bill is **H.B. 127** by **Canales**.)

S.B. 106 (Menéndez) – Immigration: would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request.

Sales Tax

H.B. 24 (Neave Criado) – Sales Tax Exemption: would exempt maternity clothing from the sales tax.

H.B. 43 (Spiller) – Value Added Tax: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

H.B. 48 (Neave Criado) – Sales Tax Exemption: would exempt children's diapers and baby wipes from the sales tax.

H.B. 70 (Howard) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

H.B. 105 (Noble) – Sales Tax Exemption: would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **S.B. 65**.)

H.B. 164 (Canales) – Sales Tax Exemption: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

H.B. 199 (Howard) – Sales Tax Exemption: would exempt child and adult diapers from the sales tax.

H.B. 268 (Toth) – Value Added Tax: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

S.B. 65 (Zaffirini) – Sales Tax Exemption: would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **H.B. 105**.)

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

Community and Economic Development

H.B. 92 (Landgraf) - Residential Food Production: would, among other things, (1) prohibit a municipality and a property owners' association from adopting or enforcing an ordinance or restrictive covenant that prohibits any of the following activities on a residence homestead property: (a) the growing of fruits and vegetables; (b) the raising or keeping of: (i) six or fewer domestic fowl; or (ii) six or fewer adult rabbits; or (c) installing for on-site use: (i) a solar or wind-powered energy device; (ii) an underground shelter; (iii) rain barrels or a rainwater harvesting system; or (iv) a standby electric generator; (2) allow a municipality and a property owners' association to impose: (a) reasonable regulations on the growing of fruits and vegetables on a residence homestead that do not have the effect of prohibiting growing those plants, including a requirement that the growing area be maintained in good condition if visible from the street or adjoining property and for the trimming or removal of a tree for the maintenance of a utility easement; and (b) reasonable regulations on the raising and keeping of rabbits and fowl on a residence homestead to control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of these animals, including: (i) limitations on the number of animals that is more than the minimum number allowed by this law or a total combined number of eight fowl and rabbits; (ii) a prohibition on raising or keeping of a rooster; (iii) defining the minimum distance between an animal shelter and a residential structure; (iv) requiring fencing or shelter sufficient to contain the animals; (v) defining the minimum requirements for combined housing and outdoor space as provided by this law; (vi) adopting requirements to address sanitary conditions to prevent offensive odors or pests; or (vii) requiring that the animals be kept in the side or rear yard; and (3) provide that an adopted ordinance or restrictive covenant that violates this law is void. (See **H.J.R. 9**, below.)

H.B. 149 (Murr) – Sale of Parkland: would allow any home rule city to sell park land owned by the city without an election if: (1) the park is of two acres or less; (2) the park is no longer usable and functional as a park; (3) the proceeds of the sale will be used to acquire land for park purposes; (4) a public hearing on the proposed conveyance is held by the city council and it is found that the property is no longer usable and functional as a park; and (5) the park is conveyed pursuant to an

ordinance adopted by the city council, unless within 60 days from the date of the public hearing the city council is presented with a petition opposing the conveyance, in which case the city council shall either deny the conveyance or shall approve the conveyance subject to holding an election.

H.B. 163 (Spiller) – Lobby Registration: would provide that a person who has established an attorney-client relationship with a political subdivision to provide legal services and who is entitled to receive compensation, reimbursement, or expenses under an agreement under which the person is retained or employed by the political subdivision is not required to register as a lobbyist.

H.B. 170 (Spiller) – Community Advocacy: would: (1) prohibit the governing body of a public entity, including a city, from spending public money or providing other compensation to a lobbyist to communicate directly with one or more members of the legislative branch to influence legislation pending before the legislature unless the expenditure is: (a) authorized by a majority vote of the governing body of the entity in an open meeting of the governing body; and (b) voted on by the governing body as a stand-alone item on the agenda at the meeting; (2) require a public entity that contracts with a lobbyist to publish on the entity's Internet website: (a) the amount of money authorized for the purpose of contracting with the person; (b) the name of the person, (c) a copy of the contract; (d) the amount of money, if any, spent by the entity for membership fees or dues to a nonprofit state association or organization of similarly situated entities that contracts with a lobbyist; and (e) a copy of any current legislative agenda or resolution adopted by the entity; (3) prohibit a lobbyist that contracts with a public entity from communicating directly with a member of the legislative branch on behalf of the entity regarding legislation pending before the legislature that specifically proposes to amend Tax Code Sections 26.04 or 26.041 (dealing with calculation of property tax rates); (4) prohibit a public entity from providing reimbursement to a lobbyist for an expenditure made by the person for food, beverages, or entertainment; (5) provide that if a public entity does not comply with (1) - (4), above, a resident of or person receiving services from the entity may file a sworn complaint with the Texas Ethics Commission against the entity; (6) provide that an officer or employee of a public entity is not prevented from: (a) providing information for a member of the legislative branch; (b) appearing before a legislative committee; or (c) communicating directly with one or more members of the legislative branch to influence legislation pending before the legislature; and (7) repeal the requirement that a political subdivision prominently display on its website a disclosure and itemization of certain expenditures relating to lobbying activities after entering into a consulting services contract.

H.B. 183 (Gates) – Dissolution of Municipal Management Districts: would, among other things, provide for the dissolution of a municipal management district (MMD) by written petition filed with the MMD's board of directors by the owners of the majority of the assessed value of the property subject to assessment or taxation by the district.

H.B. 234 (Bernal) – Real Property Sales Price Disclosure: would provide that: (1) a person may not record an instrument conveying commercial or industrial real property under a contract for sale unless the instrument discloses the sales price of the property; (2) the purchaser of any commercial or industrial property for which an instrument is recorded in violation of (1), above, is liable to the state for a civil penalty in an amount equal to five percent of the sales price of the property; (3) the attorney general or the county or district attorney for the county in which the commercial or

industrial property is located may bring suit to recover a penalty from (2), above; and (4) an instrument conveying only a mineral interest in real property need not disclose the sales price.

H.B. 254 (Bernal) – Sale of Distilled Spirits: would, among other things, authorize the holder of distiller’s and rectifier’s permit to sell distilled spirits at a civic or distilled spirits festival, farmers’ market, celebration, or similar event.

H.B. 265 (Bernal) – Housing Discrimination: would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of sexual orientation or gender identity; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination described in (1), above, to a city if the city does not have laws prohibiting the alleged discrimination.

H.B. 297 (Bernal) – Payday and Auto Title Lending: would provide for the statewide regulation of payday and auto title lenders. Of primary importance for cities, the bill would: (1) provide that a city ordinance regulating credit access businesses is not preempted by state law; and (2) provide that, if a city ordinance conflicts with a provision of state law, the more stringent regulation controls.

Additionally, the bill would, among other things:

(1) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (2) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (3) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (4) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (5) require a credit access business to require certain types of documentation to establish a consumer’s income for purposes of extending credit; (6) provide specific limitations on the structure of single-payment and multiple-payment payday and auto title loans; (7) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to the original loan; and (8) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

H.B. 299 (Murr) – Recovery Housing: would, among other things: (1) prohibit a city or county from adopting or enforcing an ordinance, order, or other regulation that prevents a recovery house from operating in a residential community; and (2) require the Health and Human Services Commission to adopt minimum standards for certification as a recovery house that are consistent with standards from the National Alliance for Recovery Residences and authorize one or more credentialing organizations to develop and administer a voluntary certification program for recovery housing.

H.J.R. 9 (Landgraf) – Property Rights: would amend the Texas Constitution to: (1) provide that an individual has the right to conduct activities on the individual’s homestead property to secure access to food, water, electric power, and shelter, subject to laws protecting public health and safety; and (2) enable the legislature to enact laws to protect the rights in (1), above.

S.B. 59 (Zaffirini) – Notice for Tax Sales: would require a political subdivision that sells property in a property tax sale to provide notice of water and wastewater requirements if the real property subject to the sale is presumed to be for residential use.

S.B. 103 (Johnson) – Tax Preferences: would, among other things: (1) require the comptroller to identify each state and local tax preference and develop a review schedule under which tax preferences are reviewed once during each six-year period; (2) require the Legislative Budget Board (LBB) to periodically review each state and local tax preference according to the schedule created by the comptroller; (3) require the LBB to file a preliminary report on tax preferences to the Senate Finance Committee and the House Ways and Means Committee not later than September 1 of each even-numbered year; (4) require the Senate Finance Committee and the House Ways and Means Committee to review the preliminary report and, not later than December 1 of each even-numbered year, provide to the governor, lieutenant governor, and speaker of the house a final report on the reviews of tax preferences; and (5) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2024, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **S.J.R. 14**, below.)

S.J.R. 14 (Johnson) – Tax Preferences: would amend the Texas Constitution to require the periodic review and expiration of state and local tax preferences. (See **S.B. 103**, above.)

Elections

H.B. 39 (Murr) – Election Fraud: would increase the penalty for certain election fraud offenses to a state jail felony.

H.B. 52 (Spiller) – Illegal Voting: would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

H.B. 67 (Ortega) – Early Voting by Mail: would provide, among other things, that any qualified voter is eligible for early voting by mail. (Companion bill is **S.B. 120** by **Menendez**.)

H.B. 75 (Zwiener) – Voter Identification: would provide that an identification card issued by a Texas public university is an acceptable form of identification for voting provided that the card: (1) contains the person’s photograph, date of birth, and full legal name; and (2) has not expired, or if expired, has expired no earlier than four years before the date of presentation.

H.B. 153 (Swanson) – Voting Options: would provide, among other things, that a voter shall be given the opportunity to select “I choose not to vote in this race” instead of voting for the candidate(s) appearing on the ballot or the write-in candidate(s) for each race.

H.B. 161 (Toth) – Early Voting Ballots: would require, among other things: (1) an early voting ballot voted by mail to include a unique code readable by an electronic device that may be used to verify the authenticity of the ballot; (2) the early voting ballot board to identify the unique code included on each ballot with an electronic device and compare the code on the ballot to the codes recorded by the early voting clerk; and (3) rejection of the ballot if the recorded code on the ballot does not match that recorded by the early voting clerk.

H.B. 190 (Swanson) – Petitions and Ballot Propositions: would, among other things:

1. require that a petition for a city election contain or have attached a caption for the proposed measure that identifies the proposed measure by its chief features, describing its character and purpose with such definiteness and certainty that voters are not misled;
2. provide that unless the caption is modified under Number 11, below, the city council in a home-rule city must proceed with an election requested by a petition despite a complaint that the petition violates Number 1, above, and in doing so shall comply with all ordinary timelines and requirements for the election;
3. require a proposition proposing an amendment to a city charter or a voter-initiated initiative or referendum as requested by a petition to use wording identical to the caption of any corresponding petition described in Number 1, above, as applicable;
4. provide that if a court orders a home-rule city to order a new election if a contested election is declared void, a qualified voter of the home-rule city may seek from the court a writ of mandamus to compel the city council to use wording identical to the caption of the corresponding petition;
5. authorize a qualified voter of a home-rule city to seek from the court a writ of mandamus to compel the city council to use ballot proposition language identical to the caption of the corresponding petition;
6. require a court to give absolute priority to a mandamus petition brought under Number 5, above, and require the court to make its determination without delay and prior to the deadline for printing ballots;
7. authorize the court to award a petitioner who substantially prevails in an action under Number 5, above, reasonable attorney's fees, expenses, and court costs;
8. waive governmental immunity to suit and liability to the extent of liability created by Number 7, above;
9. authorize the city council of a home-rule city or a qualified voter of the home-rule city to file a complaint with the secretary of state alleging that a caption under Number 1, above, is invalid;

10. require the secretary of state to review a caption alleged to be invalid not later than the seventh day after the date the secretary receives the complaint;
11. provide that if the secretary of state determines that caption is invalid, the secretary of state shall modify the caption and provide the modified caption to the home-rule city for use as a ballot proposition, but only after seeking input from the persons who signed or circulated the petition and only to the extent necessary for compliance with Number 1, above;
12. provide that action by the secretary of state determining that a caption is invalid may not be considered by a court as evidence that the caption does not comply with the standard expressed in Number 1, above;
13. provide that the illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to have signed the petition and signed the petition on or after the 180th day before the petition was filed;
14. require the secretary of state to adopt a standard petition form for petition-initiated city elections and publish the form on the secretary's website;
15. prohibit a city from requiring the submission of information on or with a petition that the standard petition form published by the secretary of state does not provide for or require to be provided;
16. provide that a person who circulates or submits a petition is not required to use the secretary of state's standard petition form;
17. require the city secretary to determine the validity of a petition, including the petition signatures, not later than the 30th day after the date the city receives the petition;
18. prohibit a city secretary from invalidating a petition on the grounds of an inadequate caption, but authorize the city secretary to file a complaint under Number 9, above, and modify the caption as directed by the secretary of state;
19. prohibit a city from restricting who may collect petition signatures;
20. provide that a city may repeal a charter amendment adopted by a petition-initiated election only by a petition-initiated election held for the specific purpose of repealing the amendment;
21. prohibit a city from repealing a charter amendment adopted by a petition-initiated election by adopting a new or revised city charter; and

22. repeal the authority for: (a) a city secretary to verify signatures by statistical sample; and (b) charter provisions or ordinances governing the validity or verification of petition signatures to remain effective if they were in effect on September 1, 1985.

H.B. 222 (Slaton) – Illegal Voting: would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

H.B. 241 (Bucy) – Early Voting by Mail: would provide, among other things, that any qualified voter is eligible for early voting by mail. (Companion bill is **S.B. 120** by **Menendez**.)

H.B. 259 (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 shall not be held for an office to which preferential voting applies.

H.B. 281 (Bucy) – Voter Registration: would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at a polling place at which the person would be allowed to vote if the person submits a voter registration application, presents adequate proof of identification, and submits an affidavit stating the person is eligible to vote and voting only once in the election on the day the person offers to vote.

H.B. 294 (Schofield) – Federal Elections: would, among other things, provide that: (1) a primary or general election for a federal office, other than the office of the president or vice president of the United States, or a resulting runoff election (a “federal election”) is a separate election from any other election in the state; (2) a federal election may not list on the federal ballot any proposition or election for state or county office; (3) to the extent feasible, a federal election and an election that is not a federal election (a “state election”) shall be held separately and concurrently using the same precincts and polling locations; and (4) the secretary of state shall adopt rules to enact the provisions of (1)-(3), above, and the rules adopted must reduce voter disruption and confusion to the greatest extent possible, including rules requiring use of the same area in which voters are being accepted for voting and the same voting stations for state and federal elections.

H.B. 296 (Bucy) – Mobility Impaired Voters: would: (1) require an election officer to accept a person who is offering to vote and has a mobility problem that substantially impairs the person’s ability to ambulate before accepting others offering to vote at the polling place and who arrived before the person; and (2) provide that if a voter is eligible for early voting by mail on the ground of disability, the balloting materials may be provided by e-mail in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

H.B. 302 (Bucy) – Election Day Holiday: would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday.

H.B. 315 (Cortez) – Early Voting Ballot: would provide that: (1) the official application form for an early voting ballot must include a statement prescribed by the secretary of state explaining the benefits of furnishing an applicant’s telephone number, including how that information assists the early voting clerk; and (2) the secretary of state shall make the statement described in (1), above, available on the secretary of state’s website.

H.B. 317 (Bucy) – Early Voting: would provide, among other things, that: (1) a voter registrar’s office shall not remain open for purposes of providing voter registration information during extended hours or weekend hours if early voting by personal appearance is required to be conducted for extended hours or weekend hours; (2) an authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (3) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

S.B. 93 (Johnson) – Voter Registration: would, among other things: (1) provide that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) require two voter registrars to be present at each polling place while the polls are open; (3) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person’s residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a form of photo identification that complies with state law and states the person’s current address; (4) require the election officer to return the original proof of residence to the voter; and (5) require a person voting under (3), above, to vote a provisional ballot in accordance with state law, except that the person is not required to submit an affidavit stating the person is a registered voter and is eligible to vote in the election.

S.B. 116 (Menéndez) – Voter Identification: would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of certain types of identification from the expanded list as proof of identification, so long as one form of identification contains the name and address of the voter.

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

S.B. 120 (Menéndez) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bills is **H.B. 67** by **Ortega**.)

Emergency Management

H.B. 107 (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. 119 (Schaefer) – Judicial Review of Disaster Orders: would provide: (1) a person has standing to file suit in a Texas court to challenge a provision of an order issued by: (a) the governor or the presiding officer of the governing body of a political subdivision, including a city, that relates to a declared state of disaster if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the federal constitution or by a state or federal law; and (b) by the governor, the Health and Human Services Commissioner, the Department of State Health Services, or a health authority that relates to a declared public health disaster or is imposed as a control measure to prevent the spread of a communicable disease if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the state or federal constitution or by a state or federal law; and (2) the issuer of the order described in (1), above, has the burden of proving that the challenged provision in the order: (a) mitigates a threat to the public caused by the disaster or communicable disease, as applicable; and (b) is the least restrictive means of mitigating the threat.

H.B. 154 (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.

S.B. 97 (Johnson) – Emergency Executive Orders: would provide that: (1) the governor shall limit an executive order, proclamation, or regulation that is issued, amended, or rescinded to address only the specific conditions or requirements of the disaster that is the subject of the executive order, proclamation, or regulation under a state of disaster; and (2) not later than Monday of each week during a declared disaster, the governor and the Texas Department of Emergency Management (TDEM) shall publish on the governor’s website and TDEM’s disaster web portal a list of all executive orders, proclamations, and regulations issued by the governor during the previous seven-day period in chronological order.

S.B. 98 (Johnson) – Disaster Declaration: would, among other things, provide that if the Texas legislature is convened in a regular or special session during a state of disaster, only the legislature by law may renew the state of disaster, and not the governor.

S.B. 99 (Johnson) – Disaster Declaration: would, among other things: (1) require the legislature to appoint a joint disaster oversight committee; and (2) provide that if the governor determines a state of disaster requires renewal for more than 90 days from the date of the initial disaster declaration, the governor may renew the state of disaster only if: (a) the joint disaster oversight committee conducts a public hearing on renewal of the state of disaster; (b) the legislature convened in a regular or special session approves the renewal by a law that states the maximum

number of days the state of disaster may continue following renewal; and (c) the governor's renewal of the state of disaster expires not later than the date set by the legislature under (b), above.

S.B. 100 (Johnson) – Disaster Declaration: would eliminate the governor's responsibility as commander in chief of state agencies, boards, and commissions having emergency responsibilities during the recovery period following a state of disaster.

Municipal Courts

H.B. 303 (Bernal) – Municipal Court Costs: would provide that: (1) the credit for time served in jail shall be applied to the amount of the fines and costs at a rate of not less than \$100 for each period served that is not less than eight hours or more than 24 hours, as specified by the justice or judge; (2) a justice or municipal court may not order the confinement of a person, including a child, for the failure to pay all or any part of a fine or costs imposed for the conviction of an offense punishable by fine only or contempt of a judgment entered for the conviction of an offense punishable by fine only; and (3) subject to (2), above, punishment for contempt of a justice court or municipal court is a fine of not more than \$100 or confinement in the county or municipal jail for not more than three days, or both such a fine and confinement in jail.

S.B. 84 (Johnson) – Deferred Adjudication: would provide that a person who has been placed under a custodial or noncustodial arrest for an offense is entitled to the expunction of all records and files related to the arrest in certain circumstances, including if the person is placed on deferred adjudication community supervision. (Companion bill is **H.B. 394** by **Collier**.)

Open Government

H.B. 30 (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. 96 (M. Gonzalez) – Confidential Appraisal Records: would add a customs and border protection officer or border patrol agent of the United States Customs and Border Protection to the list of individuals who may choose to restrict public access to their home address that is contained in appraisal records.

S.B. 42 (Zaffirini) – Open Meetings: would, among other things:

1. require a governmental body, including city council, to ensure that members of the public are able to listen to, and if applicable, speak by telephone at an open meeting of the governmental body at which at least a majority of the members of the body participate by a method other than by appearing in person at the meeting's physical location, including by telephone conference call or videoconference call;
2. require a governmental body that holds an open meeting described in Number 1, above, to:
(a) make the open meeting audible to the public by telephone and each location described by Number 3(b), below; (b) if the meeting is broadcast live over the internet or held wholly or partly by videoconference call, provide public access to both audiovisual and audio-only feeds of the open meeting over the internet or by using a free, widely available computer application; and (c) if applicable, allow members of the public to address the governmental body regarding an item on an agenda for the meeting before or during the body's consideration of the item: (i) by telephone; and (ii) by videoconference call if the meeting is held wholly or partly by videoconference call;
3. require the notice of an open meeting described in Number 1, above, to: (a) comply with the requirements of the Open Meetings Act; (b) list each physical location where a member of the public may observe and participate in the meeting, including: (i) any location that is open to the public where a member of the governmental body intends to participate in the meeting; and (ii) any facility provided by the governmental body for a member of the public to observe or speak at the meeting; (c) include a toll-free telephone number that members of the public may use to hear and, if applicable, speak at the meeting; (d) include access information for any audiovisual or audio-only feeds required under Number 2(b), above; and (e) include instructions for a member of the public to speak at the meeting: (i) from a remote location; or (ii) while physically present at a location described by (b), above;
4. require that an open meeting described in Number 1, above, be recorded, and except as otherwise provided by law, provide that the recording shall be made available to the public not later than 24 hours after the adjourning of the meeting;
5. authorize a person in attendance at an open meeting of a governmental body to stream live video and audio of all or any part of the meeting over the Internet;

6. provide that a governmental body may adopt reasonable rules relating to the location of livestreaming equipment and the manner in which the livestreaming is conducted;
7. require a meeting notice to include: (a) an agenda of the specific subjects to be considered in the open meeting so that the public is aware of the subjects for public deliberation; and (b) to the extent foreseeable at the time the notice is posted, the subjects to be considered in a closed meeting;
8. prohibit a governmental body from conducting a closed meeting on a subject not included in the notice under Number 7, above, unless the governmental body determines by official action during the open meeting for which the notice was posted that the necessity of considering the subject was not reasonably foreseeable at the time the notice was posted; and
9. require a governmental body to broadcast an open meeting over the Internet, or hold an open meeting by telephone conference call or videoconference call, if the physical location of the meeting is not accessible to members of the public or is not large enough to accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of an emergency or urgent public necessity.

S.B. 43 (Zaffirini) – Public Information: would provide, among other things, that: (1) for purposes of the public information act, the following days are not considered business days of a governmental body, including a city: (a) a Saturday or Sunday; (b) a national holiday; (c) a state holiday; (d) the days on which Rosh Hashanah, Yom Kippur, or Good Friday falls (“optional holidays”) if the officer for public information of the governmental body observes the optional holiday; and (e) a day designated by the governmental body on which the body’s administrative offices are closed or operating with minimum staffing; (2) the designation described in (1)(e), above, for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer; (3) a governmental body may designate, as described in (1)(e), above, not more than 10 days as nonbusiness days each calendar year; and (4) a governmental body shall make a good faith effort to post advance notice of the nonbusiness days designated under (1)(e), above, on the governmental body’s website.

S.B. 44 (Zaffirini) – Public Information: would provide that: (1) if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received; (2) if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information; (3) if a governmental body fails to comply with the requirements in (1) or (2), above, the requestor may send a written complaint to the attorney general; and (4) if the attorney general determines the governmental body failed to comply with (1) or (2), above, the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to

the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it.

S.B. 45 (Zaffirini) – Electronic Public Information: would, among other things:

1. expand the definition of “public information” under the Public Information Act (PIA) to include a data dictionary or other indicia of the type or category of information held in the applicable field of a database, other than metadata that directly implicates database security;
2. provide that 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. provide that 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 any electronic communication created, received or maintained on any device in connection with the transaction of official business and the information described in Number 1, above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property;
4. provide that, 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. provide that 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. provide that 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 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. provide that a copy of information requested under Number 6, above, shall be provided on suitable electronic media;

8. provide that, 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;
9. provide that a governmental body shall use reasonable efforts to ensure that a contract entered into by the 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;
10. provide that the provisions of this bill apply to public information for which a third party is the custodian for the governmental body;
11. provide that a confidentiality provision or exception from required disclosure under the PIA applies to electronic public information;
12. provide that the cost rules under the PIA apply to an electronic copy or paper printout of electronic public information; and
13. repeal the provision under the PIA related to responding to requests for information that require programming or manipulation of data.

S.B. 46 (Zaffirini) – **Dates of Birth**: would provide that a governmental body, including a city, may not withhold a person's date of birth: (1) in correctional or prosecutorial records, including arrest, charge, indictment, conviction and deferred adjudication, and inmate information; or (2) in applications filed by candidates for elective office.

Other Finance and Administration

H.B. 51 (Johnson) - **State Holidays**: would remove the 19th day of January, "Confederate Heroes Day," from the list of state holidays.

H.B. 57 (Zwiener) – **Climate Change Reporting**: would require the Texas Commission on Environmental Quality to prepare a report on the potential impact of climate change in the state every four years, which would include, among other things, information regarding the impact of climate change on the economy, infrastructure, surface water and groundwater, and state and local finances.

H.B. 58 (Talarico) – **Ambulance Balance Billing**: would provide that: (1) a city or county may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; and (2) a city or county may not practice balance billing for a claim for which the city or county makes an election described in (1), above.

(Note: this bill is nearly identical to legislation that was passed by the 87th Legislature and signed into law in 2021 – S.B. 790.)

H.B. 59 (Goodwin) – Child Water Safety Requirements: would: (1) provide that an organization, including a school, preschool, kindergarten, nursery school, day camp, or youth camp that takes a child in its care or under its supervision to a body of water (including a pool) or otherwise allows a child access to a body of water shall: (a) determine whether the child is able to swim or is at risk when swimming; and (b) if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming; and (2) require the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to: (a) provide the child an approved personal flotation device; and (b) ensure the child is wearing the appropriate personal flotation device and the device is properly fitted for the child.

H.B. 61 (Noble) – Abortion: would: (1) prohibit a governmental entity from entering into a taxpayer resource transaction or appropriate or spend money to provide any person logistical support for the express purpose of assisting a woman with procuring an abortion or an abortion provider’s services, including: (a) child care; (b) travel or any form of transportation to or from an abortion provider; (c) lodging; (d) food or food preparation; (e) counseling that encourages a woman to have an abortion; and (f) any other service that facilitates the provision of an abortion; (2) provide that the prohibition in (1), above, does not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that is subject to a federal law in conflict with (1), above, as the executive commissioner of the Health and Human Services Commission determines and the attorney general confirms in writing; and (3) provide that the attorney general may bring an action to enjoin a violation of (1), above, and recover reasonable attorney’s fees and costs incurred in bringing the action.

H.B. 89 (Talarico) – Ambulance Balance Billing: would provide that: (1) a city or county may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; and (2) a city or county may not practice balance billing for a claim for which the city or county makes an election described in (1), above. (Note: this bill is nearly identical to legislation that was passed by the 87th Legislature and signed into law in 2021 – S.B. 790.)

H.B. 95 (Goodwin) – Cottage Food: would: (1) require the commissioner of state health services to adopt rules requiring a cottage food production operation to include the zip code and telephone number of the cottage food production operation on the label all of the foods that the operation sells; (2) remove the requirement for a cottage food production operation to include the address of the cottage food production operation on the label all of the foods that the operation sells; and (3) repeal the section of law that provides that an operator of a cottage food production operation that sells a cottage food through the Internet or by mail order: (a) is not required to include the address of the operation in the required labeling information before the operator accepts payment for the food; and (b) shall provide the address of the operation on the label of the food in the manner required by state law after the operator accepts payment for the food.

H.B. 115 (Ortega) – Alcohol Consumption in Public: would, for purposes of the offense for consumption of alcohol in a public place during certain hours, clarify that a public place includes an unlicensed or unpermitted premises.

H.B. 176 (Goodwin) – Cottage Food: would eliminate the requirement that an individual operating out of the individual’s home would need to have an annual gross income of \$50,000 or less from the sale of certain foods to be considered a “cottage food production operation.”

H.B. 187 (Landgraf) – Local Debt Elections: would provide that an election for the issuance of bonds or other debt shall be held on the November uniform election date.

H.B. 256 (Bernal) – 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 of an individual: (a) denies that individual full and equal accommodation in any place of public accommodation, subject only to the conditions and limitations established by law and applicable to all persons; or (b) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity; (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 described in (1), above; (3) if a court finds that discriminatory practice has occurred or is about to occur, the court may award to the plaintiff: (a) actual and punitive damages; (b) reasonable attorney’s fees; (c) court costs; and (d) any permanent or temporary injunctive relief; and (4) an employer, including a city, commits an unlawful employment practice if the employer discriminates against an individual on the basis of sexual orientation or gender identity.

H.B. 262 (Swanson) – Cooperation with Federal Government: would, among other things: (1) require the attorney general to provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature that identifies each rule adopted by the a federal government agency during the previous month that: (a) relates to certain subjects including the First Amendment, Second Amendment, and regulation of education, among others; (b) was adopted in response to an executive order by the president of the United States; and (c) violates the rights guaranteed to the citizens of the United States by the United States Constitution or exceeds the powers specifically granted to the federal government by the United States Constitution; and (2) provide that a political subdivision, including a city, may not cooperate with a federal government agency in implementing an agency rule that a report published under (1), above, indicates: (a) violates the rights guaranteed to the citizens of the United States by the United States Constitution; or (b) exceeds the powers specifically granted to the federal government by the United States Constitution.

S.B. 70 (Zaffirini) – Unfunded Mandates: would establish an unfunded mandate interagency workgroup and require the group to, among other things, publish an advisory list of mandates for which the legislature has not provided reimbursement following each regular or special session of the legislature.

S.B. 78 (Johnson) – Abortion: would: (1) allow a physician to provide an abortion-inducing drug to a pregnant individual whose pregnancy is not more than 70 days of gestational age; and (2) provide that a political subdivision may not adopt or enforce an ordinance, order, or other measure that conflicts with the provision described in (1), above.

S.B. 91 (Johnson) – State Holidays: would: (1) abolish “Confederate Heroes Day” as a state holiday; and (2) create a new state holiday on June 28 as the “Celebration of Suffrage Day”.

S.B. 121 (Menéndez) – Medical Cannabis: would, among other things: (1) authorize the possession, use, cultivation, distribution, delivery, sale, and research of medical cannabis for medical use by patients with certain medical conditions; (2) provide for the issuance of a medical cannabis research license; (3) authorize fees for a license under (2), above; (4) provide that the Department of Public Safety shall use revenue from fees to establish a cannabis testing and quality control fund for the purpose of assisting law enforcement, including accredited crime laboratories, to purchase instruments, establish methods, and obtain resources needed to conduct forensic analysis necessary to enforce the bill and to protect the health and safety of medical cannabis patients and the public; and (5) preempt a municipality, county, or other political subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, researching, testing, or possession of medical cannabis.

S.B. 127 (Alvarado) – Medical Cannabis: would, among other things: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients for whom a physician determines medical use is the best available treatment for the patient’s medical condition or symptoms; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent political subdivisions from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis.

S.B. 130 (Campbell) – Employment Benefits: would provide that a city or county may not adopt or enforce an ordinance, order, rule, or regulation that requires an employer in the city or county to provide employment benefits to its employees.

Personnel

H.B. 27 (Goodwin) – Employment Benefits: would provide that disciplinary action may not be taken against an employer and an employer may not be sued based solely on the employer’s choice to offer or provide a particular employee benefit, including payment for the costs associated with receiving health care service in another state.

H.B. 79 (Talarico) – Employment Leave: would, among other things, provide that an employer shall: (1) not discharge or discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve; (2) not discharge, discriminate or retaliate against an employee for taking time off to appear in court to comply with a subpoena or

other court order as a witness in any judicial proceeding; (3) not discharge, discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain any relief, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child; (4) not discharge, discriminate or retaliate against an employee because of the employee's status as a victim of crime or abuse, if the employee provides notice to the employer of the status or the employer has actual knowledge of the status; and (5) provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work, including the implementation of safety measures, a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

H.B. 121 (Vasut) – Employment Benefits: would provide that: (1) a city may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment; (2) any provision of an ordinance, order, rule, regulation, or policy that violates (1), above, is void and unenforceable; and (3) the provision in (1), above, does not apply to minimum wage or a contract relating to the terms of employment voluntarily entered into between a private employer or entity and a governmental entity.

H.B. 138 (Toth) – Personal Health Information: would provide, among other things, that: (1) an employee has the right to keep the employee's personal health information private and is not required to disclose that information to the employee's employer, including a city, unless the disclosure is required by state or federal law; (2) an employer may not take an adverse employment action or discriminate against an employee who exercises the right described by (1), above; and (3) an employer who violates an employee's rights prescribed in (1), above, is liable for a civil penalty in the amount of \$50,000 for each violation, and the attorney general may bring action to collect the civil penalty.

H.B. 169 (Reynolds) – Minimum Wage: would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

H.B. 193 (Ortega) – Local Minimum Wage: would, among other things, allow: (1) a city to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the city; and (2) a county to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the unincorporated areas of the county, including areas located within the extraterritorial jurisdiction of a city.

S.B. 66 (Zaffirini) – EMS Civil Service: would provide that the emergency medical services personnel civil service law applies to a city: (1) with a population of 460,000 or more that: (i) operates under a city manager form of government; or (ii) operated under a city manager form of

government on the date the city adopted EMS personnel civil service law; and (2) that employs EMS personnel in a city department other than the fire department.

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

S.B. 110 (Menendez) – Discrimination: would prohibit discrimination in public accommodations and employment on the basis of an individual’s sexual orientation, gender identity, or status as a military veteran.

Transportation

H.B. 108 (Cortez) – Classroom Teachers Park Free: would: (1) require the Texas Department of Transportation to issue specialty license plates to: (a) classroom teachers with at least 15 years of service teaching public school students; and (b) retired classroom teachers with at least 20 years of service teaching public school students; and (2) prohibit a governmental authority from collecting a parking fee through a parking meter for a vehicle displaying these license plates.

H.B. 167 (Cortez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

H.B. 177 (Cortez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

S.B. 41 (Zaffirini) – Cell Phone Ban: would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; and (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction

with a hands-free device; (b) to contact emergency services; or (c) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle.

Utilities and Environment

H.B. 26 (Ordaz Perez) – **Medical Waste Facilities**: would, among other things, provide that an applicant for an application for or notice of intent to file an application for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Post Service mail to the governing body of the city in which the facility is or is to be located, if applicable. (Companion bill is **S.B. 173** by Blanco.)

H.B. 94 (Jarvis Johnson) – **Concrete Plant**: would provide that, in determining whether to approve an application for a standard permit for a concrete batch plant, the executive director of the Texas Commission on Environmental Quality must base the decision, in part, on a consideration of the potential harm to local property values and the location of the facility relative to homes, schools, churches, parks, and other community assets.

H.B. 124 (Jarvis Johnson) – **Concrete Plants**: would limit the state law under which the Texas Commission on Environmental Quality may issue an air quality permit for a concrete plant located in an area of a city not subject to zoning regulations and require that such a plant comply with certain notice and hearing requirements.

S.B. 31 (Zaffirini) – **Electricity**: would, among other things, provide that: (1) a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (a) access transmission service from outside the ERCOT power region; and (b) purchase power at wholesale from outside the ERCOT power region; and (2) unless otherwise provided by federal law, the Public Utility Commission (PUC) shall require ERCOT to approve the interconnection of a facility in (1), above, unless the PUC or ERCOT determines that the interconnection poses a significant and imminent risk to public health and safety.

S.B. 40 (Zaffirini) – **Water Utilities**: would require the Texas Commission on Environmental Quality to develop and implement an alert system that must include the ability to provide notifications through electronic instant messaging to be activated in the event of a boil water notice and any related information, including any rescission or expiration of the boil water notice.

S.B. 53 (Zaffirini) – **Texas Water Development Board Financing**: would provide that: (1) a political subdivision may use financial assistance from the Texas Water Development Board (TWDB) to pay for the installation, maintenance, operation, and fueling of a backup power generator for a facility of a public water supply and sanitary sewer system; (2) assistance under the bill shall only be provided to political subdivisions that demonstrate an inability to pay for the installation, maintenance, operation, and fueling of a backup power generator described by (1), above, in accordance with TWDB rules; (3) if the TWDB determines that a political subdivision to which assistance has been provided under (1), above, is ineligible to receive the assistance, the

TWDB may seek reimbursement from the political subdivision; and (4) the TWDB shall adopt rules to implement the bill.

S.B. 114 (Menendez) – Electricity: would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of planned outages and the length of time the outages are expected to last; and (2) require the Public Utility Commission to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2024; (b) two percent of peak summer and winter demand by December 31, 2025; (c) three percent of peak summer and winter demand by December 31, 2026; and (d) five percent of peak summer and winter demand by December 31, 2027.

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