

TML LEGISLATIVE UPDATE



February 3, 2023
Number 5

Texas Comptroller's Office Awarded \$363.8 Million in Federal Grants to Improve Broadband Access Across the State

On January 27, Comptroller Glenn Hegar [announced](#) that the Texas Broadband Development Office (BDO) will receive \$363.8 million in federal Coronavirus Capital Projects Fund grants to increase access to affordable, reliable high-speed internet for over 150,000 Texas homes and businesses.

The funds will support the BDO's Bringing Online Opportunities to Texas (BOOT) program. The BOOT program is a competitive grant program designed to fund last-mile broadband infrastructure projects to bring reliable internet service to eligible unserved and underserved areas across the state. The [Texas Broadband Development Map](#) will determine eligibility. BOOT grants will provide funding to qualified projects designed to connect locations that meet specific criteria, including:

- The project is located in an eligible area;
- The project invests in capital assets designed to directly enable work, education, and health monitoring;

- The project is designed to address a critical community need in the service area; and
- The project is designed to address a critical need that results from or was made apparent or exacerbated by the COVID-19 public health emergency.

The BOOT program will begin accepting applications for broadband expansion projects in spring 2023.

Don't Forget: Mandatory Hotel Occupancy Tax Reporting

The 50-day window for reporting local hotel occupancy tax information opened January 1, 2023. The reporting deadline is **February 20, 2023**.

Tax Code Section 351.009 requires cities to file an annual report with the comptroller that includes the city's hotel occupancy tax rate, the amount of revenue generated by the tax, and the amount and percentage of the revenue spent for each of the following purposes:

- Convention or information centers
- Convention delegates registration
- Advertising to attract tourists
- Arts promotion and improvement
- Historical restoration and preservation projects
- Signage directing the public to sights and attractions

Cities have two reporting options: (1) use the comptroller's [online reporting form](#) to submit all required information; or (2) clearly post and maintain all required information on the city's website and provide the comptroller's office with a link to the information. For cities selecting the second option, the comptroller provides an [optional format template](#) to post on the city's website.

For more information, see the comptroller's hotel occupancy tax reporting [webpage](#) or contact the comptroller's transparency team by email at transparency@cpa.texas.gov or (844) 519-5676.

Get Involved During the Legislative Session: Grassroots Involvement Program

During the 88th Legislative Session, Texas cities are facing many challenges and opportunities. TML will need to mobilize our membership at key points during session. The Grassroots Involvement Program (GRIP) is one way to do so. Our GRIP survey focuses on a variety of items including your areas of expertise and involvement with other professional organizations. Most importantly, the GRIP survey asks how well you know various state legislators and if you are willing to communicate with those legislators during the session. TML's grassroots approach 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.

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will provide periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

U.S. Department of Transportation (DOT)

Applications for the DOT Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program are due by **10:59:59 PM CST on February 28, 2023**. RAISE grants provide funding for surface transportation infrastructure projects to improve safety, environmental sustainability, quality of life, mobility and community connectivity, economic competitiveness, and opportunity, including tourism, state of good repair, partnership and collaboration, and innovation.

For more information about the RAISE program, please see DOT's RAISE program [application instructions](#) and [webinar series](#).

Additionally, DOT recently announced the availability of \$26.5 billion in funding for the Bridge Replacement, Rehabilitation, Preservation, Protection, and Construction Program (Bridge Formula Program). The program will provide funding to state, local, and tribal governments to help replace, repair, and improve over 15,000 highway and local off-system bridges across the country. The BFP will fund 100% of any off-system bridge projects. TxDOT has communicated to the League that it will waive the standard 10% matching requirement for local governments for *all* off-system bridge projects let from Summer 2023 through FY 2026.

More information about the program, eligibility, and use of BFP funds can be found [here](#).

U.S. Department of Energy (DOE)

Applications are now open for the [DOE Energy Efficiency and Conservation Block Grant \(EECBG\) Program](#). The EECBG Program provides direct grants to state, tribal, and local governments to fund community-based clean energy projects through various capacity-building,

planning, and infrastructure efforts to reduce carbon emissions and energy use. Local governments can apply for EECBG grants through January 2024. For more information about the EECBG program, please see DOE's EECBG local government introductory [webinar](#).

Upcoming deadlines: Complete Pre-Award Information Sheet: **April 28, 2023**

Environmental Protection Agency (EPA)

Applications for EPA Brownfields Technical Assistance (BTA) cooperative agreement funding are due by **February 14, 2023**. BTA cooperative agreements provide funding to eligible entities for training, research, and technical assistance to inventory, assess, remediate, and revitalize brownfield sites. BTA agreements will focus on five specific areas:

- [Revolving Loan Fund Technical Assistance](#)
- [Nonprofit Technical Assistance](#)
- [Local Government Leaders Technical Assistance](#)
- [Minimizing Displacement Research](#)
- [Land Bank Research](#)

Awards will range from \$500,000 to \$1 million over a 4-year or 5-year performance period.

For more information about the BTA grant program and application process, please see the EPA's BTA Grant Guideline Outreach [Webinar](#) and [presentation](#).

City-Related Bills Filed

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

Property Tax

H.B. 1556 (Rosenthal) – Public Facility Corporation Tax Exemption: would provide, among other things, that in order for a leasehold or other possessory interest in a public facility to qualify for affordable housing property tax exemptions, certain conditions must be met, including that:

1. the corporation's sponsoring entity must: (a) identify goals for public facilities used for housing developments and establish selection criteria based on the goals to be used by corporations for scoring proposals from developers of housing developments; and (b) a public facility corporation must issue a request for proposals from developers before the corporation enters into a lease agreement for a public facility with a developer for the purpose of constructing or rehabilitating a housing development;
2. if a developer substantially rehabilitates an existing multifamily residential property that is a public facility leased by the developer, the original construction of the property must have

been completed at least 10 years before the date the developer begins rehabilitation of the property;

3. the developer must reserve at least: (a) 50 percent of the total units in a housing development as affordable housing units; (b) 50 percent of the affordable housing units in the development for occupancy by individuals or families earning not more than 60 percent of area median income, adjusted for family size; and (c) 20 percent of the affordable housing units in the development for occupancy by individuals or families participating in the housing choice voucher program, under certain circumstances;
4. the monthly rent charged for an affordable housing unit may not exceed: (a) 30 percent of 80 percent of area median income, minus an allowance for utility costs, if the individual or family renting the unit earns more than 60 percent but not more than 80 percent of the area median income, adjusted for family size; and (b) 30 percent of 60 percent of area median income, minus an allowance for utility costs, if the individual or family renting the unit earns not more than 60 percent of the area median income, adjusted for family size;
5. a public facility user may not: (a) refuse to rent an affordable housing unit to an individual or family because the individual or family participates in the housing choice voucher program; or (b) use a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for an affordable housing unit;
6. a housing authority that sponsors a corporation that leases a public facility used as a housing development to a public facility user shall: (a) publish information about the affordable housing units in the housing development on its Internet website, if the authority maintains a website; and (b) provide information about the affordable housing units directly to individuals and families participating in the authority's housing choice voucher program;
7. a public facility user of a housing development must submit certain reports to the chief appraiser of the appraisal district in which the housing development is located; and
8. the sponsoring entity of a corporation that leases a public facility used as a housing development shall submit certain annual reports.

H.B. 1566 (Allison) – Appraisal Cap and Property Tax Exemption: would, among other things: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent and apply the cap to all residential real property; (2) provide that an individual who purchases property and qualifies the property as the individual's residence homestead is entitled to an exemption from property taxes of the total appraised value of the property for the first tax year the individual qualifies the property as the individual's residence homestead if the property: (a) is the first property the individual has ever qualified as a residence homestead; and (b) has an appraised value of less than \$300,000 for the first tax year; and (3) provide that if an individual qualifies property as the individual's residence homestead for at least 25 consecutive years, a taxing unit may not

impose taxes on that residence homestead in a subsequent tax year in an amount that exceeds the lesser of: (a) the amount of taxes calculated for the taxing unit for the current tax year; or (b) the amount of taxes imposed by the taxing unit for the 25th tax year. (See **H.J.R. 87**, below)

H.B. 1582 (Dutton) – Tax Sale Redemption: would establish a four-year right of redemption for certain property sold at a tax sale if the redemption is sought by a person 65 years of age or older who was an owner of the real property subject to a tax sale and was the person’s residence homestead when the suit or application for the warrant was filed. (See **H.J.R. 88**, below.)

H.B. 1596 (Buckley) – Disabled Veteran Grants: would provide that, for purposes of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of property tax relief to disabled veterans, the term “local government” includes a city with extraterritorial jurisdiction located within two miles of the boundary line of a United States military installation.

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

H.B. 1609 (Shine) – Electronic Communications: would: (1) require a tax official, including a city, to establish a procedure that allows a property owner to elect to exchange communications with the tax official; (2) prohibit a tax official from charging a fee to accept a communication delivered electronically; and (3) require a tax official to prominently display the information necessary for proper electronic delivery of communications on the tax official’s website, if the tax official maintains a website, and on each communication sent to the property owner.

H.B. 1613 (Shine) – State Assistance for Property Tax Exemptions: would: (1) provide that any city or county is eligible to qualify for a payment from the state to offset the cost of the 100 percent property tax exemption for disabled veterans; (2) create the disabled veterans local government assistance account which consists of money deposited to the account in an amount equal to the amount of the proceeds from the collection of sales tax inside the boundaries of a United States military base; and (3) provide that the local government assistance payments will be paid from the account in (2), above.

H.B. 1634 (Walle) – Public Facility Corporation Tax Exemption: would provide that a leasehold or other possessory interest in a public facility would not be exempt from property taxes if the public facility user: (1) refuses to rent a residential unit in a housing development to an individual or family because the individual or family participates in the housing choice voucher program; or (2) uses a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250

percent of the individual's or family's share of the total monthly rent payable for a residential unit. (Companion bill is **S.B. 199** by **Eckhardt**.)

H.B. 1733 (**Leach**) – **Appraisal Cap**: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.B. 152** by **Kolkhorst**.) (See **H.J.R. 95**, below.)

H.B. 1801 (**Talarico**) – **Property Tax Exemption**: would provide a total exemption for property used to operate a child-care facility if the property is accredited by a nationally recognized accrediting organization for child-care of early childhood education facilities or programs approved by the Texas Workforce Commission and the Department of Family and Protective Services. (See **H.J.R. 96**, below.)

H.J.R. 87 (**Allison**) – **Appraisal Cap and Property Tax Exemption**: would, among other things, amend the Texas Constitution to: (1) authorize the legislature to limit the maximum appraised value of residential real property for property tax purposes to the lesser of the most recent market value of the property or 105 percent of the appraised value of the property for the preceding tax year; (2) provide that the limitation in (1), above, takes effect in the tax year following the first tax year in which the owner owns the property on January 1 and expires on January 1 of the tax year following the tax year in which the owner of the property when the limitation took effect ceases to own the property, except that the legislature may provide for the limitation to continue during ownership of the property by the owner's spouse or surviving spouse; (3) authorize the legislature to provide that an individual who purchases property and qualifies the property as the individual's residence homestead is entitled to an exemption from property taxes of the total appraised value of the property for the first tax year the individual qualifies the property as the individual's residence homestead if the property is the first property the individual has ever qualified as the individual's residence homestead and has an appraised value of less than \$300,000 for that first tax year, with an exception for local debt service property tax payments if the cessation of the levy would impair the obligation of the contract by which the debt was created; and (4) authorize the legislature to limit the total amount of property taxes imposed by a political subdivision on the residence homestead of an individual who qualifies the property as the individual's residence homestead for at least 25 consecutive tax years, and the taxes imposed by the political subdivision on the residence homestead after the 25th tax year may not exceed the amount of taxes imposed by the political subdivision on the property in the 25th tax year. (See **H.B. 1566**, above.)

H.J.R. 88 (**Dutton**) – **Tax Sale Redemption**: would amend the Texas Constitution to establish a four-year right of redemption for certain property sold at a tax sale if the redemption is sought by a person 65 years of age or older who was an owner of the real property subject to a tax sale and was the person's residence homestead when the suit or application for the warrant was filed. (See **H.B. 1582**, above.)

H.J.R. 95 (**Leach**) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.J.R. 18** by **Kolkhorst**.) (See **H.B. 1733**, above.)

H.J.R. 96 (Talarico) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property tax property used to operate a child-care facility. (See **H.B. 1801**, above.)

S.B. 639 (Miles) – Appraisal Cap: would provide that a limitation on increases in the appraised value of a residence homestead continues after the death of the owner if the property is acquired by and qualifies as the homestead of an heir of the owner or the owner’s spouse or surviving spouse. (See **S.J.R. 38**, below.)

S.J.R. 38 (Miles) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to provide that a limitation on increases in the appraised value of a residence homestead continues after the death of the owner if the property is acquired by and qualifies as the homestead of an heir of the owner or the owner’s spouse or surviving spouse. (See **S.B. 639**, above.)

Public Safety

H.B. 1639 (Canales) – Variable Speed Limit Program: would provide that: (1) the Texas Transportation Commission may establish a variable speed limit program to allow the temporary lowering of a speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit; and (2) a speed limit established under the variable speed limit program: (a) must be based on an engineering and traffic investigation; (b) may be effective for all or part of the highway for any period of day or night as TXDOT determines necessary; and (c) is only effective when notice of the speed limit is posted on a sign, including on a stationary or portable changeable message sign, not less than 500 feet but not more than 1,600 feet before the point at which the speed limit begins.

H.B. 1644 (Romero) – Mental Health Response Study: would, among other things: (1) require the Health and Human Services Commission to conduct a study to evaluate the availability, outcomes, and efficacy of using mental health response teams and mental health professionals to assist in reducing the number of incarcerations of individuals with mental illnesses, substance abuse disorders, or intellectual or developmental disabilities; (2) provide that in conducting such study, the commission shall: (a) include an assessment of whether the information suggests that municipalities would benefit from mental health response teams assisting traditional law enforcement officers in efforts to: (i) reduce the incarceration rates of persons with mental illness, substance abuse disorder, and intellectual or developmental disorders; (ii) increase the number of referrals to community resources and treatment for persons described in (2)(a)(i), above; (iii) reduce the use of force when responding to emergency calls that involve persons described in (2)(a)(i), above; and (iv) gain an understanding about persons described by (2)(a)(i), above; (b) evaluate the fiscal and staffing implications to a law enforcement agency for agency use of a mental health response team to respond remotely to emergency calls; and (c) evaluate the impact of certain funding sources on establishing mental health response teams across the state, especially the impact to the establishment, staffing, and maintenance of those teams; and (3) require the commission to gather information from the study from each city with a population greater than 100,000.

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

H.B. 1711 (Canales) – Asset Forfeiture Proceedings: would: (1) provide that contraband is not subject to seizure and forfeiture if the property is not otherwise unlawful to possess and the admissibility of the property as evidence would be prohibited in the prosecution of the underlying offense; and (2) limit the admissibility of evidence in an asset forfeiture proceeding.

H.B. 1714 (Canales) – Asset Forfeiture Proceedings: would: (1) raise the state’s burden of proof from preponderance of the evidence to clear and convincing evidence in proceedings related to the seizure of property and forfeiture hearings; (2) limit the transfer of forfeitable property to the federal government; and (3) limit law enforcement agency or Texas National Guard cooperation in federal forfeiture actions.

H.B. 1724 (Raymond) Public Emergency Contacts: would provide, among other things, that: (1) each city manager, mayor, and director of a municipal health department must submit their personal contact information to the Texas Division of Emergency Management to be used during a declared state of disaster or public health emergency; and (2) that information submitted under (1), above, is confidential and exempt from disclosure under the Public Information Act.

H.B. 1728 (Cunningham) – Judicial Liability for Bail Conditions: among other things, would: (1) set minimum bail amounts for certain offenses involving violence punishable as a second-degree felony or higher; (2) create a criminal offense and establish penalties for a judge or magistrate who: (a) releases on bail a defendant who is charged with committing a felony while released on bail for a prior felony in violation of the Texas Constitution; or (b) or sets a bail amount less than the minimum amount required under (1), above; (3) establish a cause of action against a judge or magistrate who released a person on bail by a victim of an offense committed by a person released on bail, or the victim’s estate if the victim is deceased, for damages incurred as a result of the released person’s offense, if: (a) the person was released on bail for an offense described in (1), above; and (b) the judge or magistrate set a bail amount less than the minimum amount required under (1), above; and (4) for an action brought under (3), above, waive the public servant liability limit, impose a maximum \$10 million damages cap, and prohibit a judge or magistrate from asserting judicial immunity or other forms of immunity as a defense.

H.B. 1776 (E. Thompson) – Emergency Services Districts: would: (1) require an emergency services district (ESD) to receive the written consent of a city council if it seeks to expand the district to include territory in a city’s limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to the expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory in the city limits or extraterritorial jurisdiction

that would have been included in the ESD may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the refusal or inaction serves as consent for the territory that is subject of the petition to be included in the ESD; (4) require an ESD to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of an ESD into its city limits or extraterritorial jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council's consent to expansion of an ESD expires six months after the date consent is given; and (7) provide that this bill does not apply if an ESD proposes to expand in the unincorporated area of a county with a population of 3.3 million or more. (Companion bill is **S.B. 659** by **Eckhardt**.)

H.J.R. 91 (Canales) – **Cannabis**: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas. (Companion is **S.J.R. 22** by **Eckhardt**.)

S.B. 571 (West) – **Police Reform**: this bill known as the – “George Floyd Law Enforcement Accountability Act” – would make numerous changes related to interactions between peace officers and individuals detained or arrested on the suspicion of the commission of crimes, peace officer liability for those interactions, and the disciplinary of peace officers in certain cities. Of primary importance to cities, the bill would:

1. with respect to qualified immunity, provide that:
 - a. a person may bring an action for any appropriate relief, including legal or equitable relief, against a peace officer who, under the color of law, deprived the person of or caused the person to be deprived of a right, privilege, or immunity secured by the Texas Constitution;
 - b. a person must bring an action not later than two years after the day the cause of action accrues;
 - c. regardless of any other law, a statutory immunity or limitation on liability, damages, or attorney's fees does not apply, and qualified immunity or a defendant's good faith but erroneous belief in the lawfulness of the defendant's conduct is not a defense;
 - d. a court shall award reasonable attorney's fees and costs to a prevailing plaintiff, and if a judgment is entered in favor of a defendant, the court may award reasonable attorney's fees and costs to the defendant only for defending claims the court finds frivolous;
 - e. regardless of any other law, a public entity, including a city, shall indemnify a peace officer employed by the entity for liability incurred by and a judgment imposed against the officer, except that an entity is not required to indemnify a peace officer

employed by the entity if the officer was convicted of a criminal violation for the conduct that is the basis for the action;

2. with respect to the duties and powers of a peace officer, provide that:
 - a. an officer shall: (i) make an identification as a peace officer before taking any action within the course and scope of the officer's official duties, unless the identification would render the action impracticable; (ii) intervene if the use of force by another peace officer: (A) violates state or federal law or a policy of any entity served by the other officer; (B) puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or other person; or (C) is not required to apprehend or complete the apprehension of a suspect; and (iii) provide aid immediately to any person who needs medical attention, including a person who needs medical attention as a result of the use of force by a peace officer;
3. with respect to cite and release, provide that:
 - a. the Texas Southern University, in consultation with other law-enforcement related entities shall publish a written model policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and such policy must provide a procedure for a peace officer, on a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person;
 - b. each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and such policy must meet the requirements for the model policy; and
 - c. a law enforcement agency may adopt the model policy;
4. with respect to de-escalation and proportionate response, provide that:
 - a. each law enforcement agency shall adopt a detailed written policy regarding the use of force by peace officers, and such policy must: (i) emphasize conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged offense; (ii) mandate that deadly force is only to be used by peace officers as a last resort; and (iii) affirm the sanctity of human life and the importance of treating all persons with dignity and respect;
 - b. a law enforcement agency may adopt the model policy developed by the Texas Commission on Law Enforcement (TCOLE) or may adopt its own policy;
 - c. a peace officer or any other person may not, without a warrant, arrest an offender for a misdemeanor punishable by fine only, other than certain assault offenses or public intoxication;

- d. a peace officer may not, without a warrant, arrest a person who only commits one or more offenses punishable by fine only, other than certain assault offenses or public intoxication;
 - e. a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by fine only, other than public intoxication, shall instead of taking the person before a magistrate, issue a citation, except for certain assault offenses that are misdemeanors punishable by fine only, the officer may, instead of taking the person before a magistrate, issue a citation to the person;
 - f. TCOLE shall develop and make available to all law enforcement agencies a model policy and associated training materials regarding the use of force by peace officers, and the model policy must: (i) be designed to minimize the number and severity of incidents in which peace officers use force; and (ii) be consistent with the requirements of Number 4(a), above, and the guiding principles on the use of force issued by the Police Executive Research Forum; and
 - g. on request of a law enforcement agency, TCOLE shall provide the agency with training regarding the policy developed under Number 4(f), above;
5. with respect to disciplinary procedures for police officers in cities with a population of over 50,000, that have adopted civil service, or have not adopted collective bargaining, provide that:
- a. the city shall implement a progressive disciplinary matrix for its police officers if the city has not adopted civil service, and shall adopt rules necessary to implement the matrix; and
 - b. a meet and confer agreement: (i) must implement the progressive disciplinary matrix; and (ii) may not conflict with and does not supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the progressive disciplinary matrix;
6. with respect to certain cities that are subject to civil service, provide that:
- a. the civil service commission shall implement a progressive disciplinary matrix for infractions committed by police officers that consists of a range of progressive disciplinary actions applied in a standardized way based on the nature of the infraction and the officer's prior conduct record, including removal, suspension, change of duty or assignment, demotion, deduction of points from a promotional examination grade, retraining, a written warning, or a written reprimand;
 - b. the progressive disciplinary matrix must include: (i) standards for disciplinary actions relating to the use of force against another person, including the failure to

de-escalate force incidents in accordance with departmental policy; (ii) standards for evaluating the level of discipline appropriate for uncommon infractions; and (iii) presumptive actions to be taken for each type of infraction and any adjustment to be made based on a police officer's previous disciplinary record;

- c. a hearing examiner must presume a disciplinary action applied to a police officer under a progressive disciplinary matrix is reasonable unless the facts indicate that the police department inappropriately applied a category of offense to the particular violation;
7. with respect to police officers in cities that are subject to collective bargaining, provide that:
- a. a city shall implement a progressive disciplinary matrix, as described by Number 6, above, for its police officers if the city has not adopted civil service;
 - b. the city shall adopt rules necessary to implement the progressive disciplinary matrix; and
 - c. a collective bargaining agreement may not with an ordinance, order, statute, or rule concerning the disciplinary actions that may be imposed on police officers under a progressive disciplinary matrix implemented by the city;
8. with respect to justified use of force, provide that:
- a. a peace officer, or a person acting in a peace officer's presence and at the officer's direction, is justified in using nonlethal force against another when and to the degree the force is immediately necessary to make or assist in making an arrest or search, or to prevent or assist in preventing escape after arrest, if: (i) before using force, the actor: (A) manifests the actor's purpose to arrest or search and identifies the actor as a peace officer or as a person acting at a peace officer's direction, unless the actor reasonably believes the actor's purpose and identity are already known by or cannot reasonably be made known to the person for whom the arrest or search is authorized; (B) attempts to de-escalate the situation; and (C) issues a warning that force will be used; (ii) the force used is proportionate to the threat posed and to the seriousness of the alleged offense; (iii) the actor immediately terminates the use of force the moment the person against whom force is used becomes compliant or is subdued; and (iv) the use of force does not present a serious risk of injury to any person other than the actor or the person against whom the force is used;
 - b. a person who is not a peace officer or acting at a peace officer's direction is justified in using nonlethal force against another when and to the degree the force is immediately necessary to make or assist in making a lawful arrest, or to prevent or assist in preventing escape after lawful arrest if: (i) before using force, the actor: (A) manifests the actor's purpose to arrest and the reason for the arrest or reasonably believes the actor's purpose and the reason are already known by or cannot reasonably be made known to the person for whom arrest is authorized; (B)

attempts to de-escalate the situation; and (C) issues a warning that force will be used; (ii) the force used is proportionate to the threat posed and to the seriousness of the alleged offense; (iii) the actor immediately terminates the use of force the moment the person against whom force is used becomes compliant or is subdued; and (iv) the use of force does not present a serious risk of injury to any person other than the actor or the person against whom the force is used;

- c. a peace officer is only justified in using deadly force against another when and to the degree the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if the use of force would have been justified under Number 8(a), above, and: (i) the person for whom arrest is authorized poses an imminent threat of death or serious bodily injury to the actor or another; (ii) the deadly force is used only against the person for whom arrest is authorized; (iii) the actor immediately terminates the use of deadly force the moment the imminent threat of death or serious bodily injury is eliminated; and (iv) no lesser degree of force could have eliminated the imminent threat of death or serious bodily injury;
 - d. A person who is not a peace officer but is acting in a peace officer's presence and at the officer's direction is justified in using deadly force against another when and to the degree the deadly force is immediately necessary to make a lawful arrest, or to prevent escape after a lawful arrest, if the use of force would have been justified under Number 8(b), above, and: (i) the person for whom arrest is authorized poses an imminent threat of death or serious bodily injury to another; (ii) the deadly force is used only against the person for whom arrest is authorized; (iii) the actor immediately terminates the use of deadly force the moment the imminent threat of death or serious bodily injury is eliminated; and (iv) no lesser degree of force could have eliminated the imminent threat of death or serious bodily injury; and
 - e. the provision that provides that there is no duty to retreat before using justified deadly force is repealed;
9. provide that the use of force or deadly force against a person is not justified if the force or deadly force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth; and
10. provide that a peace officer may not arrest a person found only committing one or more misdemeanors related to traffic offenses that are punishable by fine only and shall issue a written notice to appear if the person makes a written promise to appear in court.

S.B. 573 (Hughes) – First Responder Key Box Requirements: would provide that a city that adopts a fire code requiring the owner or occupant of a building to maintain an exterior key box to provide first responders with access to the building or a restricted area may not require the key box to come from a specific manufacturer or vendor.

S.B. 575 (Gutierrez) – Immunity Waiver for Constitutional Violations: would provide that: (1) an injured party may bring an action for any appropriate relief, including legal or equitable relief, against a peace officer who, under color of law, subjects or causes to be subjected, including failing to intervene, any other person to the deprivation of any individual rights, provided that the civil action must be commenced within two years after the cause of action accrues; (2) statutory immunities and limitations on liability, damages, or attorneys fees do not apply to claims brought under (1), above; (3) qualified immunity is not a defense to liability under (1), above; (4) a court shall award reasonable attorneys fees and costs to a prevailing plaintiff, but if a judgment is entered in favor of a defendant, the court may award reasonable attorneys fees and costs to the defendant for defending claims the court finds frivolous; (5) a peace officer’s employer shall indemnify its peace officers for any liability incurred and for any judgment or settlement entered against the peace officer for claims arising under (1), above, except if the peace officer’s employer determines the peace officer did not act upon a good faith and reasonable belief that the action was lawful, then the peace officer is personally liable and shall not be indemnified by the peace officer’s employer for five percent of the judgment or settlement or \$25,000, whichever is less; (6) if the peace officer’s portion of the judgment is uncollectible from the peace officer, the peace officer’s employer or insurance shall satisfy the full amount of the judgment or settlement; and (7) a public entity does not have to indemnify a peace officer if the peace officer was convicted of a criminal violation for the conduct from which the claim arises.

S.B. 616 (Blanco) – Motorcycle Profiling: would provide that: (1) a peace officer may not engage in a law enforcement-initiated action based, in whole or in part, on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual’s behavior or on information identifying the individual as having engaged in criminal activity; (2) an individual against whom a peace officer has engaged in motorcycle profiling may bring an action against the peace officer or the governmental unit employing the peace officer to recover damages arising from the motorcycle profiling and for an injunction against future violations; (3) an individual who establishes that a peace officer engaged in motorcycle profiling against the individual is entitled to recover reasonable attorney’s fees and litigation costs; (4) a governmental unit is vicariously liable under the doctrine of respondeat superior for damages arising from motorcycle profiling engaged in by a peace officer employed by the governmental unit; (5) a governmental unit’s sovereign or governmental immunity to suit and from liability is waived to the extent of liability created; and (6) a peace officer may not assert official immunity as a defense to liability.

S.B. 648 (Middleton) – Enforcement of Criminal Offenses: would, among other things, provide that: (1) a prosecuting attorney may not adopt, enforce, or implement a policy or practice, whether formal or informal, under which the prosecuting attorney or subordinate of the attorney refuses to bring charges against individuals who commit certain offenses; (2) any resident of this state may file a complaint with the attorney general if the person asserts facts supporting an allegation that a prosecuting attorney in the county where that individual resides has violated or is violating (1), above; (3) a law enforcement agency may not suspend or terminate the employment of, or take other adverse personnel action against, a peace officer or other employee who in good faith submits a complaint to the attorney general under (2), above, including a complaint based on the refusal by a prosecuting attorney to prosecute a criminal offense in connection with an affidavit made by a peace officer or other employee alleging that probable cause exists to believe a person committed

a criminal offense; (4) a peace officer or other employee whose employment is suspended or terminated or who is subject to adverse personnel action in violation of (3), above, may bring an action for: (a) injunctive relief, compensatory damages, court costs, and reasonable attorney's fees; and (b) is entitled to reinstatement of the officer's or employee's former position or an equivalent position, compensation for wages lost during the period of suspension or termination, and reinstatement of fringe benefits and seniority rights lost because of the suspension or termination; and (5) a law enforcement agency shall inform its employees of their rights under this bill by posting a sign in a prominent and visible location in the agency.

S.B. 659 (Eckhardt) – Emergency Services Districts: would: (1) require an emergency services district (ESD) to receive the written consent of a city council if it seeks to expand the district to include territory in a city's limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to the expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory in the city limits or extraterritorial jurisdiction that would have been included in the ESD may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the refusal or inaction serves as consent for the territory that is subject of the petition to be included in the ESD; (4) require an ESD to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of an ESD into its city limits or extraterritorial jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council's consent to expansion of an ESD expires six months after the date consent is given; and (7) provide that this bill does not apply if an ESD proposes to expand in the unincorporated area of a county with a population of 3.3 million or more. (Companion bill is **H.B. 1776** by **E. Thompson**.)

S.B. 661 (LaMantia) – Transporting Person with Disability Registration: would, among other things, require: (1) an application for vehicle registration to provide space for the applicant to voluntarily indicate that the applicant may transport a person with a disability; and (2) the Department of Public Safety to establish a system to include information received under (1), above, in the Texas Law Enforcement Telecommunications System for the purpose of alerting a peace officer who makes a traffic stop that the operator of the stopped vehicle may be transporting a person with a disability.

S.B. 665 (Johnson) – Asset Forfeiture Reporting: would provide that:

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

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

11. the attorney general shall compile and submit to the governor, lieutenant governor, and the speaker of the house of representatives a report summarizing activity related to property seized and forfeited; and
12. all information and reports submitted to the attorney general or published by the attorney general are public information subject to disclosure under the Texas Public Information Act.

Sales Tax

S.B. 612 (Johnson) – **Street Maintenance Sales Tax**: would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; or (b) a city water, wastewater, or stormwater system located in the width of a way of a city street. (Companion bill is **H.B. 640** by **Julie Johnson**.)

Community and Economic Development

H.B. 1557 (Campos) – **Homelessness**: would: (1) require the Texas Department of Public Safety to establish and administer a homeless impact grant program to provide grants for the provision of additional security and sanitation services for homeless individuals in areas for which a public improvement district has been created; and (2) authorize a city or county that has created a public improvement district to apply for and use a grant under the program if: (a) the district is located in a county with an unsheltered homeless individual count that exceeds 500 according to the most recent point-in-time homeless census; and (b) the services for which the grant will be made are an authorized public improvement project of the district.

H.B. 1677 (Jetton) – **Homelessness**: would: (1) require a state registrar, a local registrar, or a county clerk to issue a homeless individual's birth record to the homeless individual without a fee; (2) require the Department of State Health Services to adopt a process to verify a person's status as a homeless individual and prescribe the documentation necessary for the issuance of a certified copy of a birth record; (3) require the Department of Public Safety (DPS) to adopt a process to verify a person is a homeless individual; (4) provide that an individual who can verify a homeless individual's status for the purposes of (2) and (3), above, includes the director of a law enforcement agency of a political subdivision that appoints or employs peace officers; and (5) require DPS to exempt a homeless individual from the payment of fees for the issuance of a driver's license or personal identification certificate only if there is a sufficient amount in the identification fee exemption account to waive the fees.

H.B. 1785 (Walle) – **Center for Elimination of Disproportionality and Disparities**: would provide that: (1) the Center for Elimination of Disproportionality and Disparities is renamed as the Office for Health Equity (Office); (2) the powers of the Office include, among others, that the

Office may coordinate with local health authorities to investigate and report on issues related to health and health access disparities among women and racial, multicultural, disadvantaged, ethnic, and regional populations, and across age brackets and linguistic groups in Texas; (3) if a public health disaster or public health emergency is declared in response to an epidemic or pandemic, the Office shall conduct an ongoing study to assess the disproportionate effects from the epidemic or pandemic among women and racial, multicultural, disadvantaged, ethnic, and regional populations, and across age brackets and linguistic groups in Texas; (4) the Office shall submit an annual report on the results in (3), above, to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature; and (5) the Office shall conduct a study to assess the disproportionate effects of the COVID-19 pandemic among the population categories described by (3), above, that includes an assessment of the items required under the bill and submit a written report on the results of the study and any recommendations for legislative or other action.

H.B. 1707 (Klick) – Land Use Regulation of Schools: would provide, among other things, that: (1) cities shall consider an open-enrollment charter school a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (3) the provisions in (1) and (2), above, apply to property owned or leased by the charter school; (4) charter schools may be exempt from city ordinances and regulations related to municipal drainage utility systems; and (5) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes. (Companion bill **S.B. 472** by **Hughes**.)

H.B. 1750 (Burns) – Regulation of Agricultural Operation: would, among other things:

1. provide that a city may not impose a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless the city council makes a finding by resolution, based on a report described in Number 2, below, that there is evidence that the requirement is reasonably necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of: (a) the likelihood of an explosion; (b) flooding; (c) an infestation of vermin or insects; (d) physical injury; (e) the significant spread of an identified disease that is directly attributable to the agricultural operation; (f) the removal of lateral or subjacent support; (g) an identified source of contamination of water supplies; (h) radiation; (i) improper storage of toxic materials; (j) crops planted or vegetation grown in a manner that will cause traffic hazards; or (k) discharge of firearms or other weapons;
2. provide that before making a finding described in Number 1, above, the city council must obtain and review a report prepared by the city health officer or a consultant that: (a) identifies evidence of the health hazards related to agricultural operations; (b) determines the necessity of regulation and the manner in which agricultural operation should be regulated; (c) states whether each manner of regulation under (b), above, will restrict or

prohibit a generally accepted agricultural practice; and (d) if applicable, includes an explanation why the report recommends a manner of regulation that will restrict the use of a generally accepted agricultural practice;

3. prohibit a city from imposing a governmental requirement that directly or indirectly: (a) prohibits the use of generally accepted agricultural practices listed in the manual prepared by the Texas A&M AgriLife Extension Service; (b) prohibits or restricts the growing or harvesting of vegetation for animal feed or forage, except as provided by Number 4, below; (c) prohibits the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent an infestation; (d) requires an agricultural operation be designated for an agricultural use or farm, ranch, wildlife management, or timber production under the Texas Constitution;
4. provide that a city may impose a maximum height for vegetation that applies to agricultural operations only if: (a) the maximum vegetation height is at least 12 inches; and (b) the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to a public sidewalk, street, or highway; and
5. provide that a governmental requirement of a city relating to the relating to the restraint of a dog does not apply if the dog is being used to protect livestock on property controlled by the property owner.

H.B. 1757 (Cortez) – Low Income Housing Tax Credits: would provide that for a city with a population of 600,000 or more, the Texas Department of Housing and Community Affairs may approve an application for housing tax credits for certain developments if, before the 90th day after applicable notice was given by the applicant, the city fails to: (1) hold a hearing as required; and (2) pass a resolution or otherwise object to the application through an official decree.

S.B. 572 (Kolkhorst) – Regulation of Unlicensed Residential Facilities: would provide, among other things, that with regard to a residential facility that is not licensed by the state and in which three or more unrelated individuals reside in a unit in the facility, a general-law city may: (1) designate an area in which a residential facility may be located; and (2) take other measures necessary to protect the health and safety of the individuals residing in such a residential facility.

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

Elections

H.B. 1567 (Allison) – Polling Place: would provide that a voter may bring marked sample ballots and other written communications to their voting stations.

H.B. 1576 (Leo-Wilson) – Communication Devices: would provide that: (1) a person commits an offense if the person, with knowledge that such activity is illegal, knowingly: (a) uses a wireless communication device within 100 feet of a voting station; and (b) uses any mechanical or electronic means of recording images or sound within 100 feet of a voting station; and (2) an offense described in (1), above, is a Class C misdemeanor.

H.B. 1632 (Paul) – Election Officer Training: would, among other things: (1) provide that the secretary of state shall provide a standardized training program in election law and procedure for presiding or alternate election judges, and shall develop materials for a standardized curriculum for program, including a published handbook, made available on the secretary of state’s internet website, free of charge; (2) provide that the training program provided under (1), above, must: (a) be available entirely via the internet and, at any time, without a requirement for prior registration; (b) require the passage of an examination at the end of the training program; and (c) provide an individual who completes the training with a certificate of completion, and such certificate shall expire no later than one year following the date it was awarded; (3) provide that a current certificate of completion awarded under (2), above, is a prerequisite to eligibility for service in an election; (4) provide that the governing body of a political subdivision, including a city, may appropriate funds to compensate its election judges, early voting clerk, and deputy early voting clerks in charge of early voting polling places for attending a training program required under (1), above, at an hourly rate not to exceed the maximum rate of compensation of an election judge for services rendered at a precinct polling place; and (5) repeal current law, which allows the governing body of a political subdivision, including a city to providing training for its election officers using a standardized training and materials developed and provided by the secretary of state.

H.B. 1775 (E. Thompson) – ESD Board Elections: would, among other things, in a county with a population of more than 200,000, provide that:

1. an emergency services district (ESD) governing body consists of five-person board of commissioners elected at large from the district;
2. after an ESD is created, the county judge shall establish a convenient day in accordance with the Texas Election Code to conduct the initial emergency services district commissioners’ election;
3. a candidate for ESD commissioner must be at least 18 years old, a resident of the district, and give the county voter registrar a sworn notice of their intent to run that includes the candidate’s name, age, address, and state that they are serving notice of intent to run for ESD commissioner;
4. notwithstanding Number 3, above, the Election Code provisions regarding a write-in candidate for city office also apply to a write-in candidate for ESD commissioner;
5. after the election is held, the county voter registrar or deputy registrar shall prepare a sworn statement of the county’s incurred election costs to be given to the newly elected ESD governing body, which shall order the appropriate official to reimburse the county;

6. the initial ESD commissioners' terms begin 30 days after canvassing of the election results, with: (a) the term for the two ESD commissioners with the fewest votes expiring on January 1 of the third year following the year of the election; and (b) the terms of the other ESD commissioners expiring on January 1 of the fifth year following the year of the election;
7. afterward the initial election, ESD commissioners serve staggered-four-year terms; and
8. the ESD board shall hold subsequent general elections for an appropriate number of ESD commissioners in each even-numbered year on the November uniform election date. (Companion bill is **S.B. 660** by **Eckhardt**.)

H.B. 1792 (Goodwin) – Preferential Voting: would, among other things, provide that: (1) a special election held to fill a vacancy in an office requiring a majority vote must use preferential voting, which allows a voter to rank each candidate for office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; (2) if no candidate receives a majority of the votes cast designating the highest favorable ranking for an office, the votes of the candidate receiving the fewest number of votes are reassigned to the candidate ranking next highest in the preference of a voter; (3) if after reassigning votes under (2), above, no candidate receives a majority of the votes cast designating the modified highest favorable ranking, the reassignment of a vote to a voter's next most preferred candidate as described in (2), above, continues until one candidate receives a majority; and (4) a runoff election is not held when preferential voting under (1), above, applies. (Companion bill is **S.B. 637** by **Eckhardt**.)

S.B. 637 (Eckhardt) – Preferential Voting: would, among other things, provide that: (1) a special election held to fill a vacancy in an office requiring a majority vote must use preferential voting, which allows a voter to rank each candidate for office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; (2) if no candidate receives a majority of the votes cast designating the highest favorable ranking for an office, the votes of the candidate receiving the fewest number of votes are reassigned to the candidate ranking next highest in the preference of a voter; (3) if after reassigning votes under (2), above, no candidate receives a majority of the votes cast designating the modified highest favorable ranking, the reassignment of a vote to a voter's next most preferred candidate as described in (2), above, continues until one candidate receives a majority; and (4) a runoff election is not held when preferential voting under (1), above, applies. (Companion bill is **H.B. 1792** by **Goodwin**.)

S.B. 647 (Springer) – General Election: would authorize a political subdivision other than a county or municipal utility district to change the date on which it holds its general election for officers to the November uniform election date. (Companion bill is **H.B. 455** by **Schofield**.)

S.B. 660 (Eckhardt) – ESD Board Elections: would, among other things, in a county with a population of more than 200,000, provide that:

1. an emergency services district (ESD) governing body consists of five-person board of commissioners elected at large from the district;
2. after an ESD is created, the county judge shall establish a convenient day in accordance with the Texas Election Code to conduct the initial emergency services district commissioners' election;
3. a candidate for ESD commissioner must be at least 18 years old, a resident of the district, and give the county voter registrar a sworn notice of their intent to run that includes the candidate's name, age, address, and state that they are serving notice of intent to run for ESD commissioner;
4. notwithstanding Number 3, above, the Election Code provisions regarding a write-in candidate for city office also apply to a write-in candidate for ESD commissioner;
5. after the election is held, the county voter registrar or deputy registrar shall prepare a sworn statement of the county's incurred election costs to be given to the newly elected ESD governing body, which shall order the appropriate official to reimburse the county;
6. the initial ESD commissioners' terms begin 30 days after canvassing of the election results, with: (a) the term for the two ESD commissioners with the fewest votes expiring on January 1 of the third year following the year of the election; and (b) the terms of the other ESD commissioners expiring on January 1 of the fifth year following the year of the election;
7. afterward the initial election, ESD commissioners serve staggered-four-year terms; and
8. the ESD board shall hold subsequent general elections for an appropriate number of ESD commissioners in each even-numbered year on the November uniform election date. (Companion bill is **H.B. 1775** by **E. Thompson**.)

Municipal Courts

H.B. 1603 (Guillen) – Appointing Prosecutors: would provide that if the state is not represented by counsel when a criminal case is called for trial: (1) a justice or judge may appoint any competent attorney to represent the state, and (2) that counsel appointed under (1), above, may be paid a reasonable fee for such services.

H.B. 1627 (Hernandez) – Implicit Bias Training: would, among other things, require that: (1) state court justices and judges, including municipal courts, judicial officers, and certain court personnel to complete a two-hour implicit bias training course approved by the Texas Court of Criminal Appeals every two years; (2) attorneys licensed to practice law in this state to complete a one-hour implicit bias training course approved by the Texas State Bar every continuing education requirement compliance period; and (3) that the implicit bias training course to address

racial, ethnic, gender, religious, age, mental disability, and physical disability and sexual harassment issues in the legal system.

H.B. 1741 (Leach) – Confidential Judicial Work Product: would: (1) create a criminal offense if a person other than a state court justice or a judge knowingly discloses, wholly or partly, the contents of any judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, employee of an agency of the Texas Judicial Council or Office of Court Administration, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding; and (2) establish certain defenses to prosecution for violations.

Open Government

H.B. 1652 (Toth) – Public Information: would, among other things, provide that: (1) other than social security numbers or information that is confidential under the Texas Public Information Act (TPIA) or other law, information that is not confidential but is excepted from required disclosure under the TPIA is public information and is available to the public on or after the 150th anniversary of the date the information was originally created or received by the governmental body; (2) a birth record is public information and available to the public on and after the 150th anniversary of the date of birth as shown on the record filed with the vital statistics unit or local registration official; and (3) a military veteran's Department of Defense Form DD-214 or other military discharge record that is first recorded with or that otherwise first comes into the possession of a governmental body on or after September 1, 2003, is confidential for the 132 years following the date it is recorded with or otherwise first comes into the possession of a governmental body.

H.B. 1720 (Raymond) – Criminal History Record Information: would, among other things, provide that: (1) criminal history record information that relates to a person's conviction within the preceding 10-year period for certain offenses related to driving while intoxicated, intoxication assault, and intoxication manslaughter is public information, with the exception of: (a) information regarding the person's social security number, driver's license or personal identification certificate number, or telephone number; and (b) any information that would identify a victim of the offense; (2) the Department of Public Safety (DPS) shall implement and maintain an internet website to allow any person, free of charge, to electronically search for and receive the information described in (1), above; (3) DPS shall establish a procedure by which a peace officer or employee of a law enforcement agency who provides DPS with a driver's license number, personal identification certificate number, or license plate number may be provided any criminal history record information maintained by the DPS concerning a conviction of the person to whom the license, certificate, or plate is issued for the offenses described in (1), above; and (4) the procedure described in (3), above, must allow a peace officer to request the information from the location of a motor vehicle stop and to receive a response to the request within the duration of a reasonable motor vehicle stop.

H.B. 1765 (Burns) – Redactions: would provide that a county clerk or district clerk shall on request of certain persons, including a current or former official or employee of a governmental body, redact the home address, telephone number, emergency contact information, social security number or information that reveals whether the individual has family members from a document

posted by the clerk on an internet website that relates to the person making the request if the clerk has the ability to electronically redact the information from the posted document.

S.B. 618 (Johnson) – Public Information Act: would, among other things, provide that:

1. business days for purposes of the Texas Public Information Act (TPIA) does not include: (a) a Saturday or Sunday; (b) a national holiday; (c) a state holiday; (d) an optional holiday if the officer for public information of the governmental body observes the optional holiday; and (e) the Friday before or Monday after a holiday described in (b) or (c), above, if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday.
2. the fact that an employee works from an alternative work site does not affect whether a day is considered a business day;
3. a governmental body may designate a day on which the governmental body's administrative offices are closed or operating with minimum staffing as a nonbusiness day for purposes of the TPIA;
4. the designation described in Number 3, above, for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer;
5. a governmental body may designate not more than 10 nonbusiness days described in Number 3, above, each calendar year, and shall make a good faith effort to post advance notice of the designated nonbusiness days on the governmental body's internet website;
6. a governmental body may not impose a charge for providing a copy of public information if the requested information is a political contribution report required to be filed under the Election Code, unless all of those reports filed with the governmental body during the preceding year are available to the public on the governmental body's internet website;
7. a governmental body that wishes to withhold information from public disclosure must ask for the attorney general's decision and state the specific exceptions that apply within a reasonable time but not later than the 10th business day after the date the request is received;
7. if a governmental body fails to respond to a request for public information or seek an attorney general ruling to withhold requested information, the requestor may send a written complaint to the attorney general;
8. the complaint described in Number 8, above, must include: (a) the original request for information; and (b) any correspondence received from the governmental body in response to the request; and

9. if the attorney determines that the governmental body failed to comply with a request for which a complaint is made under Number 8, above: (a) the attorney general shall notify the governmental body in writing and require the governmental body to complete open records training not later than six months after receiving the notification; (b) the governmental body may not assess costs to the requestor for producing information in response to the request; and (c) if the governmental body seeks to withhold information in response to the request, the governmental body must request an attorney general decision not later than the fifth day after the date the governmental body receives the notification under (a), above, and release the requested information unless there is a compelling reason to withhold the information.

Other Finance and Administration

H.B. 1601 (Wu) – **Poker Rooms**: would provide, among other things, that:

1. a county commissioners court may regulate the operation of poker clubs, including: (a) restricting poker club locations to specified areas of the county, including unincorporated areas; (b) prohibiting a poker club within a specified distance of a school, regular place of worship, or residential neighborhood; or (c) restricting the number of poker clubs that may operate within a specified area of the county;
2. a county may require a poker club owner or operator to obtain or renew a license on a periodic basis to own or operate a poker club in the county, including establishing license qualifications and providing for the denial, suspension, or revocation of a license for violating county regulations adopted under Number 1, above;
3. a county may impose a fee for a poker club license or license renewal based on the cost of processing the application and investigating the applicant;
4. a county may inspect a business within the county that contains one or more poker gaming tables to determine whether the business is complying with county regulations adopted under Number 1, above;
5. a county may seek injunctive relief from a district court to prevent the violation or threatened violation of a county regulation adopted under Number 1, above, as well as civil penalties not to exceed \$10,000 per violation per day and reasonable expenses incurred in obtaining injunctive relief, including reasonable attorney's fees, court costs, and investigatory costs;
6. Numbers 1 through 4, above, do not legalize any activity prohibited under state law, but do establish a defense to prosecution for violations of state law gambling and keeping a gambling place statutes if the actor is engaged in gambling in: (a) a private residence; (b) a poker club located in a county that regulates poker clubs and operating in accordance with county regulations adopted under Number 1, above; (c) a poker club

- located in a city that regulates poker clubs and operating in accordance with the city's regulations; or (d) a county or city that does not regulate poker clubs;
7. it is a criminal offense to intentionally or knowingly operate a poker club in violation of a county regulation adopted under Number 1, above, and a person who commits such an offense may be prosecuted under this and/or any other law;
 8. the authority granted to the county by the bill is cumulative of all other granted county authority to regulate poker clubs and does not limit that authority; and
 9. to the extent that a conflict exists between a county order or regulation and a municipal ordinance, the county order prevails.

H.B. 1719 (Raymond) – Local Option Operation of Eight-Liners: would:

1. provide that 10 registered voters in a county, city, or justice precinct may apply for a petition to hold a local election to legalize or prohibit the operation of eight-liners and must make a deposit at the time of the application;
2. require a county, city, or justice precinct that has been in existence for at least 18 months to hold the election described in Number 1, above, if the petition gets the signatures of at least 35 percent of the number of voters who voted in the last gubernatorial election;
3. provide that a person commits a Class B misdemeanor if the person misrepresents the purpose or effect of a petition described by Number 1, above;
4. provide that an election held under Number 2, above, may not be held in a political subdivision until after the first anniversary of the most recent election on the issue;
5. provide that the county shall pay expense of an election under Number 2, above, except that if an election is to be held only within the corporate limits of a city located wholly within the county, the county may require the municipality to reimburse the county for all or part of the expenses;
6. require a city located in more than one county to conduct and pay for an election under Number 2, above, instead of the counties;
7. provide that the status of legalized or prohibited operation of eight-liners in a: (a) justice precinct city prevails over the status in a city or county in which the justice precinct is located; (b) city prevails over the status in a county in which the city is located;
8. impose a \$350 annual fee on each eight-liner, 30 percent of which is allocated to the general revenue fund of the state and 70 percent of which is allocated to the city or the county if the eight-liner is located outside of a city;

9. make conforming amendments to the Penal Code to account for legalized or prohibited use of eight-liners for gambling in by an election under Number 2, above. (See **H.J.R. 93**, below.)

H.B. 1740 (Leach) – State Park Entrance Fees: would waive state park entrance fees for: (1) residents of the state who are first responders; or (2) active-duty members or veterans of the U.S. armed services, the Texas Army National Guard, the Texas Air National Guard, or the Texas State Guard.

H.J.R. 93 (Raymond) – Local Option Operation of Eight-Liners: would: (1) amend the Texas Constitution to authorize the legislature to authorize and regulate the operation of eight-liners; (2) require that a law enacted under (1), above, allow the voters to determine whether the gaming devices may be legally operated or prohibited; and (3) authorize the legislature to impose a fee on the operation of a gaming device. (See **H.B. 1719**, above.)

S.B. 575 (Gutierrez) – State Constitutional Cause of Action: would: (1) establish a cause of action against a peace officer employed by a city or the state, who, under the color of law, subjects or causes to be subjected, any other person to the deprivation of any individual rights that create binding obligations on government actors, including failing to intervene; (2) impose a two-year statute of limitation for such claims; (3) waive statutory immunities and limitations on liability, damages, or attorney’s fees, as well as qualified immunity as defense for such claims; (4) provide mandatory award of reasonable attorney’s fees and costs for a prevailing plaintiff; (5) provide discretionary award of reasonable attorney’s fees and costs for a defendant for any claims the court finds frivolous; and (6) require that a peace officer’s employer indemnify its peace officers for any judgment or settlement entered against a peace officer for claims arising under (1), above, except that: (a) a peace officer is personally liable and shall not be indemnified by the employer for the lesser of five percent of the judgment or settlement or \$25,000, if the employer determines that the officer did not act in good faith and reasonable belief that the action was lawful; and (b) a public entity does not have to indemnify a peace officer if they were convicted of a criminal violation for the conduct from which the claim arises.

S.B. 577 (Springer) – Food Regulation: would, among other things, provide: (1) the Department of State Health Services (DSHS), a county, a city, or a public health district, including an authorized agent or employee, that conducts an inspection as authorized under this section may not take disciplinary action against or otherwise penalize a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment for failing to adhere to easily cleanable surface requirements for wall and ceiling surfaces, decorative items, or attachments in a consumer area, provided the surfaces, items, or attachments are kept clean; (2) a county or a city with a public health district that requires the payment of a fee for issuing or renewing certain permits for a premises permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge a fee under the Alcoholic Beverage Code, for an alcoholic beverage permit or license issued for premises located in the county or city; and (3) DSHS, a county, a city, or a public health district may not require a food service establishment to obtain a sound regulation permit, charge a sound regulation fee to the establishment, or otherwise prohibit sound-related activity at the establishment if the establishment: (a) accepts delivery of supplies only for one hour or less between 5 a.m. and 11 p.m. and delivery of food, water, or ice only after

11 p.m., provided the sound level from the deliveries does not exceed 75 dBA when measured from the residential property closest in proximity to the establishment, excluding traffic and other background noise that can be reasonably excluded; and (b) limits the use of amplified sound for playing music or amplifying human speech within the establishment's indoor or outside property boundaries to ensure: (i) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and (ii) the amplified sound level does not exceed 75 dBA when measured at the establishment's outermost property perimeter, excluding traffic and other background noise that can be reasonably excluded. (Companion bill is **H.B. 1247** by **Cody Harris**.)

S.B. 587 (**Hughes**) – **Commercial Kitchens**: would, among other things, provide that a political subdivision or the state of Texas may not require a religious institution or nonprofit organization to prepare in a commercial kitchen or in a facility that is equipped with commercial kitchen equipment food the institution or organization sells at an event held to raise money for the institution or organization.

S.B. 591 (**Zaffirini**) – **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. (Companion bill is **H.B. 59** by **Goodwin**.)

S.B. 603 (**Hughes**) – **Juvenile Curfew**: would, except for purposes of emergency management, prohibit a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age.

S.B. 621 (**Parker**) – **Cybersecurity**: would require the Department of Information Resources to employ a chief information security officer to oversee cybersecurity matters for Texas.

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

developed as part of a qualified project of which the qualified hotel and the related qualified convention center facility are a part.

S.B. 643 (Zaffirini) – Charitable Bingo: would, among other things, require a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November 1, 2019; (2) remit 50 percent of the amount collected as the prize fee in equal shares to the city and county if the bingo game is conducted within a county and within the city limits of a city that both voted before November 1, 2019 to impose the prize fee; or (3) if the county in which the bingo game is conducted did not vote before November 1, 2019 to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a city that voted before November 1, 2019 to impose the prize fee, remit 25 percent of the amount collected to the city and deposit the remaining amount in the general charitable fund of the organization organizations conducting the bingo game. (Companion bill is **H.B. 431 by S. Thompson.**)

Personnel

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

H.B. 1661 (Burns) – Police Officer Age: would, among other things, eliminate the provision that prohibits a person who is 45 years of age or older from being certified for a beginning position in a police department.

H.B. 1738 (Leach) – Severance Pay: would provide that: (1) certain political subdivisions, including a city, may not, as part of a severance package or as part of any other agreement or settlement made in relation to the termination of a person's employment or contract as an independent contractor, make a payment to an employee or independent contractor if: (a) the payment would: (i) be paid from tax revenue; and (ii) exceed the amount of compensation, at the rate at the termination of employment or the contract, the employee or independent contractor would have been paid for 20 weeks, excluding paid time off or accrued vacation leave; or (b) the employee or independent contractor was terminated for misconduct; and (2) a political subdivision shall post each severance agreement in a prominent place on the political subdivision's internet website.

H.B. 1806 (Morales Shaw) – Discrimination: would prohibit discrimination in employment on the basis of gender identity or expression and sexual orientation.

H.B. 1808 (J. Jones) – Peace Officer Liability Insurance: would provide that: (1) a law enforcement agency may not employ a peace officer who works as a peace officer for a law enforcement agency and is entitled to benefits normally offered to a full-time peace officer by the employing agency, such as retirement benefits, unless the peace officer obtains and continuously maintains liability insurance to cover damages resulting from any misconduct, including intentional, negligent, or willful acts, committed by the peace officer while acting in the scope of the peace officer’s employment for the law enforcement agency; (2) the commissioner of insurance shall adopt rules with respect to the liability insurance required by (1) above, that: (a) set the minimum coverage amount for a policy that allows for a reasonable number of victims to be compensated; and (b) require a policy to state that the policy is provided in accordance with and is subject to this bill; and (3) liability insurance obtained and maintained under this bill must comply with the rules adopted by the commissioner of insurance.

H.B. 1810 (Cain) – Immigration Enforcement: would provide that a local entity, including a city council, or an institution of higher education may not suspend or terminate the employment of, or take other adverse personnel action against, a public employee who in good faith reports to an appropriate law enforcement authority the existence of a policy, pattern, or practice of the employing entity or institution that violates state law related to prohibiting or limiting enforcement of immigration laws.

S.B. 582 (Eckhardt) – 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. (Companion bill is **H.B. 193** by **Ortega**.)

S.B. 631 (Menendez) – Unemployment Benefits: would allow an individual to qualify for unemployment benefits if the individual involuntarily leaves the workplace because of sexual harassment and: (1) reports the sexual harassment to the individual’s employer or a law enforcement agency; or (2) files a sexual harassment complaint with the Texas Workforce Commission or the Equal Employment Opportunity Commission. (Companion bill is **H.B. 864** by **Hernandez**.)

S.B. 632 (Menendez) – Unemployment Benefits: would provide that an individual is not disqualified for unemployment benefits if the individual leaves the workplace to care for the individual’s minor child due to an unexpected illness, accident, or other unforeseeable event, but only if no reasonable, alternative care was available. (Companion bill is **H.B. 1242** by **Hernandez**.)

Purchasing

H.B. 1717 (Hernandez) – Historically Underutilized Businesses: would, among other things, provide that persons with a disability as defined by the Federal Americans with Disabilities Act are included in the state’s list of historically underutilized businesses.

Transportation

S.J.R. 37 (Miles) - Transportation Funding: would amend the Texas Constitution to provide that dedicated revenue transferred to the state highway fund may be used for constructing, maintaining, and acquiring rights-of-way for: (1) public transportation; (2) public bicycle paths; and (3) public sidewalks. (Companion resolution is **H.J.R. 77** by **Walle**.)

Utilities and Environment

H.B. 1598 (Darby) – Solid Waste Facilities: would, among other things, provide that: (1) an applicant for a permit under the Solid Waste Disposal Act is not required to obtain a permit for the siting, construction, or operation of a municipal solid waste facility from a local government or other political subdivision of the state as a prerequisite to a permit being issued by the Texas Commission on Environmental Quality (TCEQ); (2) a local government or other political subdivision may not adopt an order that conflicts with or is inconsistent with: (a) the requirements for hazardous waste management or municipal solid waste facilities as specified by: (i) the rules of TCEQ; or (ii) a permit issued by TCEQ; or (b) the requirements for a municipal solid waste facilities; and (3) the bill may not be construed to prevent or limit the right of: (a) a county or city to exercise the authority granted under state law to prohibit the processing or disposal of municipal solid waste; (b) a county to exercise the authority granted state law to prohibit the disposal of municipal solid waste; or (c) a local government or other political subdivision to adopt or enforce a rule, order, or ordinance under the authority of the National Flood Insurance Program governing permits or other approvals for the development of land in areas prone to floods or mudslides.

H.B. 1612 (Lozano) – Public Drinking Water: would, among other things require: (1) each public drinking water supply system to have a water supply that must provide a quantity of water or capacity of water sufficient to serve the number of connections served by the public drinking water supply system; and (2) the Texas Commission on Environmental Quality to establish by rule connection equivalency values for each meter size used to serve a recreational vehicle park for use in determining the number of connections served by a public drinking water supply system that provides service through meters. (Companion bill is **S.B. 594** by **Zaffirini**.)

H.B. 1687 (Murr) – Aggregate Production Operations: would: (1) require an aggregate production operation first required to be registered on or after January 1, 2016, that occupies at least 10 acres, and is located in the boundaries or extraterritorial jurisdiction of a city, to file a reclamation plan and provide a related performance bond; and (2) provide that the reclamation plan described in (1), above, may be amended with approval of the city.

S.B. 594 (Zaffirini) – Public Drinking Water: would, among other things require: (1) each public drinking water supply system to have a water supply that must provide a quantity of water or capacity of water sufficient to serve the number of connections served by the public drinking water supply system; and (2) the Texas Commission on Environmental Quality to establish by rule connection equivalency values for each meter size used to serve a recreational vehicle park for use in determining the number of connections served by a public drinking water supply system that provides service through meters. (Companion bill is **H.B. 1612** by **Lozano**.)

S.B. 624 (Kolkhorst) – Renewable Energy: would, among other things, provide that: (1) a person, including a municipally owned utility, may not operate a renewable energy generation facility in Texas unless the person holds a permit issued by the Public Utilities Commission (PUC) under the bill; and (2) the PUC may approve an application to amend a permit to operate a renewable energy generation facility without holding a hearing if, among other things, the PUC gives notice of the application to the county judge of each county and the governing body of each municipality in which the facility is located at least 30 days before the date of the PUC’s approval of the application and allows the county judges and governing bodies to present information to the PUC on the application.

S.B. 650 (Perry) – Public Water Systems: would provide that for a Class D license for wastewater operators or public water system operators, the Texas Commission on Environmental Quality by rule shall establish a provisional certification program by which a person who does not possess a high school diploma or its equivalent may act as a provisional operator if the person: (1) has completed all commission-required training associated with the license; (2) has passed any commission-required examinations associated with the license; and (3) acts under the direct supervision of a license holder.

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