TML LEGISLATIVE UPDATE

March 3, 2023
Number 9

88th Legislature Truly Underway as Committees Begin to Meet

The 88th Legislature is beginning to pick up speed as House and Senate committees have started their work. The League will keep the membership updated as bills move through the legislative process. As city officials prepare to give or write testimony to a committee, TML has created an advocacy toolkit to help with the process. The toolkit provides information on: (1) the legislative process; (2) a guide to writing an effective advocacy letter; and (3) tips for testifying at the Capitol, amongst other things. The toolkit can be found here.

In addition, the Grassroots Involvement Program (GRIP) is another way city officials can become more involved. The GRIP survey allows the League to mobilize the membership at key moments during session. The 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 your state legislators and if you are willing to communicate with those legislators during session. TML's grassroots approach is crucial to our efforts.

The GRIP survey can be found here. All city officials are urged to fill out the survey if they haven't done so already.

Speaker Creates Select Committee on Community Safety

Speaker Dade Phelan announced the formation of a new House Select Committee on Community Safety. The committee will have jurisdiction over matters related to the possession, use, sale, and transfer of all firearms and ammunition, as well as any associated criminal penalties. More information on the committee can be found here.

Bills on the Move

H.B. 92 (Landgraf), relating to allowing certain activities on residential homestead properties. TML provided written testimony. Left pending in House Agriculture and Livestock.

Governor's Street Takeover Task Force

Last week, the Governor announced a new task force focused on street takeovers. The task force will be led by members of the Department of Public Safety's Criminal Investigations Division, Texas Highway Patrol, Aviation Operations Division, and Intelligence and Counterterrorism Division, working in conjunction with local law enforcement agencies statewide.

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. Environmental Protection Agency (EPA)

On March 1, the EPA released program guidance for $5 billion in funding for local, state, and tribal governments to develop and implement plans to reduce greenhouse gas emissions and air pollution through the Climate Pollution Reduction Grant (CPRG) program. There will be two prongs of CPRG funding: $250 million for non-competitive planning grants and $4.6 billion for competitive implementation grants. CPRG planning grants can be used to update existing climate, energy, or sustainability plans, or to develop new plans. CPRG implementation grants can be used to implement measures in plans developed through CPRG planning grants.

The EPA will hold a webinar for local, state, and tribal governments about the non-competitive planning grants program on March 7 at 1 pm CST.

You can find more information about the CPRG program, eligibility, and application process here.

Key upcoming dates:

April 28, 2023 – Deadline for eligible applicants to submit a notice of intent.
May 31, 2023 – Deadline for eligible applicants to submit applications and work plans.

City-Related Bills Filed

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

Property Tax

H.B. 2597 (Davis) – Appraisal Cap: would amend the appraisal cap to exclude the value of new improvements from the appraised value of a residence homestead.

H.B. 2607 (Gates) – Public Facility Corporations Tax Exemption: would, as of January 1, 2024, repeal the provision that automatically allows a leasehold or other possessory interest in real property of a public facility corporation to receive a total property tax exemption. (Companion bill is **S.B. 805** by **Bettencourt**.)

H.B. 2655 (Shaheen) – Appraised Value After Tax Protest: would extend the period of time during which the chief appraiser is prohibited from increasing the value of property when the value was lowered in a tax protest from one year to two years, unless an increase is agreed to by the property owner or, following a physical inspection, the chief appraiser determines the value of the property increased as a result of a substantial improvement or there is an error in the appraisal records that increases the value of the property.

H.B. 2667 (Rosenthal) – Municipal Utility District Tax Rate: would prohibit a municipal utility district from imposing a property tax rate of more than $1 per $100 of taxable value.

H.B. 2714 (E. Thompson) – Tax Rate Calculation: would allow a city to recalculate its no-new-revenue and voter-approval tax rates after receiving the certified appraisal roll.

H.B. 2747 (Darby) – Review of Homestead Exemptions: would require the chief appraiser to develop a program for the periodic review of residence homestead exemptions to confirm that the recipient still qualifies.

H.B. 2766 (Slaton) – Appraisal Districts: would, among other things: (1) require a chief appraiser to be elected at the general election for state and county officers by the voters of the county in which the appraisal district is established; (2) provide that the chief appraiser serves a two-year

term beginning January 1 of each odd-numbered year; and (3) provide that to be eligible to serve as chief appraiser, an individual must be a resident of the county in which the appraisal district is established and must have resided in the county for at least four years preceding the date the individual takes office.

H.B. 2796 (Bucy) – Payment of Property Taxes: would provide that payment of property taxes is timely if on the last day for payment the office of the collector for the taxing unit is closed and the taxes are paid on the next regular business day.

H.B. 2889 (Slaton) – Property Tax Credit: would: (1) entitle a married couple of which neither spouse has ever been divorced to a credit against the amount of taxes imposed by a taxing unit on their residence homestead of 40 precent if the couple has four children, 50 percent if the couple has five children, 60 percent if the couple has six children, 70 percent if the couple has seven children, 80 percent if the couple has eight children, 90 percent if the couple has nine children, and 100 percent if the couple has 10 or more children; and (2) require the comptroller to reimburse a taxing unit the full amount of the revenue loss incurred as a result of the credit provided in (1), above. (See **H.J.R. 128**, below.)

H.B. 2908 (Murr) – Appraisal District: would authorize an appraisal district to finance the purchase or lease of real property as necessary to establish and operate the appraisal office.

H.J.R. 128 (Slaton) – Property Tax Credit: would amend the Texas Constitution to: (1) authorize the legislature to provide that a married couple of which neither spouse has ever been divorced is entitled to a credit against the property taxes imposed by a taxing unit based on the number of children the couple has; and (2) authorize the legislature to provide for the reimbursement of a taxing unit for the revenue loss incurred as a result of the credit. (See **H.B. 2889**, above.)

S.B. 1065 (Middleton) – Appraisal Cap: would, among other things: (1) provide that the appraised value of residence homestead for a tax year is equal to the market value of the property for the first tax year that the owner qualified the property for a homestead exemption; and (2) require an owner of property to apply for the appraisal cap under (1), above, using an application form prescribed by the comptroller that includes, among other information, the purchase price of the property paid by the applicant. (See **S.J.R. 55**, below.)

S.B. 1145 (West) – Property Tax Exemption: would: (1) 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; (2) provide that if the property is leased to a person to operate a child-care facility and the owner claims an exemption under (1), above, the owner must provide a disclosure statement to the child-care facility stating the amount by which the taxes on the property are reduced as a result of the exemption and the method the owner will implement to ensure that the rent charged fully reflects the reduction; and (3) require that rent charged for the lease of property used as a child care facility reflects the reduction in taxes resulting from the exemption. (See **S.J.R. 64**, above.)

S.B. 1168 (Birdwell) – Appraisal District Board of Directors: would, among other things: (1) require that the taxing units other than the county participating in an appraisal district nominate individuals to serve on the appraisal district board of directors; (2) provide that the taxing units may nominate any number of individuals up to a certain number determined by a formula provided in the bill; (3) require the commissioners court to select five nominees who meet the appropriate residency requirements to serve as members of the board of the appraisal district; (4) provide that if only one taxing unit nominated a member for appointment to the board and that taxing unit votes in favor of recalling the board member, the board member is recalled; and (5) provide that if more than one taxing unit nominated a member and a majority of those taxing units votes in favor of recalling the board member, the board member is recalled.

S.B. 1191 (Zaffirini) – Open-Space Land: would: (1) provide that the chief appraiser must accept an application for appraisal as open-space land after the deadline if the land was appraised as open-space land in the preceding year, the ownership of the land changed due to the death of an owner, the application is filed not later than the delinquency date for the taxes, and the application is filed by a surviving spouse, a child, the executor or administrator of the estate, or a fiduciary acting on behalf of a surviving spouse or child; and (2) provide that the penalty for a late application does not apply to a late application described in (1), above.

S.J.R. 55 (Middleton) – Appraisal Cap: would amend the Texas Constitution to provide that the appraised value of residence homestead for a tax year is equal to the market value of the property for the first tax year that the owner qualified the property for a homestead exemption. (See **S.B. 1065**, above.)

S.J.R. 64 (West) – 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 **S.B. 1145**, above.)

Public Safety

H.B. 2519 (S. Thompson) – Peace Officers: would, among other things, provide that:

1. a public entity, including a city: (a) is legally responsible for a wrongful act or omission of the entity's peace officer if the act or omission occurs under the color of law; and (b) accepts responsibility under respondeat superior for the officer's conduct under the color of law, regardless of whether the officer acted in accordance with a policy or custom of the entity;

2. an individual may bring an action for any appropriate relief in a court in this state against a public entity on the basis that a peace officer employed by the entity, by an act or omission under the color of law, deprived the individual of a right, privilege or immunity under the law or constitution;

3. statutory immunity or limitation on liability, damages, or attorney's fees is waived for an action brought under Number 2, above;

4. a peace officer may not be found financially liable in an action brought under Number 2, above;

5. notwithstanding any other law, contract or agreement, a public entity may terminate a contract or agreement with or the employment of a peace officer if the court finds in an action brought under Number 2, above, the officer deprived the claimant of a right, privilege or immunity under the law or constitution;

6. all petitions, judgements, settlements, or consent decrees related to an action brought under Number 2, above, are public information subject to disclosure under the Texas Public Information Act;

7. a peace officer: (a) may, if authorized, arrest offenders without a warrant; (b) shall identify 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; and (c) shall intervene to prevent an action by another peace officer if: (i) the action includes excessive use of force; (ii) the intervening officer knows or should know the other officer's actions violates department policy or local, state or federal law; or (iii) the action puts a person at risk of bodily injury;

8. a law enforcement agency: (a) shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, and (b) the policy shall meet the requirements of a model policy published by the Texas Southern University;

9. a law enforcement agency shall adopt a written policy regarding the use of force by peace officer that: (a) emphasizes conflict de-escalation and use of proportionate force; (b) mandates that deadly force be only used by peace officers as a last resort; and (c) affirms the sanctity of human life and treating all persons with dignity and respect;

10. a peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless: (a) the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person; and (b) the officer discontinues the restraint as soon as the threat of serious bodily injury or death described Number 10(a), above, has passed;

11. 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 assaultive offenses or offenses related to public intoxication;

12. 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 offense related to public intoxication, shall cite and release that person;

13. a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor for certain assaultive offenses punishable by fine only may cite and release that person;

14. a defendant may not be convicted for offense related to controlled substances on the testimony of an informant unless the testimony is corroborated by other evidence tending to connect the defendant with the offense committed;

15. a civil service commission shall implement a progressive disciplinary matrix for infractions committed by police officers that consist of a range of progressive actions applied in a standardized way based on the nature of the infraction and officer's prior conduct record;

16. a public employer shall implement the progressive disciplinary matrix for police officers described in Number 15, above, if the city has not adopted civil service;

17. a meet and confer agreement: (a) must implement the progressive disciplinary matrix described in Number 15, above; and (b) may not conflict with and supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the matrix;

18. a collective bargaining agreement may not conflict with an ordinance, order, statute, or rule concerning the disciplinary actions that may be imposed on police officers under a disciplinary matrix described in Number 15, above;

19. the basic peace officer training course must include: (a) training on prohibition against the intentional use of choke holds, carotid artery holds or similar neck restraints during a search or arrest by a peace officer; and (b) the duty of a peace officer to request and render aid for an injured person; and

20. A peace officer is only justified in using deadly force in certain instances, and 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.

H.B. 2521 (Thompson) – Neck Restraints: would provide that: (1) a peace officer may not use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless: (a) the restraint is necessary to prevent bodily injury or death of the officer or another person; and (b) the officer discontinues the restraint as soon as the threat of serious bodily injury or death in (1), above, has passed; (2) basic peace officer training must include training on the prohibition against the intentional use of neck restraints unless in accordance with (1), above; and (3) the model training curriculum and policies developed by the Texas Commission on Law Enforcement must include curriculum and policies regarding the prohibition against the intentional use of neck restraints during the search or arrest by a peace officer unless in accordance with (1), above.

H.B. 2537 **(Ramos) – Sexual Assault**: would provide that a sexual assault is without the consent of the other person if, among other instances, the actor is a law enforcement officer, and the other person is arrested or detained or otherwise in the custody of law enforcement.

H.B. 2564 **(Anchía) – Motor Vehicle Accident Investigations**: would provide that: (1) in addition to peace officers, an employee of a law enforcement agency who has successfully completed a training program on investigating motor vehicle accidents approved by the Texas Commission on Law Enforcement (TCOLE) may investigate a motor vehicle accident if: (a) no offense was committed during the accident; (b) no injury or death of a person occurred as a result of the accident; and (c) any property damage that resulted from the accident was to an apparent extent of less than $5,000; and (2) an employee of a law enforcement agency who investigates a motor vehicle accident in accordance with (1), above, shall make a written report summarizing the findings of the investigation.

H.B. 2601 **(Garcia) – Marijuana**: would, among other things: (1) reduce the criminal penalties for marijuana offenses on the amount possessed and location of possession; (2) eliminate the requirement that defendant must be taken before a magistrate for certain marijuana-related offenses; (3) eliminate the defense to prosecution for specific possession-related drug offense for a person who requests emergency assistance for a possible overdose of another person if the requestor is committing a marijuana offense involving possession of more than 2 ounces of marijuana at the time of request; and (4) eliminate automatic community supervision for a marijuana offense involving possession of more than one pound of marijuana.

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

H.B. 2653 **(Howard) – Stolen Firearms**: would, among other things: (1) require a peace officer who receives a report from the owner of a firearm or the owner's agent that the firearm was lost or stolen to report the loss or theft to the Department of Public Safety; and (2) provide that a person commits a Class C misdemeanor offense if the person: (a) owns a firearm that is subsequently lost by or stolen from the person; and (b) fails to report the loss or theft, or cause a report of the loss or theft to be made, to a peace officer or law enforcement agency not later than 24 hours after the time the person became aware the firearm was lost or stolen.

H.B. 2660 **(Oliverson) – Missing Persons**: would provide that a law enforcement agency, on receiving a report of a missing child or person, shall: (1) electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child or person within 48 hours; and (2) inform the person

who filed the report that the information in (1), above, will be submitted to each municipal or county law enforcement agency within 200 miles.

H.B. 2681 (Frazier) – Removal of Personal Property from Roadways: would provide that: (1) a fire department may remove personal property from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety; (2) the owner shall reimburse the fire department for any reasonable costs of removal and disposition of the property; and (3) a fire department is not liable for: (a) any damage to personal property removed from a roadway or right-of-way under (1), above, unless the removal is carried out recklessly or in a grossly negligent manner; or (b) any damage resulting from the failure to exercise the authority granted by (1), above.

H.B. 2786 (Schofield) – Jailer Liability: would limit city and county liability for suits alleging acts or omissions by a jail keeper, operator, or employee in a city or county-owned jail facility for claims involving a condition of confinement, or a failure to protect, provide medical care, or train employees, to $500,000 without regard to the number of claims or claimants.

H.B. 2861 (Garcia) – Family Violence Investigations: would provide that: (1) a peace officer who is investigating a family violence allegation or responding to a disturbance call that may involve family violence and who is charging a person present at the scene with committing a separate offense punishable as a misdemeanor may, in lieu of arresting the person, issue a citation to the person, regardless of whether the issuance of a citation for that offense is specifically authorized; (2) a peace officer may decline to arrest a person present at the scene described above who is subject to an outstanding arrest warrant for a separate offense punishable as a misdemeanor and issue a citation for that offense, regardless of whether the issuance of a citation for that offense is specifically authorized; (3) offenses punishable as a Class A or B misdemeanors relating to kidnapping, unlawful restraint, sexual abuse or assault, assault, arson, disorderly conduct, riots, prostitution, weapons, intoxication, and organized crime do not qualify under (1) and (2), above; (4) a peace officer, in lieu of executing a capias pro fine for a person present at the scene above may: (a) provide to the person: (i) written notice that a capias pro fine has been issued for the person; and (ii) written instructions regarding the methods by which the person may discharge the outstanding fines or costs or provide to the issuing court any evidence of the person's indigency; and (b) require the person to sign an acknowledgement that the officer has provided the notice and instructions in (4)(a), above; (5) a peace officer may not be held liable to fine as for contempt of court for issuing a citation in lieu of arresting a person under an outstanding warrant in (2) or (4), above; and (6) the Office of Court Administration shall develop and make available an acknowledgement form and written instructions for use of that form under (4), above.

H.B. 2917 (Reynolds) – Police Reform: this bill – known as the "Thurgood Marshall Criminal Justice Reform Act" – would provide, among other things, that:

1. 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, provided that the person must bring such action not later than two years after the day the cause of action accrues;

2. a statutory immunity or limitation on liability, damages, or attorney's fees does not apply to an action brought under Number 1, above and – regardless of any other law – qualified immunity or a defendant's good faith but erroneous belief in the lawfulness of the defendant's conduct is not a defense to an action;

3. in an action brought under Number 1, above, a court shall award reasonable attorney's fees and costs to a prevailing plaintiff, but 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;

4. 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 in an action brought under Number 1, above, except a public 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 brought under Number 1, above;

5. the foreperson of grand jury shall prevent a person present during a session of the grand jury from displaying, through any visible means, support for another person who would likely be involved in the prosecution of an offense subject to indictment by the grand jury;

6. grand jury proceedings conducted in the course of the grand jury's official duties are secret, and a witness who reveals, before the end of the grand jury's term, any matter about which the witness is examined or that the witness observes during a grand jury proceeding, other than when the witness is required to give evidence on that matter in due course, may be punished by a fine not to exceed $500, and for contempt of court, and by a term of confinement not to exceed six months;

7. a police department shall, before hiring an applicant for a position with the department as a peace officer, require the applicant to take and pass an examination on implicit bias;

8. a police department shall collaborate with an accredited institution of higher education or other nonprofit research institution in: (a) creating or selecting the examination described in Number 7, above; (b) setting the minimum passing score; and (c) setting a score that exceeds the minimum passing score but below which an applicant is required to receive individualized counseling on implicit bias before being hired for a peace officer position;

9. a police department may not hire, as a peace officer, an applicant who does not meet or exceed the passing score set under Number 8(b), above, and may only hire such person after the applicant receives individualized counseling on implicit bias;

10. to be eligible for a position with a police department as a peace officer, an applicant hired on or after September 1, 2021, must: (a) for a home-rule municipality located wholly or partly in a county with a population of 500,000 or more, hold at least a baccalaureate degree or equivalent from an accredited institution of higher education; or (b) for a home-rule municipality not described by (a), above, hold at least an associate's degree or equivalent from an accredited institution of higher education;

11. a police department may not hire, as a peace officer, a former peace officer who was terminated or resigned in lieu of termination for the unjustified use of deadly force;

12. a city and a police officer association recognized as a bargaining agent may not adopt a collective bargaining, meet and confer, or other similar agreement unless the parties have solicited participation by local community members, including allowing an organization of local community members to review and comment on any proposed agreement;

13. 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 person, if: (a) the actor reasonably believes the arrest or search is lawful or, if the arrest or search is made under a warrant, the actor reasonably believes the warrant is valid; (b) before using force, the actor: (i) 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; (ii) attempts to de-escalate the situation; and (iii) issues a warning that force will be used; (c) the force used is proportionate to the threat posed and to the seriousness of the alleged offense; (d) the actor immediately terminates the use of force the moment the person against whom force is used becomes compliant or is subdued; and (e) 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;

14. 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 13, above, and: (a) the person for whom arrest is authorized poses an imminent threat of death or serious bodily injury to the actor or another; (b) the deadly force is used only against the person for whom arrest is authorized; (c) the actor immediately terminates the use of deadly force the moment the imminent threat of death or serious bodily injury is eliminated; and (d) no lesser degree of force could have eliminated the imminent threat of death or serious bodily injury; and

15. the provision that provides that there is no duty to retreat before using justified force is repealed.

S.B. 1126 (Blanco) – Homeland Security Funding Assistance: would provide that the governor may allocate available federal and state grants and other funding related to homeland security to a local governmental entity or a nonprofit entity for: (1) expenses incurred by the entity to provide humanitarian assistance to unaccompanied minors and families, including expenses incurred for public safety, medical care, shelter, transportation, and nourishment: and (2) the humane processing of the remains of undocumented migrants.

S.B. 1183 (Eckhardt) – Defenses to Prosecution for Reporting Overdose: would allow for a defense to prosecution for certain possession-related drug offenses for a person who requests emergency assistance for a possible overdose of another person if the requestor: (1) was previously convicted of or completed deferred adjudication of a possession-related dangerous drug or volatile

chemical offense; (2) successfully previously used the defense to prosecution described above; or (3) made a similar request for emergency assistance described above within the past 18 months.

S.B. 1274 (Gutierrez) – Firearms: would, among other things: (1) provide that a person who is younger than 21 years of age commits an offense if the person knowingly possesses an assault weapon; (2) create a criminal offense for a person who intentionally or knowingly sells, rents, leases, or gives or offers to sell, rent, lease, or give an assault weapon to a person younger than 21 years of age; (3) provide an exception to (1) and (2), above, if the actor possessed the assault weapon for the actual discharge of duties as or the transfer was to a person who is a peace officer or a member of the armed forces or state military forces; (4) require a licensed firearms dealer to conduct a criminal background check before selling or otherwise transferring a firearm to another person; (5) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (6) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (6)(c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (7) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (6)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (6)(d), above; and (8) provide that the proceeds from the sale of a firearm in (7), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm.

Sales Tax

H.B. 300 (Howard) – Sales Tax Exemption: would exempt from the sales tax children's diapers, baby wipes, baby bottles, feminine hygiene products, maternity clothing, and breast milk pumping products.

H.B. 2535 (Turner) – Sales Tax Exemption: would exempt from the sales tax a medical service performed to determine the appropriate level of workers' compensation benefits. (Companion bill is **S.B. 1122** by **Schwertner**.)

S.B. 1053 (Hughes) – Marketplace Seller: would exclude from the definition of "marketplace seller" an affiliate of the marketplace provider. (Companion bill is **H.B. 1216** by **Dean**.)

S.B. 1122 **(Schwertner) – Sales Tax Exemption**: would exempt from the sales tax a medical service performed to determine the appropriate level of workers' compensation benefits. (Companion bill is **H.B. 2535** by **Turner**.)

S.B. 1143 **(Paxton) – Sales Tax Exemption**: would amend the section providing a temporary sales tax exemption for certain tangible personal property related to data centers to: (1) allow a data center that is located or will be located in one or more buildings and on contiguous or noncontiguous parcels of land to qualify for the exemption; (2) require that a data center located on noncontiguous parcels of land be located in the same county or an adjacent county and connected by a fiber network; (3) eliminate the requirement that a qualifying job staffed by a third party employer must include a contract providing that the job is permanently assigned to the data center; and (4) provide that a data center that refurbishes a space to locate a data center can qualify for the exemption. (Companion bill is **H.B. 2482** by **Capriglione**.)

S.B. 1176 **(Capriglione) – Sales Tax Exemption**: would exempt from the sales tax a Covid-19 test kit.

S.B. 1218 **(Hughes) – Sales Tax Refund**: would provide that for years 2024-2029, the amount of the refund of sales tax imposed on the sale of tangible personal property sold, leased, rented, stored, or consumed by a provider of cable television, internet access, or telecommunications services is not subject to the $50 million limit provided in the statute.

S.B. 1265 **(Parker) – Sales Tax Exemption**: would: (1) provide a temporary sales tax exemption for certain tangible personal property related to connected data centers, including electricity, an electrical system, a cooling system, a backup electricity system, certain hardware, a data storage device, network connectivity equipment, a rack, cabinet, and raised floor system, a peripheral component or system, software, a mechanical, electrical, or plumbing system, and any item or component part necessary to operate any of the above property; (2) expressly exclude certain personal property from the exemption; (3) provide procedures by which the comptroller shall administer the exemption; (4) require that to receive the exemption, a data center operator must create at least 40 qualifying jobs, make a capital investment of at least $500 million over a five-year period, and agree to contract for at least 20 megawatts of transmission capacity; and (5) provide that the exemption under expires 20 years after the data center is certified by the comptroller.

Community and Economic Development

H.B. 2528 **(Campos) – Homelessness Data System**: would, among other things, require the Texas Interagency Council for the Homeless to conduct a study on the feasibility of establishing a statewide homelessness data system that would allow state agencies and local governmental entities to share information related to individuals experiencing homelessness and access information related to these individuals in order to connect them to services.

H.B. 2532 **(Toth) – Building Permit Shot Clock**: would require a city to grant or deny a building permit application within 30 days of submission or reach a written agreement with the applicant providing for a deadline.

H.B. 2561 (Tepper) – Required Disannexation Elections: would, among other things, require an election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and May 24, 2019.

H.B. 2628 (Moody) – Property Repurchase Following Condemnation: would provide that when a condemning entity, including a city, wishes to sell property acquired through eminent domain while the former owner, their heirs, successors, or assigns retain repurchase rights: (1) the entity must offer to sell the property interest for the amount the entity was ordered to pay in the condemnation proceeding; and (2) this amount cannot include certain costs or fees awarded by the court or paid by the entity to the property owner, including, among other things, damages to the remainder; damages for temporary possession; or amounts paid as consideration to avoid litigation.

H.B. 2689 (Burns) – Plumbing Code: would: (1) require the Texas State Board of Plumbing Examiners to adopt the 2015 edition of the International Plumbing Code as the plumbing code for the state; and (2) allow cities to amend provisions of the code to conform to local concerns that do not substantially vary from state rules.

H.B. 2750 (Romero) – Zoning Amendment Notice: would require the zoning commission of a home-rule municipality to post a notice sign at least ten days before holding a hearing on a proposed change in zoning classification that does not apply to the whole municipality on either: (1) the affected property; or (2) a public right-of-way for changes initiated by the municipality that affect multiple properties.

H.B. 2784 (Holland) – Municipal Utility Districts: would: (1) allow a municipal utility district to issue bonds payable solely or partly by ad valorem taxes only if the bonds are approved by two-thirds of the resident electors in the district voting in an election called for that purpose; (2) allow municipal utility districts to issue refunding bonds without an election if the district reduces the rate of ad valorem tax on within the district by an amount that would offset the amount saved by refinancing the bonds; and (3) prohibit a district from issuing any bonds payable wholly or partly from ad valorem taxes if the district has outstanding bonds that are payable wholly or partly from ad valorem taxes.

H.B. 2789 (Holland) – Accessory Dwelling Units: would, among many other things, provide that: (1) a city cannot adopt or enforce regulations that prohibit an owner from building an accessory dwelling unit ("ADU"), selling or renting an ADU, or require owner occupancy of the primary dwelling unit on a lot zoned for single-family or duplex uses; (2) a city would be prohibited from, among other things, requiring a minimum lot size or larger setbacks for an ADU, applying local growth restrictions or density limitations, and regulating the design of ADUs; (3) a city cannot charge impact fees for ADU construction or require additional landowner exactions in certain cases; (4) a city can apply zoning requirements, such as height limitations and front setback limitations and site plan review to ADUs, if those requirements are generally applicable to residential development; (5) a city can apply historic preservation rules to ADUs; and (6) a person may submit a complaint to the attorney general of a suspected violation, and if the attorney general determines that a city has violated these rules, the city may not adopt a property tax rate for the following year that exceeds the no-new-revenue tax rate.

H.B. 2806 **(Canales) – Outdoor Signs**: would provide that: (1) if a public construction project causes a commercial sign use, structure, or permit within a city or the city's ETJ not to be authorized, the owner of the commercial sign is entitled to relocate the use, structure, or permit to certain other locations, including any area within the city or its ETJ; (2) a governmental entity, including a city, which acquires a commercial sign by eminent domain or causes the need for the commercial sign to be relocated, shall pay the costs related to the acquisition or relocation; (3) if the view and readability of a commercial sign are obstructed under certain circumstances, the owner of the sign may: (a) adjust the height of the sign; or (b) relocate the sign to a location within 500 feet of its previous location; (4) a city in which the commercial sign in sections (1) or (3), above, are located shall provide for the height adjustment or relocation by a special exception to any applicable zoning ordinance, if necessary; (5) "off-premise sign" means an outdoor sign displaying advertising that pertains to a certain entities or activities not principally located on the premises on which the sign is located; and (6) the rights associated with an existing, lawful off-premise sign vest in the owner of the off-premise sign. (Companion bill is **S.B. 898** by **Hughes**.)

H.B. 2906 **(Hayes) – Payment of Costs in Eminent Domain**: would provide that if a property owner is awarded greater damages than the condemnor offered before the proceedings began, or if a court awards greater damages than the commissioners awarded, the condemnor must pay all costs, expenses, and fees incurred by the property owner.

H.B. 2910 **(Jarvis Johnson) – Rent Control**: would provide that a city may establish rent control for persons aged 65 or older by ordinance.

H.J.R. 126 **(Burns) – Right to Farming, Ranching, and Wildlife Management**: would: (1) protect the right of individuals in Texas to engage in farming, ranching, timber production, and wildlife management practices on their own property; and (2) provide exceptions for state agencies and political subdivisions, including cities, to regulate these activities if there is clear and convincing evidence that regulation is necessary to protect public health and safety from imminent danger or to prevent a danger to animal health or crop production.

S.B. 1096 **(Parker) – Homesteads/Tax Increment Financing**: would: (1) provide that a city may not designate a tax increment reinvestment zone if: (a) more than 40 percent of the property in the proposed zone is used for residential purposes, excluding property that is publicly owned or) a residence homestead owned by a legacy homeowner; (3) define "legacy homeowner" as the owner of a residence homestead located in a reinvestment zone who has continuously resided in and received an exemption for the homestead for at least seven years preceding the date the governing body of the county or city designated the zone in which the homestead is located; (23) provide that the project plan prepared and adopted by the board of directors of a reinvestment zone may authorize the board of directors to establish a reinvestment zone stability program, the purpose of which is to ensure that all residents of the zone benefit from its designation and the governing body of the county or city that designated the zone and any affiliated community organizations may participate in the development of the program; (4) provide that as a part of a program established under (23), above, the board may dedicate, pledge, or otherwise provide for the use of money in the tax increment fund established for the zone to prevent homeowner displacement by providing annual payments on behalf of legacy homeowners to offset the increase in ad valorem taxes imposed on the residence homesteads of those homeowners that is attributable to the increase in

property values associated with the development or redevelopment of property in the zone; (5) provide that if the project plan for a reinvestment zone authorizes annual payments on behalf of legacy homeowners, the plan must provide that: (a) the amount of an annual payment made under the program to a legacy homeowner may not exceed the amount determined for that homeowner under (6), below; and (b) the period of time for which annual payments may be made on behalf of a legacy homeowner may not exceed 10 years; and (7) provide that the maximum amount of an annual payment that may be made on behalf of a legacy homeowner for a tax year is equal to the positive difference, if any, between the following amounts: (a) the property taxes due on the homeowner's homestead for that tax year and the property taxes due on the homeowner's homestead for the tax year in which the reinvestment zone in which the homestead is located was designated.

S.B. 1108 (Middleton) – Extraterritorial Jurisdiction: would, among other things, require a city to call an election for the next available uniform election date on the question of whether to release an area from the municipality's extraterritorial jurisdiction if: (1) at least five percent of registered voters residing in the area sign the petition; and (2) the petition includes a map or description of the area.

S.B. 1160 (Alvarado) – Zoning Hearing: would require a zoning commission to hold at least one public hearing on a preliminary report related to a proposed change in zoning classification before submitting a final report to the city's governing body. (Companion bill is **H.B. 1381** by **Alvarado**.)

S.B. 1211 (Blanco) – Defense Communities: would make various changes relating to defense economic readjustment zones in cities and counties that are considered defense-dependent communities.

S.B. 1214 (Schwertner) – Homelessness: would provide that: (1) a city may not approve the conversion of city property to provide housing to homeless individuals unless the city holds a public hearing not less than 90 days before the conversion begins; (2) the hearing must be held at a location within one mile of the property; and (3) the city must provide notice of the hearing by mail to each residence and business located within a one-mile radius of the property.

Elections

H.B. 2536 (Toth) – Election Irregularities: would provide that: (1) a person who participated in the relevant election as a candidate, a county chair or state chair of a political party, a presiding judge, an alternate presiding judge or the head of a specific-purpose political committee that supports or opposes a ballot may issue a written request to the county clerk or other authority conducting an election for an explanation and supporting documentation for: (a) an action taken by the election officer that appears to violate the Election Code; (b) irregularities in results in a precinct or at a polling place or early voting polling place; (c) inadequacy or irregularity of documentation required to be maintained under the Election Code; or (d) irregularity or reconciliation results identified in reconciliation reports regarding voters and votes cast; (2) not later than the 20th day after the date a request is received under (1), above, the county clerk or other authority shall provide the requested explanation and any supporting documentation; (3) a requestor who is not satisfied with the explanation and supporting documentation provided under

(2), above, may issue a request for further explanation and supporting documentation to the county clerk or other authority; (4) not later than the 10th day after the date a request is received under (3), above, the county clerk or other authority shall provide the requested explanation and any supporting documentation; (5) a requestor who is not satisfied with the explanation and supporting documentation provided by the clerk or other authority under (4), above, may issue a request for an audit to the secretary of state that includes the request submitted to the clerk or other authority and explanations and supporting documentation; (6) not later than the 30th day after the date the secretary of state receives a request for an audit under (5), above, the secretary must determine whether the information submitted under (5), above, sufficiently explains the irregularity defined in (1), above; (7) if the information submitted by the requestor under (5), above, is insufficient, the secretary of state shall immediately begin an audit of the identified irregularity at the expense of the county or other authority conducting the election; (8) the county clerk or other authority conducting the election shall cooperate with the office of the secretary of state and may not interfere with or obstruct the audit; (9) on conclusion of the audit the secretary of state shall provide notice of the findings of the audit to the person who submitted the request for an audit and the county clerk or other authority conducting the election; (10) the secretary of state, may, in the secretary's discretion, make a determination that a violation of the Election Code has occurred solely on the basis of the evidence submitted under (5), above, without conducting an audit, and shall send notice of the determination to the person who submitted the request for an audit and to the county clerk or other authority conducting the election; (11) if, following an audit, the secretary of state determines that a violation of the Election Code has occurred, the secretary shall appoint a conservator to oversee elections in the county election precinct where the violation occurred and the conservator shall serve for two federal election cycles; (12) in addition to the notice required under (9), above, the secretary of state shall provide special notice to the county clerk or other authority conducting the election detailing any violation of the Election Code found by the secretary; (13) if the county clerk or other authority conducting the election does not remedy a violation detailed in a notice under (12), above, by the 30th day after the date the clerk or other authority receives the notice, the secretary of state shall assess a civil penalty of $500 for each violation not remedied and, if possible, remedy the violation on behalf of the county clerk or other authority; (14) if the secretary of state is unable to remedy the violation on behalf of the county clerk or other authority, the secretary shall assess an additional penalty under (13), above, for each day the county clerk or other authority does not remedy the violation until the violation is remedied; (15) the secretary of state shall maintain a record of county clerks or other authorities that conduct elections who have been assessed a civil penalty, and shall publish the record on the secretary of state's website; and (16) the attorney general may bring an action to recover a civil penalty that has not been paid, and such penalty collected shall be deposited in the state treasury to the credit of the general revenue fund. (Companion bill is **S.B. 1039** by **Bettencourt**.)

H.B. 2619 **(Tinderholt) – Civil Penalty**: would provide that: (1) in addition to any other applicable civil or criminal penalty, a person who commits an offense prescribed by the Election Code is liable to the state for a civil penalty; (2) unless otherwise provided in the Election Code, the civil penalty described in (1), above, shall be in an amount not less than $100,000; and (3) the attorney general may bring an action to recover a civil penalty imposed under (2), above, and the penalty collected shall be deposited in the general revenue fund.

H.B. 2621 (Hinojosa) – Limited Ballot: would provide that the required executed statement of a person who is eligible to vote a limited ballot by personal appearance during the early voting period or by mail shall be submitted to an election officer at any early voting polling place designated by the county as a polling place where voters may submit a limited ballot, if the person is voting by personal appearance.

H.B. 2622 (Hinojosa) – Limited Ballot: would provide that: (1) after changing residence to another county, a person is eligible to vote a limited ballot by personal appearance on election day if certain conditions are met; (2) the required executed statement of a person who is eligible to vote a limited ballot by personal appearance shall be submitted to a person designated by the early voting clerk at the location used for the main early voting polling place, if the person is voting on election day; (3) a person may vote a limited ballot on election day only at the location of the main early voting polling place; and (4) the early voting clerk may conduct voting of limited ballots on election day at the location of the main early voting polling place by using official ballots for early voting by mail.

H.B. 2626 (Tepper) – Political Reports: would provide that: (1) the clerk or secretary of a city, regardless of size, shall post a political report filed with the clerk by a candidate, officeholder, or specific-purpose committee on the city's website no later than the fifth business day after the date the report is received; (2) before posting the report on the internet as described in (1), above, the authority with whom the report is filed may remove each portion, other than the city, state, and zip code of the address of the person listed as having made a political contribution to the person filing the report; (3) the removed information under (2), above, must remain available on the report maintained by the authority; and (4) a report posted on the city's website as described in (1), above, must be accessible on that website until the fifth anniversary of the date the report is first made available.

H.B. 2751 (Romero) – Political Contributions: would provide that: (1) a candidate or an officeholder may use political contributions to pay for child-care expenses incurred for a child of the candidate or officeholder, including payment to a family member other than the child's parent, legal guardian, or conservator; and (2) child-care expenses made in accordance with (1), above, is a permissible personal use of political contributions.

H.B. 2776 (Bucy) – Early Voting By Mail: would, among other things, provide that: (1) a person who is eligible for early voting by mail because of a disability, confinement for childbirth, or membership in the armed forces of the United States, or person is the spouse or a dependent of such member, may cast a ballot using an accessible absentee mail system; (2) an accessible absentee mail system must be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter's ballot and print and submit the ballot in the manner required by law for a ballot marked by the voter; (3) the secretary of state shall adopt rules and prescribe procedures for the implementation of the accessible absentee ballot system; (4) a person eligible for early voting by mail because of a disability or confinement for childbirth may request from the appropriate early voting clerk e-mail transmission of balloting materials; (5) the early voting clerk shall grant a request made under (4), above, for the e-mail transmission of balloting materials if: (a) the requestor has submitted a valid application for a ballot to be voted by mail on the ground of disability; (b) the requestor provides

an e-mail address with the request; (c) the request is submitted on or before the seventh day before the date of the election; and (d) a marked ballot for the election from the requestor has not been received by the early voting clerk; (6) an e-mail address used under (5), above, to request balloting materials is confidential and does not constitute public information for purposes of the Texas Public Information Act, and an early voting clerk shall ensure that such voter's e-mail address is excluded from public disclosure; (7) balloting materials may be sent by e-mail for any election in which the voter who registers under (5), above, is eligible to vote, and shall include: (a) the appropriate ballot; (b) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted; (c) instructions prescribed by the secretary of state on how to create a carrier envelope or signature sheet for the ballot; and (d) a list of certified write-in candidates, if applicable; and (8) the balloting materials may be provided by e-mail to the voter in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

H.B. 2825 (Goodwin) – Preferential Voting: would provide that in a city that has authorized the use of preferential voting in its city charter, an election of an officer of a city may use a preferential voting system, which allows a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least.

H.B. 2844 (Wu) – Curbside Voting: would provide that on the voter's request, an election officer shall deliver a ballot to the voter at the polling place entrance or curb if the voter: (1) is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health; (2) has legal custody of a child younger than 12 years of age and entering the polling place would require leaving the child without adequate supervision; or (3) is the primary caretaker of a person who is unable to care for themselves and entering the polling place would require leaving the person without adequate supervision.

H.B. 2860 (Swanson) – Early Voting Ballots: would, among other things, provide that: (1) an early voting clerk who maintains only electronic records of applications for a ballot to be voted by mail, jacket envelopes, carrier envelopes, or ballots commits an offense if the clerk knowingly fails to record the front and back of each application, envelope, or ballot recorded, and provide the records to the early voting ballot board, the signature verification committee, or both; and (2) an offense under (1), above, is a state jail felony.

H.B. 2944 (Dorazio) – Election Watchers: would provide that for a person to be eligible to be an election watcher, the person must be an eligible voter and take the required training.

S.B. 1199 (Hall) – Election Clerks: would provide that: (1) the alternate presiding judge shall serve as the presiding judge for an election if the regularly appointed presiding judge is not present at a polling location; (2) a person may not prevent an alternate presiding judge from freely observing or occupying the area in which voters are being accepted for voting; (3) the alternate presiding judge for an election precinct shall appoint an election clerk to assist the judge in the conduct of an election at the polling place served by the judge; (4) the authority that appoints election judges shall prescribe the maximum number of election clerks that the alternate presiding judge may appoint for each election; (5) the alternate presiding judge shall appoint at least one clerk for each precinct in each election; and (6) the provision that requires the presiding judge to

appoint, in an election conducted by the regularly appointed presiding judge, an alternate presiding judge as one of the clerks is repealed.

S.B. 1253 (Bettencourt) – Ballot Screen: would provide that an electronic system ballot on which a voter indicates a vote by making a mark on the ballot may not display fewer than two or more than four races on a voting system screen at a time.

S.B. 1254 (Bettencourt) – Provisional Ballots: would provide that the presiding judge of an election precinct shall daily prepare a notice of the number of provisional ballots delivered to the general custodian of election records and deliver the notice to, as applicable: (1) the central counting station; (2) the counting station that is designated by the adopting authority that has not adopted its own central counting station; or (3) the early voting ballot board.

Emergency Management

H.B. 2654 (Slawson) – Emergency Declarations: would, among other things, provide that:

1. during a declared state of disaster, only the legislature has the authority to restrict or impair the operation or occupancy of businesses in response to a disaster, and the legislature may only exercise this authority in a county after consulting with the county judge of each county impacted by the disaster;

2. the governor by proclamation shall convene the legislature in special session to respond to a declared state of disaster if the governor finds that the authority of the legislature described in Number 1, above, should be exercised and the legislature is not convened in regular or special session;

3. if the governor finds that a state of disaster described by Number 1, above, requires renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to renew, extend, or otherwise respond to the state of disaster;

4. the governor may not declare a new state of disaster based on the same or a substantially similar finding as a prior state of disaster that is subject to Number 1, above, that was terminated or not renewed by the legislature;

5. the governor may not suspend: (a) a provision under this bill or under the provision related to a state of emergency related to: (i) a riot or unlawful assembly by three or more persons acting together by use of force or violence; (ii) if a clear and present danger of the use of violence exists; or (iii) a natural or man-made disaster; or (b) a law or rule related to the application of the Sunset Act, the suspension of which results in the continuation of a state agency beyond the date prescribed in statute for the abolishment of the agency;

6. the governor may suspend a provision of the Code of Criminal Procedure, Election Code, or Penal Code only during the first 30 days of a declared state of disaster;

7. if the governor finds that a suspension authorized by Number 6, above, should be continued beyond the first 30 days of a declared state of disaster and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to respond to a state of disaster;

8. the governor may not suspend a provision of the Election Code related to the qualifications or procedures for early voting by mail or to the procedures for accepting a voter during any voting period, including procedures related to voter identification, residency, and signature requirements, except as to in-person delivery of a marked ballot, only for purposes of allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot to the early voting clerk's office on or before election day;

9. the governor is not prohibited by Number 8, above, from suspending a provision of the Election Code to extend the voting period for early voting by mail as necessary to address the declared disaster; and

10. a declaration of a local disaster by a political subdivision, including cities, may not conflict with, or expand or limit the scope of, a declaration of disaster issued under this bill unless expressly authorized by proclamation or executive order issued by the governor under this bill.

(Companion bill is **S.B. 1104** by **Birdwell**.)

H.B. 2858 (Morales Shaw) – Disaster Preparedness: would: (1) expand the model guide for local officials regarding disaster response and recovery required to be developed by the Texas Department of Emergency Management to include planning practices for developing and reviewing local and interjurisdictional emergency management plans to ensure: (a) the needs of the community's vulnerable populations, including persons with disabilities, persons who are homeless, and low-income households, are accurately identified; (b) the emergency management plans address the needs in (a), above; and (c) the community resources that vulnerable populations rely on remain available during a disaster; (2) provide that each local and interjurisdictional agency shall prepare and keep current an emergency management plan for its area providing, among other things, for: (a) integrated and inclusive operations specific to individuals with disabilities to afford those individuals an equitable opportunity to benefit from all disaster response and recovery measures, programs, services, and activities; (b) the increase in the capabilities of local emergency shelters in the provision of shelter and care for individuals with disabilities during a disaster; (c) wellness checks for individuals with disabilities; (d) the establishment of minimum health-related standards for short-term and long-term shelter operations for shelters operated with state funds or receiving state assistance; (e) an emergency notification system that notifies individuals with disabilities of a disaster or emergency and of any actions the individuals should take to prepare for or respond to the disaster or emergency; (f) personnel surge capacity during a disaster, including plans for providing lodging and meals for disaster relief workers and volunteers; and (g) horizontal integration of emergency preparedness and response plans required for licensed facilities and providers serving individuals with disabilities; (3) expand the Department of State Health Services (DSHS) program designed to educate the citizens of this state on disaster and emergency preparedness, response, and recovery to include the resources, services, and programs that are

available to address the needs of persons with disabilities during a disaster or other emergency; (4) require regional planning and advisory councils, among others, to develop as part of a crisis standards of care plan for personnel surge capacity during disasters; (5) provide that the DSHS Preparedness Council shall create a framework and provide guidance for the development of crisis standards of care plans in consultation with health care facilities, county officials, trauma service area regional advisory councils, and each council of government, regional planning commission, or similar regional planning agency; and (6) require the governor's homeland security strategy to include specific plans for building community resilience and reducing long-term vulnerability for persons with disabilities by implementing inclusive disaster and emergency planning practices at all levels of government.

H.J.R. 121 (Slawson) – Emergency Declarations: would amend the Texas Constitution to provide, among other things, that: (1) the governor shall convene the legislature in special session when the governor proposes to renew an order or proclamation declaring a state of disaster or emergency or issue a new order or proclamation regarding the same state of disaster or emergency that: (a) exists in at least two-fifths of the counties; (b) affects at least half of the state's population according to the most recent federal decennial census; or (c) affects at least two-thirds of the counties in three or more trauma service areas as designated by the appropriate state agency; (2) in a special session convened under (1), above, the legislature may: (a) renew or extend the state of disaster or emergency; (b) respond to the state of disaster or emergency, including by: (i) passing laws and resolutions the legislature determines are related to the state of disaster or emergency; (ii) exercising the power to suspend laws as provided to the legislature by the Constitution; and (iii) consider any other subject stated in the governor's proclamation convening the legislature; (3) a state of disaster or emergency declared by the governor may not continue for more than 30 days unless it is renewed or extended by the legislature under (2), above; (4) a state of disaster or emergency declared by the governor that is related to a nuclear or radiological event recognized by the federal agency with primary authority for federal response to that event may not continue for more than 90 days unless the legislature renews or extends the declared state of disaster or emergency; (5) a vote to modify or terminate a proclamation or order issued by the governor declaring a state of disaster or emergency is not subject to veto or approval by the governor; and (6) a member of the legislature has standing to participate as a party in a suit against the governor for a violation of the duty imposed by (1), above, for which the Supreme Court has original jurisdiction. (Companion bill is **S.J.R. 58** by **Birdwell**.)

S.B. 1104 (Birdwell) – Emergency Declarations: **Emergency Declarations**: would, among other things, provide that:

1. during a declared state of disaster, only the legislature has the authority to restrict or impair the operation or occupancy of businesses in response to a disaster, and the legislature may only exercise this authority in a county after consulting with the county judge of each county impacted by the disaster;

2. the governor by proclamation shall convene the legislature in special session to respond to a declared state of disaster if the governor finds that the authority of the legislature described in Number 1, above, should be exercised and the legislature is not convened in regular or special session;

3. if the governor finds that a state of disaster described by Number 1, above, requires renewal and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to renew, extend, or otherwise respond to the state of disaster;

4. the governor may not declare a new state of disaster based on the same or a substantially similar finding as a prior state of disaster that is subject to Number 1, above, that was terminated or not renewed by the legislature;

5. the governor may not suspend: (a) a provision under this bill or under the provision related to a state of emergency related to: (i) a riot or unlawful assembly by three or more persons acting together by use of force or violence; (ii) if a clear and present danger of the use of violence exists; or (iii) a natural or man-made disaster; or (b) a law or rule related to the application of the Sunset Act, the suspension of which results in the continuation of a state agency beyond the date prescribed in statute for the abolishment of the agency;

6. the governor may suspend a provision of the Code of Criminal Procedure, Election Code, or Penal Code only during the first 30 days of a declared state of disaster;

7. if the governor finds that a suspension authorized by Number 6, above, should be continued beyond the first 30 days of a declared state of disaster and the legislature is not convened in regular or special session, the governor by proclamation shall convene the legislature in special session to respond to a state of disaster;

8. the governor may not suspend a provision of the Election Code related to the qualifications or procedures for early voting by mail or to the procedures for accepting a voter during any voting period, including procedures related to voter identification, residency, and signature requirements, except as to in-person delivery of a marked ballot, only for purposes of allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot to the early voting clerk's office on or before election day;

9. the governor is not prohibited by Number 8, above, from suspending a provision of the Election Code to extend the voting period for early voting by mail as necessary to address the declared disaster; and

10. a declaration of a local disaster by a political subdivision, including cities, may not conflict with, or expand or limit the scope of, a declaration of disaster issued under this bill unless expressly authorized by proclamation or executive order issued by the governor under this bill.

(Companion bill is **H.B. 2654** by **Slawson**.)

S.J.R. 58 (Birdwell) – Emergency Declarations: would amend the Texas Constitution to provide, among other things, that: (1) the governor shall convene the legislature in special session when the governor proposes to renew an order or proclamation declaring a state of disaster or emergency or issue a new order or proclamation regarding the same state of disaster or emergency that: (a) exists

in at least two-fifths of the counties; (b) affects at least half of the state's population according to the most recent federal decennial census; or (c) affects at least two-thirds of the counties in three or more trauma service areas as designated by the appropriate state agency; (2) in a special session convened under (1), above, the legislature may: (a) renew or extend the state of disaster or emergency; (b) respond to the state of disaster or emergency, including by: (i) passing laws and resolutions the legislature determines are related to the state of disaster or emergency; (ii) exercising the power to suspend laws as provided to the legislature by the Constitution; and (iii) consider any other subject stated in the governor's proclamation convening the legislature; (3) a state of disaster or emergency declared by the governor may not continue for more than 30 days unless it is renewed or extended by the legislature under (2), above; (4) a state of disaster or emergency declared by the governor that is related to a nuclear or radiological event recognized by the federal agency with primary authority for federal response to that event may not continue for more than 90 days unless the legislature renews or extends the declared state of disaster or emergency; (5) a vote to modify or terminate a proclamation or order issued by the governor declaring a state of disaster or emergency is not subject to veto or approval by the governor; and (6) a member of the legislature has standing to participate as a party in a suit against the governor for a violation of the duty imposed by (1), above, for which the Supreme Court has original jurisdiction. (Companion bill is **H.J.R. 121** by **Slawson**.)

Municipal Courts

H.B. 2909 (Jarvis Johnson) – Juvenile Fines and Costs: would prohibit a judge from requiring a defendant under 18 years old to pay any amount of an imposed fine or costs but allows a judge to require such defendant to perform community service or receive court-approved tutoring.

H.B. 2918 (Reynolds) – Supplemental Court Security Fee: would, among other things, impose a $1 supplemental court security fee, in addition to any other fine or cost, on a defendant convicted of a misdemeanor or felony whose sentence or conviction imposes a fine.

Open Government

H.B. 2874 (Smithee) – Litigation Costs: would provide that: (1) in a mandamus, declaratory judgement or injunctive relief action brought under the Texas Public Information Act (PIA), a suit by a governmental body to withhold information under the PIA, or a suit brought by an intervening requestor under the PIA, the court shall assess costs of litigation and reasonable attorney fees incurred by a plaintiff or intervening requestor: (a) who substantially prevails; or (b) to whom a governmental body voluntarily releases the requested information, unless before suit is filed: (i) the governmental body releases the information; or (ii) the governmental body certifies a date and hour within a reasonable time when the information will be available for inspection or duplication; and (2) notwithstanding (1), above, in an action brought by an intervening requestor, the court shall assess costs of litigation and reasonable attorney fees incurred by the requestor if the requestor substantially prevails.

S.B. 1102 (Kolkhorst) – Educational Records: would provide, among other things, that: (1) a governmental body shall release records related to school attendance of a person: (a) who is 18 years of age or older; (b) who is deceased or incapacitated; and (c) against whom an indictment

has been filed charging the person with criminal homicide in a mass shooting; or could have been filed charging the person with criminal homicide in a mass shooting if the person was not deceased; (2) truancy records and files for a person described by (1), above, are subject to disclosure under the Texas Public Information Act; (3) as soon as practicable, but not later than the 180th day after the date a mass shooting occurs, a governmental body shall make public the toxicology reports relating to the mass shooting in the governmental body's possession; and (4) a covered entity that is a governmental unit shall release all records and files for an individual described by (1)(b) and (c), above, related to the individual's enrollment in a state health plan that receives federal funding.

S.B. 1219 (Kolkhorst) – Fraud and Counterterrorism Information: would provide that information in the custody of a governmental body that relates to fraud detection and deterrence measures, or counterterrorism measures is confidential and excepted from public disclosure under the Texas Public Information Act.

Other Finance and Administration

H.B. 2497 (Cain) – Agricultural Operation: would expand the definition of "agricultural operation" for purposes of preempting certain nuisance actions and governmental requirements on preexisting agricultural operations to include the commercial sale of poultry, livestock, and other domestic and wild animals.

H.B. 2571 (King) – Notice for Tax Sales: would require a political subdivision that sells property in a property tax sale to provide notice of water and wastewater requirements if the real property subject to the sale is presumed to be for residential use. (Companion bill is **S.B. 59** by **Zaffirini**.)

H.B. 2606 (Canales) – Navigation Districts: would, among other things, authorize: (1) a navigation district to: (a) contract with a person for the joint construction, financing, ownership, and operation of certain facilities; (b) purchase an interest in a project used for any purpose or function permitted by the district; and (c) contract with a person to develop land and property within the district and to maintain and operate a port of the district or a public or private entity that furthers the district's purpose; (2) a port commission to delegate authority to a designated officer of the port commission, the executive director of the district or the port authority, or an authorized representative of the executive director to make routine purchases or contracts in an amount not to exceed $100,000; and (3) a navigation district to develop and administer certain economic and community development programs to stimulate business and commercial activity within a district.

H.B. 2612 (Price) – Universal Service Fund: would extend the universal service fund program that provides funding to telecommunications service providers who provide basic telecommunication service to rural areas through December 31, 2027.

H.B. 2662 (Ashby) – Broadband Service Funding: would, among other things: (1) define "broadband service" as: (a) service of at least 25 mbps for a download and 3 mbps for an upload, and; (b) network round-trip latency less than or equal to 100 milliseconds based on 95 percent of speed measurements; (2) authorize the comptroller to adopt FCC broadband speed standards by rule if different than (1), above; (3) define unserved areas, underserved areas, and served areas for the comptroller's broadband development office's (BDO) broadband development map for

funding eligibility purposes; (4) authorize the BDO to award grants, low-income loans, and other financial incentives to applicants to deploy eligible broadband infrastructure projects in unserved and underserved areas, and certain parts of served areas; (5) authorize the BDO to award grants to applicants to deploy non-broadband infrastructure projects that expand the adoption, accessibility, or affordability, of broadband service, including education, training, community outreach, remote learning, telehealth facilities, equipment purchases, or other permitted uses; and (6) prohibit the BDO from awarding grants, loans, or other financial incentives to applicants to deploy last-mile broadband service to a location already subject to a federal commitment to deploy qualifying broadband service, except under certain circumstances.

H.B. 2665 (Gates) – Short-Term Rentals: would, among other things: (1) prohibit a city or county from adopting or enforcing local law applicable to a short-term rental property or a residential property intended to be used as a short-term rental property other than a local law that requires the owner or operator of the property to: (a) register the property as a short-term rental property, including requiring the registrant to: (i) identify the property's owner and operator, and the owner's agent, as applicable; (ii) identify the address of the property; and (iii) pay a reasonable annual administrative fee in the amount necessary to process and administer the registration, not to exceed $100 a year; (b) obtain all required tax registrations, receipts, or certificates issued by the state, a county, or a city; (c) update the registration when information in the registration changes; (d) comply with parking, noise, and solid waste handling and containment requirements applicable to other properties as well as short-term rental properties; and (e) designate and maintain at all times a local responsible party who: (i) is domiciled in this state; (ii) resides less than 50 miles from the property; and (iii) is capable of responding, including by telephone, to a complaint or other immediate problem not later than two hours after the complaint is made or the problem arises; and (2) prohibit a city or county from adopting or enforcing a local law that: (a) expressly or effectively prohibits the use of a property as a short-term rental property; (b) regulates the duration or frequency of use of a property as a short-term rental property; or (c) limits the number of occupants in a short-term rental property.

H.B. 2679 (Thierry) – Veteran Homelessness: would direct the Texas Interagency Council for the Homeless to conduct a study evaluating the feasibility, methods, and costs of establishing and implementing a financial assistance program for property owners who offer housing to veterans at risk of homelessness.

H.B. 2690 (Toth) – Abortion-Inducing Drugs: would, among other things: (1) generally limit the manufacture, possession, or distribution of an abortion-inducting drug; and (2) prohibit the state or a political subdivision from enforcing the prohibition described in (1), above, with certain exceptions.

H.B. 2697 (Guillen) – Broadband Development Best Practices: would direct the comptroller's broadband development office (BDO) to develop best practices for which all broadband funding recipients must comply, but prohibit the BDO from requiring all broadband service providers to comply with such practices.

H.B. 2699 (Guillen) – Wildlife: would, among other things, provide that: (1) an employee of the Texas Parks and Wildlife Department (TPWD) acting within the scope of the employee's authority

may discharge a firearm on a public road or right-of-way to humanely dispatch injured wildlife; and (2) a person or agent of the person, other than an employee of TPWD, may take wildlife on the person's property if the person has written authorization from the TPWD that specifies: (a) the type of wildlife that may be taken; (b) the number of wildlife that may be taken; and (c) the period during which the wildlife may be taken.

H.B. 2760 (Hefner) – Agreements with Foreign Countries of Concern: would, among other things: (1) prohibit a city from accepting money, a financial benefit, or other consideration from a foreign country of concern conditioned upon participating in a program or endeavor to promote the language or culture of the foreign country of concern; (2) prohibit a city from participating in an agreement with or accepting a grant from a foreign counties of concern that would: (a) constrain a governmental entity's right to contract; (b) allow the curriculum or values of any state program to be controlled by the foreign country of concern; or (c) promote an agenda detrimental to the safety and security of the United States of its residents; (3) require that, before a city can enter into a cultural exchange program agreement with a foreign country of concern, it must seek the assistance of specific federal agencies to determine whether the agreement promotes an agenda detrimental to the safety or security of the United States or its residents; (4) require that a state contractor with a contract value more than $100,000, disclose as part of its contract or grant proposal whether it is owned by, or has entered into contracts with specific foreign sources over the past five years; (5) permit a political subdivision to request that the comptroller investigate an alleged violation of (4), above; and (6) permit a political subdivision contract or grant compliance officer to request records from a contractor in connection with an investigation under (5), above.

H.B. 2771 (Smithee) – Universal Service Fund Charge: would extend the universal service fund program that provides funding to telecommunications service providers who provide basic telecommunication service to rural areas through September 1, 2035.

H.B. 2837 (Schaefer) – Financial Institutions and Firearms: would, among other things, provide that: (1) except for those records kept during the regular course of a criminal investigation and prosecution or as otherwise required by law, a state governmental agency or local government, special district, or other political subdivision or official, agent, or employee of the state or other governmental entity or any other person, public or private, other than the owner's representative, may not knowingly and willfully keep or cause to be kept any list, record, or registry of privately owned firearms or any list, record, or registry of the owners of those firearms; (2) a financial institution or its agent may not require the usage of the firearms code in a way that distinguishes a firearms retailer physically located in the state of Texas from Texas general merchandise retailers or sporting goods retailers; and (3) if an individual or entity is found to be requiring the usage of a firearms code by any merchant physically located in Texas in violation of the bill and fails to cease the requirement for usage of the firearms code by any firearms retailer physically located in Texas after the expiration of thirty (30) calendar days from the receipt of written notice by the Attorney General's office, the Attorney General shall pursue an injunction against any individual or entity, public or private, alleged to be in violation of the bill.

H.B. 2843 (Kuempel) – Casinos and Sports Wagering: would, among other things:

1. authorize casino gambling and sports wagering at a limited number of destination resorts;

2. establish the Texas Gaming Commission (TGC), and provide for appointments, membership composition, terms, and qualifications, including prohibiting members of a governing body of a political subdivision or person holding elective office from serving on TGC;

3. establish a revocable and non-transferrable state casino license, including terms (50 years), fees ($2.5 million fee for a $2 billion investment, $1.25 million for a $1 billion investment, $500,000 fee for a $250 million investment), and a cap on the total number of licenses to as determined by constitutional amendment;

4. provide for state casino license qualifications, ownership interest reporting requirements, TGC license review process and standards, and TGC procedure and grounds for license denial, suspension, and revocation;

5. provide that a horse racing association may also hold a state casino license, but to do so, it must maintain at least the same number of live horse races conducted in 2022 and cease any greyhound racing operations;

6. establish casino and sports wagering operational rules and regulations, including age requirements, technical specifications, administrative and accounting standards, internal audit and other financial controls, gambling debt restrictions, security and incident reporting requirements, cheating policies, and a casino's authority to question and detain individuals, and establish TGC enforcement authority and powers for violations of same;

7. provide for a 15% tax on gross casino revenue and 10% on gross sports wagering revenue to be deposited in Texas Casino Gaming Fund, and establish allocation destinations and amounts, including Problem Gambling and Addiction Fund, casino oversight, public safety, and education;

8. prohibit local taxation on gross casino or sports wagering revenue or prizes, or fees on casino gambling games, sports wagering, or attending casinos;

9. require that a casino destination resort must comply with local zoning laws in place on January 1, 2023; and

10. expressly not repeal or modify existing state gambling laws, except that casino gambling or sports wagering is not prohibited by another law if conducted as authorized;

H.B. 2856 (Swanson) – State Representative Approval for Bonds: would provide that: (1) applicants for low-income housing tax credits for developments financed through the private activity bond program must provide notice of the intent to file the application to the state representative and governing body of the city where the development is located; and (2) an application for housing tax credits for a development financed through the private activity bond program may not be approved if the state representative submits a letter opposing the development.

H.B. 2859 **(Ashby) – Franchise Tax**: would provide that a taxable entity: (1) shall exclude from its total revenue certain broadband grant proceeds; (2) may include as a cost of goods sold any expense paid using qualifying broadband grant proceeds for the purposes of broadband deployment; and (3) may include as compensation any expense paid using qualifying broadband grant proceeds for the purpose of broadband deployment. (Companion bill is **S.B. 1243** by **Huffman**.)

H.B. 2863 **(Leo-Wilson) – Online Public Notices**: would provide that a governmental entity satisfies the newspaper publication public notice requirement if the notice is posted on the newspaper's website, subject to the same notice time, content, appearance, and other requirements to the extent possible.

H.B. 2945 **(Cain) – Egg Grading**: would, among other things, provide that a state agency or political subdivision may not prohibit certain persons, including a retailer selling eggs to the ultimate consumer of eggs, from purchasing, reselling, or using eggs that are sold by a person selling only ungraded eggs produced by the person's own flock. (Companion bill is **S.B. 481** by **Johnson**.)

H.J.R. 123 **(Burns) – Unfunded Mandates**: would amend the Texas Constitution to provide that a law enacted by the legislature on or after January 1, 2024 that requires a city or county to establish, expand, or modify a duty or activity that requires the expenditure of revenue by the city or county is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the city or county, for the payment or reimbursement of the costs incurred for the biennium by the city or county in complying with the requirement.

S.B. 1082 **(Hall) – Government Documents**: would require that all government documents, policies, surveys, questionnaires, reports, publications, notices, or other written or electronic material reference only male or female when requesting or providing information regarding a person's sex.

S.B. 1097 **(Parker) – Municipal Hospitals**: would: (1) limit the total of all available damages in a breach of contract suit against a municipal hospital authority located in a county with a population under 70,000 involving the sale of an municipal hospital authority-owned hospital to the amount due and owing under the contract; (2) allow the municipal hospital authority to indemnify the hospital purchaser under the contract; and (3) waive governmental immunity for (1), above.

S.B. 1105 **(Birdwell) – Removal of City Officers**: would, among other things: (1) authorize the governor by executive order to suspend a county or city officer for: (a) publicly declaring that they will not enforce the laws of this state; (b) willfully neglecting the duties of their office; or (c) being finally convicted of a felony; (2) establish the process by which the senate shall set a day and time to conduct a vote whether to remove the officer suspended under (1), above; and (3) establish the process by which the officer suspended under (1), above, may be permanently removed or reinstated based on the senate vote under (2), above. (See **S.J.R. 60**, below.)

S.B. 1110 **(Schwertner) – Municipal Utility Fund Transfers**: would: (1) prohibit a city from transferring revenue from the municipal utility to the city's general fund if the transfer would result

in a rate increase or financial deficit for the utility; and (2) prohibit a municipal utility from including transfers of revenue from the utility to the general fund of the city in the utility's cost of service study.

S.B. 1142 (Paxton) – Personal Identification License Fee: would, among other things, increase the fee that a city or county can charge for providing driver's license and personal identification certificate services from $5 to $10, but prohibits charging such fee in connection with providing voter registration.

S.B. 1189 (Parker) – Contracts with Russia-Related Businesses: would, among other things: (1) direct the comptroller to add companies that enter into contracts with, or provide military equipment to, the government of the Russian Federation to the comptroller's list of scrutinized companies with whom public entities may not invest; (2) prohibit governmental entities from entering into contracts with a company with 10 or more full-time employees, and the contract has a value of $100,000 or more unless the contract contains a written verification from the company that it is not a scrutinized business operations as described in (1), above; (3) exempt a governmental entity from (2), above, if it determines that the prohibition in (2), above, is inconsistent with its constitutional or statutory duties related to issuing, incurring, or managing debt obligations, deposits, custody, borrowing, or investment, of public funds; and (4) only apply to contracts entered into after September 1, 2023. (Companion bill is **H.B. 2823** by **Anchia**.)

S.B. 1204 (Paxton) – Information Technology Infrastructure: would, among other things, provide that: (1) the Department of Information Resources (DIR) may establish an interstate information sharing and analysis organization the provide a forum for states to share information regarding cybersecurity threats, best practices, and remediation strategies; (2) a local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident: (a) comply with the notification requirements of the Identify Theft Enforcement and Protection Act to the same extent as a person who conducts business in this state; (b) not later than 24 hours after the discovery of the security incident, notify: (i) the DIR, including the chief information security officer; or (ii) if the security incident involves election data, the secretary of state; and (c) comply with all DIR rules relating to security incidents; and (3) not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a local government shall notify the DIR, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident.

S.B. 1205 (Paxton) – Information Technology Modernization: would, among other things: (1) provide that a state agency or local government that uses the state electronic Internet portal may use electronic payment methods, including the acceptance of peer-to-peer payments, credit cards, or debit cards; (2) provide that the Department of Information Resources (DIR) may use appropriated money to market to state agencies and local governments shared information resources technology services offered by the DIR, including data center, disaster recovery, and cybersecurity services; (3) provide that unless granted an exemption by the DIR, a state agency or local government shall use the top-level domain ".gov" or ".texas.gov" for the entity's official Internet website; (4) require the DIR to assist state agencies and local governments in obtaining a

".gov" or ".texas.gov" domain for the entity's official Internet website; (5) provide that the DIR may establish a grant program to assist state agencies' and local governments' transition to the ".gov" or ".texas.gov" domain; and (6) provide that if the DIR establishes a grant program, the DIR must enter into a contract that includes performance requirements with each grant recipient and shall monitor and enforce the terms of the contract.

S.B. 1238 (Nichols) – Broadband Service Funding: would, among other things: (1) define "broadband service" as: (a) service of at least 25 mbps for a download and 3 mbps for an upload, and; (b) network round-trip latency less than or equal to 100 milliseconds based on 95 percent of speed measurements; (2) authorize the comptroller to adopt FCC broadband speed standards by rule if different than (1), above; (3) define unserved areas, underserved areas, and served areas for the comptroller's broadband development office's (BDO) broadband development map for funding eligibility purposes; (4) authorize the BDO to award grants, low-income loans, and other financial incentives to applicants to deploy eligible broadband infrastructure projects in unserved and underserved areas, and certain parts of served areas; (5) authorize the BDO to award grants to applicants to deploy non-broadband infrastructure projects that expand the adoption, accessibility, or affordability, of broadband service, including education, training, community outreach, remote learning, telehealth facilities, equipment purchases, or other permitted uses; (6) prohibit the BDO from awarding grants, loans, or other financial incentives to applicants to deploy last-mile broadband service to a location already subject to a federal commitment to deploy qualifying broadband service, except under certain circumstances; and (7) direct the BDO to prioritize broadband infrastructure projects that connect each end-user location using end-to-end fiber optic cable.

S.B. 1243 (Huffman) – Franchise Tax: would provide that a taxable entity: (1) shall exclude from its total revenue certain broadband grant proceeds; (2) may include as a cost of goods sold any expense paid using qualifying broadband grant proceeds for the purposes of broadband deployment; and (3) may include as compensation any expense paid using qualifying broadband grant proceeds for the purpose of broadband deployment. (Companion bill is **H.B. 2859** by **Ashby**.)

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

S.B. 1252 (Bettencourt) – Tax Elections: would require a ballot proposition for the imposition or increase of a tax to include the statement "THIS IS A TAX INCREASE."

S.B. 1260 (Creighton) – Airport Infrastructure Contracts: would: (1) prohibit a city or a person operating an airport on a city's behalf from entering into an airport infrastructure or equipment contract with an entity that a federal court has determined has misappropriated another entity's intellectual property or trade secrets and is: (a) owned in whole or part by, is controlled by, or receives subsidies from a government of a priority foreign country under the Trade Secrets Act of 1974; (b) subject to monitoring by the Office of the U.S. Trade Representative; or (c) under

common ownership with, or is a successor to an entity described in (1)(a) or (b), above; (2) require that any contract for airport infrastructure or equipment goods or services entered into by a city or city airport operator contain a written statement by the contractor verifying that it is not an entity described under (1)(a) - (c), above, and renders any contract without such verification or where such verification is found to be false voidable by the city or city airport operator; and (3) extend the possible term of an agreement between a city and city airport operator from 40 years to 99 years.

S.J.R. 60 (Birdwell) – Removal of City Officers: would amend the Texas Constitution to, among other things: (1) authorize the governor by executive order to suspend a county or city officer for: (a) publicly declaring that they will not enforce the laws of this state; (b) willfully neglecting the duties of their office; or (c) being finally convicted of a felony; (2) establish the process by which the senate shall set a day and time to conduct a vote whether to remove the officer suspended under (1), above; and (3) establish the process by which the officer suspended under (1), above, may be permanently removed or reinstated based on the senate vote under (2), above. (Companion bill is **S.B. 1105** by **Birdwell**.)

Personnel

H.B. 2539 (Noble) – Workers' Compensation: would provide that for purposes of workers' compensation, an injury is not compensable if the injury arises while the employee performs job duties for an employer at: (1) the employee's home; or (2) a location: (a) that is not owned, operated, or controlled by the employer; or (b) at which the employee is not specifically required to be to perform the employee's job duties.

H.B. 2600 (Frazier) – Law Enforcement Termination: would provide that a law enforcement agency may not terminate the employment of a peace officer solely because the peace officer has sought or received mental health care.

H.B. 2604 (Morales Shaw) – Paid Parental Leave: would, among things, provide that: (1) the Texas Workforce Commission (Commission) shall establish the Texas Family Fund Program (Program) to administer, distribute payments for, and assess contributions for paid parental leave; (2) an employee who has worked for an employer, including a city, for not less than 540 hours during the preceding six months or on a full-time basis during the preceding three months shall be entitled to 12 weeks of paid leave funded by the Program for the: (a) birth of a child; (b) birth of a child by the employee's spouse; (c) birth of a child by a gestational surrogate; or (d) adoption of a child; (3) an employee who takes paid leave under (2), above, is entitled to: (a) paid leave for each week of paid leave taken in an amount equal to: (i) 100 percent of the employee's weekly wage if the employee is paid an hourly rate that is not greater than $15 an hour; or (ii) an annual salary as a full-time employee that is not greater than $31,200; (b) 95 percent of the employee's weekly wage if the employee is paid: (i) an hourly rate that is more than $15 an hour and not greater than $20 an hour; or (ii) an annual salary as a full-time employee that is more than $31,200 and not greater than $41,600; or (c) 80 percent of the employee's weekly wage or $1,000, whichever amount is less, if the employee is paid: (i) an hourly rate that is more than $20 an hour; or (ii) an annual salary as a full-time employee that is more than $41,600; (4) an employee is not entitled to paid leave under (2), above, in addition to any leave the employee is entitled to under the federal

Family and Medical Leave Act or for any period during which the employee is taking other paid leave; (5) except for an employer who maintains a self-funded paid leave policy, an employer shall pay a contribution on wages paid during a calendar year to the Commission in an amount equal to 0.15 percent of all wages paid by the employer during the calendar year, and may not deduct any part of a contribution from the wages of an individual; and (6) on receipt of contributions under (5), above, the Commission shall forward the contributions to the comptroller and the comptroller shall immediately deposit contributions in the Texas Family Fund for the payment of paid leave in accordance with (2), above. (Companion by **S.B. 1079** by **Zaffirini**.)

H.B. 2782 (Shine) – Firefighter Age Limit: would provide that, in a civil service city, the maximum age for a beginning position as a firefighter in a fire department, shall be 45 years instead of 36 years.

H.B. 2925 (A. Martinez) – Civil Service: would provide that: (1) an election is not required for a city to adopt or repeal civil service; and (2) civil service applies only to a city that has a population of 25,000 or more and has a paid fire department or police department.

SB 1079 (Zaffirini) – Paid Parental Leave: would, among things, provide that: (1) the Texas Workforce Commission shall establish the Texas Family Fund Program (Program) to administer, distribute payments for, and assess contributions for paid parental leave; (2) an employee who has worked for an employer, including a city, for not less than 540 hours during the preceding six months or on a full-time basis during the preceding three months shall be entitled to 12 weeks of paid leave funded by the Program for the: (a) birth of a child; (b) birth of a child by the employee's spouse; (c) birth of a child by a gestational surrogate; or (d) adoption of a child; (3) an employee who takes paid leave under (2), above, is entitled to: (a) paid leave for each week of paid leave taken in an amount equal to: (i) 100 percent of the employee's weekly wage if the employee is paid an hourly rate that is not greater than $15 an hour; or (ii) an annual salary as a full-time employee that is not greater than $31,200; (b) 95 percent of the employee's weekly wage if the employee is paid: (i) an hourly rate that is more than $15 an hour and not greater than $20 an hour; or (ii) an annual salary as a full-time employee that is more than $31,200 and not greater than $41,600; or (c) 80 percent of the employee's weekly wage or $1,000, whichever amount is less, if the employee is paid: (i) an hourly rate that is more than $20 an hour; or (ii) an annual salary as a full-time employee that is more than $41,600; (4) an employee is not entitled to paid leave under (2), above, in addition to any leave the employee is entitled to under the federal Family and Medical Leave Act or for any period during which the employee is taking other paid leave; (5) except for an employer who maintains a self-funded paid leave policy, an employer shall pay a contribution on wages paid during a calendar year to the Commission in an amount equal to 0.15 percent of all wages paid by the employer during the calendar year, and may not deduct any part of a contribution from the wages of an individual; and (6) on receipt of contributions under (5), above, the Commission shall forward the contributions to the comptroller and the comptroller shall immediately deposit contributions in the Texas Family Fund for the payment of paid leave in accordance with (2), above.(Companion bill is **H.B. 2604** by **Morales Shaw**.)

Purchasing

H.B. 2518 (Bell) – Public Work Contracts: would provide, among other things, that: (1) a governmental entity that enters into a public work contract with a prime contractor or authorizes a nongovernmental entity leasing public property from the governmental entity to enter into a public work contract with a prime contractor, shall require the contractor, at least 10 days before beginning the work, to execute to the governmental entity a performance bond and a payment bond in certain circumstances; (2) a nongovernmental entity leasing public property from a governmental entity that enters into a public work contract with a prime contractor shall require the contractor, at least 10 days before beginning the work, to submit to the governmental entity a notice of commencement that: (a) identifies the contract; (b) identifies the specific leasehold at which the work will be performed; (c) describes the work to be performed; and (d) states the total cost of the work to be performed; and (3) a governmental entity is not liable as a surety if a prime contractor of a nongovernmental entity leasing property from the governmental entity fails to submit to the governmental entity the notice of commencement required in (2), above.

H.B. 2753 (Smithee) – Public Work Contracts: would provide that a governmental entity awarding a public work contract funded in whole or in part with state or local governmental money or governmentally administered financial assistance, including the issuance of debt guaranteed by this state or a local governmental entity, money from ratepayers, or money from user fees may not: (1) prohibit, require, discourage, or encourage a person bidding on the public work contract, including a contractor or subcontractor, from entering into or adhering to an agreement with a collective bargaining organization relating to the project; or (2) discriminate against a person based on the person's involvement in the agreement, including the person's status or lack of status as a party to the agreement or willingness or refusal to enter into the agreement. (Companion is **S.B. 936** by **Hancock**.)

H.B. 2854 (Gervin-Hawkins) – Construction Contract Change Orders: would provide that: (1) certain construction contracts with an original contract price of $5 million or more may not be increased by more than 25 percent; (2) if a change order for a contract with an original contract price of less than $5 million increases the contract amount to $5 million or more, subsequent change orders may not increase the revised contract amount by more than 25 percent; (3) a contract with an original contract price of less than $5 million may not be increased in the aggregate by more than the greater of: (a) 50 percent; or (b) $1 million; and (4) a governing body may grant authority to an official or employee responsible for purchasing or for administering a contract to approve a change order that involves an increase or decrease of $250,000 or less.

S.B. 1125 (Johnson) – Information Technology Commodity Items: would define "technology services" under the commodity items definition to mean services, regardless of how the fees for those services are generally charged, that: (1) relate to the development, configuration, review, assessment, acquisition, implementation, or maintenance of information technology hardware, software, or services; or (2) consist of other routine technology services not described in (1), above.

S.B. 1159 (Johnson) – Department of Information Resources: would, among other things, provide that if the executive director of the Department of Information Resources (DIR) determines that participation is in the best interest of this state, cities, volunteer fire departments, and public hospitals owned or operated by a city, among other entities, are eligible customers for services DIR provides including: (1) network security services; (2) regional cybersecurity support

and network security services; (3) the availability of commodity items for purchase; and (4) consolidated telecommunication systems.

S.B. 1203 (Kolkhorst) – Public Work Contracts: would include the option to determine the general prevailing rate of per diem wages in the locality in which the public work is to be performed for each craft or type of worker needed to execute the contract and the prevailing rate for legal holiday and overtime work, as required by law for a contract for a public work awarded by a political subdivision, including a city, if each county in which the public work is located has a population of less than one million, by using the most recent data, as of the time when the political subdivision submitted the public work for bids or requested proposals, compiled by the Texas Workforce Commission's Labor Market and Career Information Department, including occupational employment statistics wage data for: (1) the local workforce development area or metropolitan statistical area relating to the locality in which the public work is performed; or (2) the state, but only if there is no data available for the relevant local workforce development area or the metropolitan statistical area for the specific occupation, as classified by the United States Office of Management and Budget in the North American Industry Classification System, for which data is sought.

Transportation

H.B. 2678 (Cook) – Advanced Air Mobility Committee: would, among other things: (1) create an advisory committee including representatives from various industries, local government, and the general public, to assess state law and make recommendations for implementing advanced air mobility technology in Texas; and (2) require the Texas Department of Transportation to: (a) review aviation standards and guidelines to ensure they are applicable to the new technology; (b) develop a statewide plan for vertiports and associated infrastructure; and (c) provide resources and assistance to local governments and industry.

H.B. 2832 (Reynolds) – Loans for Multimodal Projects: would provide for the creation of a multimodal project revolving fund in the state's general revenue fund to enhance connectivity between marine ports, airports, inland ports, and the state highway system by providing loans for qualified projects to local governmental entities, including cities.

H.B. 2934 (Romero) – TxDOT Study of Roadway Impact Fees: would provide that: (1) the Texas Department of Transportation would conduct a study to determine the feasibility of using municipal impact fees to pay for roadway facilities necessary due to municipal development; and (2) the study in section (1), above, will consider, among other things, roadway facility needs, municipal debt, impact fee imposition and collection costs, the use of the fees, and effects on local transportation needs.

Utilities and Environment

H.B. 2073 (Price) – Electricity Costs: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility's fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs; and (b) the

utility's under-collected or over-collected balance of electric fuel and purchased power costs is collected from or refunded to customers through adjustment of the utility's fuel factor not later than the 90th day after the date the balance is accrued; (2) provide that the PUC is not required to hold a hearing on the adjustment of an electric utility's fuel factor under the bill; and (3) provide that a customer of the electric utility, a city with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's reasonably stated fuel and purchased power costs on an ongoing basis, including the true-up of any over- or under-collected balance. (Companion bill is **S.B. 1095** by **Schwertner**.)

H.B. 2524 (Thierry) – Public Utility Commission/Energy Blackouts: would require: (1) the Public Utility Commission to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region; (2) the rules in (1), above, to provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (3) the independent organization for the ERCOT power region to adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; and (4) the independent organization for the ERCOT power region to use all other sources of power and demand reduction available before the independent organization calls on the emergency reserve power generation capacity to prevent blackout conditions.

H.B. 2531 (Plesa) – Water and Electricity Shutoffs: would provide that: (1) not later than three hours after an electric utility intentionally shuts off electric power to a customer in response to an emergency event, the utility, or the customer's retail electric provider, as appropriate, shall notify the customer of the shutoff by e-mail or text message, which must include the following information: (a) the estimated time and date that the utility will restore electric power to the customer; and (b) whether the shutoff is part of an involuntary load shedding event; (2) not later than three hours after a municipally owned utility intentionally shuts off electric power to a customer in response to an emergency event, the utility shall notify the customer of the shutoff by e-mail or text message, which must include the following information: (a) the estimated time and date that the utility will restore electric power to the customer; and (b) whether the shutoff is part of an involuntary load shedding event; (3) not later than three hours after an electric cooperative intentionally shuts off electric power to a customer in response to an emergency event, the utility shall notify the customer of the shutoff by e-mail or text message, which must include the following information: (a) the estimated time and date that the utility will restore electric power to the customer; and (b) whether the shutoff is part of an involuntary load shedding event; and (4) not later than three hours after a retail public utility intentionally shuts off water service to a customer in response to an emergency event, the utility shall notify the customer of the shutoff by e-mail or text message, which must include the estimated time and date that the utility will restore water service to the customer.

H.B. 2555 (Metcalf) – Electricity Resiliency Planning and Cost Recovery: would, among other things, provide that: (1) an electric utility may file, in a manner authorized by Public Utility Commission rule, a plan to enhance the resiliency of the utility's transmission and distribution system through at least one of the following methods: (a) hardening electrical transmission and distribution facilities; (b) undergrounding certain electrical distribution lines; (c) lightning mitigation measures; (d) flood mitigation measures; (e) information technology and cybersecurity measures; (f) vegetation management; or (g) wildfire mitigation and response; (2) an electric utility may file with a plan an application for a rider to recover all or a portion of the estimated costs relating to the electric utility's implementation of the plan; (3) if the PUC approves the plan in (1), above, the PUC shall determine the appropriate terms of the rider in the approval order; (4) a rider approved under the bill must allow the electric utility to begin recovering the levelized cost of implementing the approved plan at the time the plan is first implemented; (5) if an electric utility that files a plan with the PUC does not apply for a rider under (2), above, the utility may defer all or a portion of the costs relating to the implementation of the plan for future recovery as a regulatory asset, including carrying costs at the utility's weighted average cost of capital established in the PUC's final order in the utility's most recent base rate proceeding, and use PUC authorized cost recovery alternatives or another general rate or proceeding; and (6) plan costs considered by the PUC to be reasonable and prudent may not include costs recovered through the electric utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the PUC. (Companion bill is **S.B. 1111** by **Schwertner**.)

H.B. 2663 (Tepper) – Customer Choice: would, among other things: (1) provide that a municipally owned utility that opts for customer choice and does not sell electric energy to retail customers is not required to bill directly for distribution, transmission, and generation services provided to retail electric customers located in its certificated service area and a retail electric provider may provide billing services for distribution, transmission, and generation services provided to those customers; (2) repeal existing law that authorizes certain municipal owned utility customers to opt into being billed directly by each service provider or to receive a single bill for distribution, transmission, and generation services (3) provide that on its initiation of customer choice, a municipally owned utility may designate itself or one or more other entities as the provider or providers of last resort for customers within the municipally owned utility's certificated service area as that area existed on the date of the utility's initiation of customer choice; (4) provide that the municipally owned utility shall fulfill the role of default provider of last resort in the event no other entity is available to act in that capacity if the municipally owned utility continues to sell electric energy to retail customers after the initiation of customer choice; and (5) provide that if customer is unable to obtain service from a retail electric provider or a municipally owned utility or electric cooperative offering customer choice, on request by the customer, the applicable provider of last resort shall offer the customer the standard retail service package for the appropriate customer class, with no interruption of service, at a fixed, nondiscountable rate that is at least sufficient to cover the reasonable costs of providing that service, as approved by the governing body of the municipally owned utility that has the authority to set rates. (Companion bill is **S.B. 1170** by **Perry**.)

H.B. 2664 (Tepper) – Customer Information: would provide that a government-operated utility may disclose personal information in a customer's account record to: (1) another entity as necessary to facilitate the transition of customers among retail electric providers or to comply with

rules, guidelines, and procedures established by an independent organization certified for the ERCOT power region; or (2) a retail electric provider. (Companion bill is **S.B. 1171** by **Perry**.)

H.B. 2701 (Guillen) – Powers of Public Utility Entities: would, among other things, provide that: (1) each public entity that cooperates with one or more public entities to engage in, among other things, the disposal of sewage may: (a) make an acquisition of land, easements, and property through a purchase from a public or private entity; and (b) for the use and benefit of each participating public entity, acquire by purchase a public utility, other than an affected county; and (2) a participating public entity may withdraw from a public utility agency by providing an ordinance or resolution of the governing body of the participating public entity to the agency not later than the 180th day before the proposed date of withdrawal; (3) a participating public entity may not withdraw from a public utility agency under (2), above, if bonds, notes, or other obligations of the agency are secured by the revenues of the participating public entity, unless the agency adopts a resolution approving the withdrawal; (4) upon withdrawal, a participating public entity assumes the outstanding debt attributable to that entity from the agency on a prorated basis equal to that entity's benefit and has, without compensation from the agency, no further rights, duties, or obligations relating to the agency or ability to receive service from the facilities of the agency; (5) a public utility agency may enter into an interlocal contract; (6) except as limited by a concurrent ordinance under which the public utility agency is created, an agency may exercise any right or power granted by general law to a county or city or a district or authority to accomplish the purposes of the agency, including issuing bonds payable from special assessments but that the bill does not authorize a public utility agency to impose a tax; and (7) liability for the facilities and management of the agency must be transferred to the agency on ownership of the facilities by the agency.

H.B. 2713 (Dean) – Electric Utility Rates: would: (1) define "employee compensation and benefits" to include base salaries, wages, incentive compensation, and benefits, but not pension, other postemployment benefits, or incentive compensation; and (2) provide that, when establishing an electric utility's rates, the regulatory authority, including a city, shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent with recent market compensation studies not earlier than three years before the initiation of the proceedings to establish the rates. (Companion bill is **S.B. 1016** by **King**.)

H.B. 2761 (Landgraf) – Public Works Air Contaminants: would, among other things: (1) define "public work project" as a project to construct, alter, or repair a civil engineering project, including a road, street, bridge, underground utility, water supply project, water plant, wastewater plant, or airport runway or taxiway, under a contract entered into by a governmental entity under the state law governing contracting and delivery procedures for construction projects; and (2) provide that the Texas Commission on Environmental Quality (TCEQ) shall issue a standard permit, if the TCEQ finds that the permit is enforceable, for a facility that: (a) is dedicated solely to the provision of material for a public work project conducted under: (i) a single contract; or (ii) one of multiple contracts for related project segments by the same contractor; (b) is not covered by an individual permit; (c) is located in or contiguous to the right-of-way of public work project; (d) can adequately monitor compliance with the terms of the standard permit; and (e) will use certain control technology.

H.B. 2762 (Guillen) – Public Drinking Water Supply Systems: would: (1) require the Texas Commission on Environmental Quality to adopt rules establishing 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; (2) require the rules in (1), above, to establish that eight recreational vehicle or cabin sites at a recreational vehicle park, whether occupied or not, are equivalent to one residential metered connection; and (3) provide that a retail public utility, other than a municipally owned utility, providing water or sewer service to a recreational vehicle park shall ensure that billing for the service is based on actual water usage recorded by the retail public utility.

H.B. 2774 (E. Thompson) – Water Rate Proceedings: would, among other things, provide that for the purposes of rate proceedings for water and sewer utilities: (1) if an expense is allowed to be included in utility rates or an investment is included in the utility rate base, the related income tax benefit must be included in the computation of income tax expense to reduce the rates; (2) if an expense is not allowed to be included in utility rates or an investment is not included in the utility rate base, the related income tax benefit may not be included in the computation of income tax expense to reduce the rates; and (3) the amount of income tax that a consolidated group of which a utility is a member saves, because the consolidated return eliminates the intercompany profit on purchases by the utility from an affiliate, shall be applied to reduce the cost of the property or service purchased from the affiliate.

H.B. 2787 (Gates) – Municipally Owned Water Utilities: would provide that: (1) a city may not charge a late payment fee that is more than the greater of $5 or two percent of the amount past due, not to exceed $500; (2) notwithstanding the provisions of a resolution or ordinance, a customer charged a late fee may appeal the charge by filing a petition with the Public Utility Commission (PUC); and (3) the PUC shall hear the appeal described in (2), above, de novo and the city charging the fee has the burden of proof to establish the fee complies with (1), above.

H.B. 2793 (Anchia) – Distributed Energy Resources: would, among other things, provide that: (1) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system only if: (a) the owner or operator is registered with the Public Utility Commission (PUC) as a power generation company; or (b) the distributed energy resource is part of an aggregated distributed energy resource and: (i) the aggregated distributed energy resource is registered in its own corporate capacity as a power generation company with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; or (ii) the owner is not registered separately as a power generation company, but the distributed energy resource is operated by, and included in the registration of, a power generation company that is registered with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; (2) a transmission and distribution utility may allow interconnection to a transmission and distribution utility's distribution system in the ERCOT power region only if: (a) the distributed energy resource meets applicable safety, technical, and operational performance and cybersecurity standards; and (b) the owner or operator of the distributed energy resource meets any applicable qualifications and testing requirements of the independent organization for the ERCOT power region; (3) an interconnecting transmission and distribution utility or retail electric provider

providing service to a distributed energy resource to which the bill applies is not liable for: (a) a violation of reliability or service metrics caused by distributed energy resource operations; (b) damage, injury, or loss caused by distributed energy resource operations; or (c) a distributed energy resource's inability or failure to provide services or a penalty for such inability or failure; and (4) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system in an area in which customer choice has been introduced. (Companion bill is **S.B. 1212** by **Johnson**.)

H.B. 2815 (Jetton) – Water Districts: would, among other things: (1) provide that the board of a water district, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed real property in the district, may adopt an order dividing the district; (2) provide that city consent to the creation of the district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district; (3) provide that water control and improvement districts, fresh water supply districts, and municipal utility districts may not exercise the power of eminent domain outside the district boundaries to acquire: (a) a site for a water treatment plant or a wastewater treatment plant, unless the engineer for the district makes a recommendation, based on the engineer's professional judgment, to acquire the site; (b) a site for a park or recreational facility; (c) an exclusive easement through a county regional park; or (d) a site, right of way, or easement for a road project; (4) provide that the governing body of a city after notice and hearing may remove a director of a municipal management district appointed by that city for misconduct or failure to carry out the director's duties on petition by a majority of the remaining directors; (5) repeal the hearing requirement for the creation of a municipal management district; and (6) repeal the provision that states that a municipal utility district may not exercise the power of eminent domain outside the district boundaries to acquire: (a) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant; (b) a site for a park, swimming pool, or other recreational facility; (c) an exclusive easement through a county regional park; or (d) a site or easement for a road project.

H.B. 2905 (Goodwin) – Concrete Plants: would, among other things, provide that: (1) the Texas Commission on Environmental Quality (TCEQ) shall accept written questions about the facility from the public until the 15th day before the date of the hearing or meeting; (2) not later than the 14th day before the date of the hearing or meeting, the TCEQ shall notify each city and county in which the facility is located or proposed to be located, among others, of the date, time, and place of the hearing or meeting; (3) a person authorized to use a standard permit for the production of aggregates or the operation of a concrete plant must, among other things, install equipment to monitor noise levels and emissions of air contaminants, including particulate matter with a diameter equal to or less than 2.5 microns and equal to or less than 10 microns, from the facility at three points on the perimeter of the property on which the facility is located that are as equidistant as possible, provided that: (a) one point must be at the point on the perimeter that is closest to the nearest building in use as a single-family or multifamily residence, school, place of worship, licensed day-care facility, or commercial enterprise; (b) one point must be at a point on the perimeter of the property on which the facility is located that is upwind, based on the predominant wind direction, from the facility; and (c) the TCEQ may authorize one monitoring location to be used to satisfy the requirements of (4)(a) and (b), above; (4) a person authorized to

use a standard permit for the production of aggregates or the operation of a concrete plant shall ensure that noise created by the permitted facility does not exceed: (a) 70 decibels at the points at which monitors are installed under (3), above; or (b) 65 decibels at the perimeter of a property that is: (i) a single-family or multifamily residence, school, place of worship, licensed day-care facility, or commercial enterprise; and (ii) located within 880 yards of the permitted facility; and (5) only a representative of a place of worship, licensed day-care center, licensed nursing facility, licensed assisted living facility, licensed intermediate care facility, hospital, or medical facility or a person or a person residing within 440 yards of a proposed concrete plant may request a public hearing from the TCEQ regarding the construction of a concrete plant.

H.J.R. 119 (Goodwin) – Right to Clean and Healthy Environment: would amend the Texas Constitution to provide that: (1) the public, individually and collectively, has the right to a clean and healthy environment, including clean water, clean air, healthy soil, and diverse and abundant native flora and fauna, and to the preservation of the natural, cultural, scenic, recreational, and healthful qualities of the environment; (2) the right to a clean and healthy environment is inherent, inalienable, indefeasible, and equal with other protected inalienable rights of liberty reserved to the public and the state shall equitably protect this right for the public and may not take any action to infringe on this right; (3) the public natural resources of Texas are the common property of all persons, including future generations; and (4) the state, including the legislative, judicial, and executive branches and each state agency and political subdivision, shall conserve, protect, and maintain the state's public natural resources for the benefit of the public, including future generations.

S.B. 1050 (Hughes) – Natural Gas Energy Conservation Programs: would, among other things: (1) provide that a local distribution company may offer to customers and prospective customers and provide to customers an energy conservation program; (2) provide that the Railroad Commission (RRC) has exclusive original jurisdiction over energy conservation programs implemented by local distribution companies; (3) provide that a political subdivision served by a local distribution company that implements an energy conservation program approved by the RRC under the bill may not limit, restrict, or otherwise prevent an eligible customer from participating in the energy conservation program based on the type or source of energy delivered to the customer; (4) provide that a local distribution company may recover costs prudently incurred to implement one or more energy conservation programs under certain circumstances; and (5) require the RRC to adopt rules that require local distribution company that implements an energy conservation program under the bill to submit to the RRC an annual report. (Companion bill is **H.B. 2263** by **Darby**.)

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

S.B. 1093 (Schwertner) – Electricity Supply Chain: would: (1) require each electric utility and municipally owned utility to provide the utility's service area boundary map in a geographic information system format to the Public Utility Commission; (2) add to the definition of "electricity supply chain" roads necessary to access facilities in the electricity supply chain; (3) provide that a reference in the bill to the "electricity supply chain" includes water and wastewater treatment plants; (4) add the executive director of the Texas Department of Transportation to the Texas Electricity Supply Chain Security and Mapping Committee (Committee); and (5) provide that, on request, the Committee shall provide view-only access to the electricity supply chain map to: (a) an electric utility, a transmission and distribution utility, an electric cooperative, or a municipally owned utility; (b) an operator of a gas supply chain facility; or (c) an operator of a gas pipeline facility.

S.B. 1095 (Schwertner) – Electricity Costs: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility's fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs; and (b) the utility's under-collected or over-collected balance of electric fuel and purchased power costs is collected from or refunded to customers through adjustment of the utility's fuel factor not later than the 90th day after the date the balance is accrued; (2) provide that the PUC is not required to hold a hearing on the adjustment of an electric utility's fuel factor under the bill; and (3) provide that a customer of the electric utility, a city with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility has incurred or will incur so that the utility is not substantially over-collecting or under-collecting the utility's reasonably stated fuel and purchased power costs on an ongoing basis, including the true-up of any over- or under-collected balance. (Companion bill is **H.B. 2073** by **Price**.)

S.B. 1111 (Schwertner) – Electricity Resiliency Planning and Cost Recovery: would, among other things, provide that: (1) an electric utility may file, in a manner authorized by Public Utility Commission rule, a plan to enhance the resiliency of the utility's transmission and distribution system through at least one of the following methods: (a) hardening electrical transmission and distribution facilities; (b) undergrounding certain electrical distribution lines; (c) lightning mitigation measures; (d) flood mitigation measures; (e) information technology and cyber security measures; (f) vegetation management; or (g) wildfire mitigation and response; (2) an electric utility may file with a plan an application for a rider to recover all or a portion of the estimated costs relating to the electric utility's implementation of the plan; (3) if the PUC approves the plan in (1), above, the PUC shall determine the appropriate terms of the rider in the approval order; (4) a rider approved under the bill must allow the electric utility to begin recovering the levelized cost of implementing the approved plan at the time the plan is first implemented; (5) if an electric utility that files a plan with the PUC does not apply for a rider under (2), above, the utility may defer all or a portion of the costs relating to the implementation of the plan for future recovery as a regulatory asset, including carrying costs at the utility's weighted average cost of capital established in the PUC's final order in the utility's most recent base rate proceeding, and use PUC authorized cost recovery alternatives or another general rate or proceeding; and (6) plan costs considered by the PUC to be reasonable and prudent may not include costs recovered through the

electric utility's base rates and must be allocated to customer classes pursuant to the rate design most recently approved by the PUC. (Companion bill is **H.B. 2555** by **Metcalf**.)

S.B. 1114 (Hancock) – Ban on Regulation of Products for Emissions Reduction: would prohibit political subdivisions, including cities, from adopting or enforcing any measure or entering a contract that prohibits or restricts the use or sale of a product that is otherwise permitted by state and federal law for the purpose of reducing greenhouse gas emissions or conserving natural resources.

S.B. 1117 (Hancock) – Right-of-Way Rental Fees: would, for purposes of city right-of-way rental fees from cable and video providers: (1) clarify that "video service" means video programming services provided by a video service provider through wireline facilities located at least in part in the public right-of-way without regard to deliver technology, including Internet protocol technology; and (2) provide that the term "video service" does not include direct-to-home satellite services or any video programming accessed via a service that enables users to access content, information, electronic mail, or other services offered over the Internet, including streaming content. (Companion bill is **H.B. 1303** by **Geren**.)

S.B. 1170 (Perry) – Customer Choice: would, among other things: (1) provide that a municipally owned utility that opts for customer choice and does not sell electric energy to retail customers is not required to bill directly for distribution, transmission, and generation services provided to retail electric customers located in its certificated service area and a retail electric provider may provide billing services for distribution, transmission, and generation services provided to those customers; (2) repeal existing law that authorizes certain municipal owned utility customers to opt into being billed directly by each service provider or to receive a single bill for distribution, transmission, and generation services; (3) provide that on its initiation of customer choice, a municipally owned utility may designate itself or one or more other entities as the provider or providers of last resort for customers within the municipally owned utility's certificated service area as that area existed on the date of the utility's initiation of customer choice; (4) provide that the municipally owned utility shall fulfill the role of default provider of last resort in the event no other entity is available to act in that capacity if the municipally owned utility continues to sell electric energy to retail customers after the initiation of customer choice; and (5) provide that if customer is unable to obtain service from a retail electric provider or a municipally owned utility or electric cooperative offering customer choice, on request by the customer, the applicable provider of last resort shall offer the customer the standard retail service package for the appropriate customer class, with no interruption of service, at a fixed, nondiscountable rate that is at least sufficient to cover the reasonable costs of providing that service, as approved by the governing body of the municipally owned utility that has the authority to set rates. (Companion bill is **H.B. 2663** by **Tepper**.)

S.B. 1171 (Perry) – Customer Information: would provide that a government-operated utility may disclose personal information in a customer's account record to: (1) another entity as necessary to facilitate the transition of customers among retail electric providers or to comply with rules, guidelines, and procedures established by an independent organization certified for the ERCOT power region; or (2) a retail electric provider. (Companion bill is **H.B. 2264** by **Tepper**.)

S.B. 1175 (Eckhardt) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, nursing facility, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

S.B. 1212 (Johnson) – Distributed Energy Resources: would, among other things, provide that: (1) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system only if: (a) the owner or operator is registered with the Public Utility Commission (PUC) as a power generation company; or (b) the distributed energy resource is part of an aggregated distributed energy resource and: (i) the aggregated distributed energy resource is registered in its own corporate capacity as a power generation company with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; or (ii) the owner is not registered separately as a power generation company, but the distributed energy resource is operated by, and included in the registration of, a power generation company that is registered with the PUC, the independent organization for the ERCOT power region, and the interconnecting transmission and distribution utility; (2) a transmission and distribution utility may allow interconnection to a transmission and distribution utility's distribution system in the ERCOT power region only if: (a) the distributed energy resource meets applicable safety, technical, and operational performance and cybersecurity standards; and (b) the owner or operator of the distributed energy resource meets any applicable qualifications and testing requirements of the independent organization for the ERCOT power region; (3) an interconnecting transmission and distribution utility or retail electric provider providing service to a distributed energy resource to which the bill applies is not liable for: (a) a violation of reliability or service metrics caused by distributed energy resource operations; (b) damage, injury, or loss caused by distributed energy resource operations; or (c) a distributed energy resource's inability or failure to provide services or a penalty for such inability or failure; and (4) an owner or operator of a distributed energy resource may provide energy or ancillary services in the wholesale market in the ERCOT power region through generating electricity and providing that electricity onto a distribution system in an area in which customer choice has been introduced. (Companion bill is **H.B. 2793** by **Anchia**.)