

TML LEGISLATIVE UPDATE



March 17, 2023
Number 11

Bill Filing Breaks Record

Last Friday marked the last day legislators were able to file bills. This session, 8,153 bills and joint resolutions were filed, breaking the record for most bills filed in a session. In the last three days of bill filing, over 2,000 bills were filed. About half of the city-related bills filed last week are summarized in this edition. The remaining bill summaries will appear in next week's edition.

City officials should look to the "Bills on the Move" section of the *Legislative Update* to view bills as they progress through the legislative process. While it will not include every bill that is moving through the process, it will include ones that are most impactful to cities.

Bills on the Move

[H.B. 2](#) (Meyer), relating to property tax appraisal caps. Left pending in House Ways & Means.

H.B. 92 (Landgraf), relating to right of property owners to conduct activities necessary to secure basic needs. TML provided [written testimony](#). Committee substitute voted from House Agriculture and Livestock.

H.B. 149 (Murr), relating to sale of parkland. Voted from House Urban Affairs.

H.B. 471 (Patterson), relating to paid sick leave for first responders. TML testified in committee. Left pending in House Business & Industry.

H.B. 1348 (Stucky), relating to regulation of veterinarians. Voted from House Agriculture and Livestock.

H.B. 1389 (Guillen), relating to city height requirements on certain agricultural operations. Committee substitute voted from House Agriculture and Livestock.

H.B. 1750 (Burns), relating to city regulation of agricultural operation. TML provided [written testimony](#). Left pending in House Agriculture and Livestock.

H.B. 2127 (Burrows), preemption of city regulations in a field occupied by the Agriculture, Finance, Insurance, Labor, Natural Resources, and Occupations Code unless explicitly authorized. TML testified in committee. Left pending in House State Affairs.

H.J.R. 1 (Meyer), relating to property tax appraisal caps. Left pending in House Ways & Means.

H.J.R. 9 (Landgraf), relating to right of property owners to conduct activities necessary to secure basic needs. Voted from House Agriculture and Livestock.

S.B. 5 (Parker), relating to personal property tax exemption. TML provided [written testimony](#). Left pending in Senate Finance.

S.B. 130 (Campbell), relating to employment benefits. Left pending in Senate Business & Commerce.

S.B. 149 (Springer), relates to the prohibition of city ordinances that regulates commercial activity, with certain exceptions. TML testified in committee. Left pending in Senate Business & Commerce.

S.B. 175 (Middleton), relating to prohibiting cities and other political subdivisions from spending public funds to hire lobbyists or join nonprofit associations (like TML) that represent political subdivisions and hire or contract with individuals who are required to register as lobbyists. TML provided [written testimony](#). Committee substitute voted from Senate State Affairs.

S.B. 190 (Miles), relating to unauthorized signs. Voted from Senate Transportation.

S.B. 221 (Bettencourt), relating to recall elections, ballot propositions, and petitions. TML provided [written testimony](#). Left pending in Senate State Affairs.

[S.B. 1015](#) (King), relating to electric ratemaking by electric utilities. Left pending in Senate Business & Commerce.

[S.B. 1016](#) (King), relating to employee compensation and benefits in establishing the rates of electric utilities. Left pending in Senate Business & Commerce.

[S.B. 1017](#) (Birdwell), relating to engine and energy source regulations. Left pending in Senate Business & Commerce.

Comptroller Makes First Round of Opioid Settlement Payments

Last week, the comptroller [announced](#) that the first round of payments to cities from the Opioid Abatement Trust Fund will begin. The initial transfer is \$47.1 million. The transfers will continue over many years based on the terms of the statewide opioid litigation settlement agreements. The comptroller's office will have more information for cities on how these funds can be allocated in the coming weeks. The League will update the membership once the guidance is announced.

City Officials Testify

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony, let us know by an email to alyssa@tml.org, and we'll recognize you in next week's edition.

- Jessica Anderson, Commander, City of Houston Police Department
- Sally Bakko, Director of Policy and Government Relations, City of Galveston
- David Billings, Mayor, City of Fate
- Evan Bohl, Park Commissioner, City of Leon Valley
- Jeff Coyle, Assistant City Manager, City of San Antonio
- Brian England, City Attorney, City of Garland
- Deidre Flores, Assistant Director of Parks & Recreation, City of Kerrville
- Nick Fehrenbach, Manager of Regulatory Affairs, City of Dallas
- TaKasha Francis, Director of the Department of Neighborhoods, City of Houston
- Don Knight, Senior Assistant City Attorney, City of Dallas
- Neil Noakes Chief of Police, City of Fort Worth
- Devin Jackson, Lieutenant, City of Palestine Fire Department
- Ron Jensen, Mayor, City of Grand Prairie
- Bill Kelley, Director of Government Relations, City of Houston
- Laura Morrison, Senior Assistant City Attorney, City of Dallas
- Collyn Peddie, Senior Assistant City Attorney, City of Houston
- Connie Schroeder, Mayor, City of Bastrop
- Stan Standridge, Chief of Police, City of San Marcos

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. 3564 (VanDeaver) – Appraisal Cap: would provide that the appraised value of a residence homestead is equal to the appraised value of the property in the first year the property qualified as a residence homestead plus the value of new improvements. (See **H.J.R. 147**, below.)

H.B. 3568 (Gates) – Total Tax Exemption for Multifamily Development: would, among other things, provide: (1) that a public facility corporation (“PFC”) may finance, own or operate a multifamily residential development under certain circumstances, including a requirement that the development be located in the jurisdiction of the PFC’s sponsoring entity; (2) for a public hearing before a project can be approved; (3) specific minimum requirements for the affordable units in a qualifying multifamily development; (4) certain audit and reporting requirements; and (5) for an exemption from all property taxation for a qualifying multifamily residential development.

H.B. 3594 (Spiller) – Voter-Approval Rate Adjustment for Transportation Financing: would: (1) authorize a low-debt city to increase its voter approval rate by a rate that, when applied to total value, would produce an amount equal to the greater of one percent of the preceding year’s maintenance and operations levy or \$50,000; (2) require a city that follows the procedure described in (1), above, to place the amount generated in a separate account in the municipal treasury; and (3) provide that money in the account under (2) above, may be used only for transportation infrastructure costs.

H.B. 3608 (Hefner) – Reappraisal of Property: would: (1) require the chief appraiser to, at the request of the owner, reappraise a residence homestead that is completely destroyed by a casualty; and (2) require taxing units to recalculate the amount of taxes due to account for the changed value and, if the tax on the property has been paid, refund the amount by which the payment exceeded the tax due as recalculated. (Companion bill is **S.B. 1454** by **Paxton**.)

H.B. 3621 (Talarico) – 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 **H.J.R. 149**, below.) (Companion bill is **S.B. 1145** by **West**.)

H.B. 3640 (Noble) – Property Tax Exemption: would exempt from the property tax an amount equal to the amount of the residence homestead exemption for school district tax from the value of a property that: (1) is the primary residence of an adult individual with an intellectual or developmental disability who is related to the owner of the property within the third degree by consanguinity; and (2) is not used for the production of income. (See **H.J.R. 150**, below.) (Companion bill is **S.B. 2163** by King.)

H.B. 3653 (Guillen) – Property Tax Exemption: would provide an exemption from taxation of the value of: (1) real property owned by a person that arises from the installation or construction on the property of border security infrastructure; (2) border security infrastructure installed or constructed on real property owned by a person; and (3) land that a person owns that has been dedicated by recorded easement for the installation or construction of border security infrastructure. (See **H.J.R. 157**, below.)

H.B. 3691 (Hefner) – Property Tax Exemption: would: (1) extend the exemption for property owned by a charitable organization to include property used to provide support or relief the children with disabilities in need of residential care; (2) require that an organization receiving the tax exemption for a charitable organization providing housing and services to the elderly: (a) provide charitable housing and services in an unreimbursed amount that is not less than four percent of the charitable organization’s net resident revenue; (b) be located in a county with a population of less than 58,000 in which the county has been designated a health professionals shortage area; or (c) operate a housing development restricted to very low-income persons who are 62 years of age or older; (3) provide that an organization described in (2)(a), above, is entitled to the exemption if it falls under the four percent threshold if a reduction in the amount of charitable housing and services in necessary to maintain financial reserves at a level required by a debt obligation, to prevent the organization from endangering its ability to operate, in response to a disaster, or if the organization failed in the preceding tax year to provide charitable housing and services in the required amount through unintended miscalculation; (4) provide that an organization that maintains its eligibility for the tax exemption after failing to meet the four percent threshold must, in the current tax year, provide charitable housing and services in an amount equal to four percent of the organization’s net resident revenue plus the amount by the which the organization failed to meet that requirement in the preceding tax year; and (5) provide that an organization that fails to satisfy the requirement described in (4), above, is liable for the amount of the tax, plus penalties and interest, that would have otherwise been imposed for both the preceding and current tax years.

H.B. 3713 (Jones) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to two percent. (See **H.J.R. 152**, below.)

H.B. 3745 (Goldman) – Open-Space Land Appraisal: would provide that the chief appraiser may not require a landowner to file a report on the implementation of a written management plan to maintain eligibility for appraisal as open-space land due to use of the land for wildlife management more than once during each five-year period.

H.B. 3757 (Wilson) – Property Tax Freeze: would expand the existing law authorizing cities to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled

and their surviving spouses to all taxing units other than school districts. (See **H.J.R. 153**, below.) (Companion bill is **S.B. 830** by Flores.)

H.B. 3769 (Murr) – **Heavy Equipment Inventory**: would: (1) prohibit the owner of heavy equipment leased to the United States from collecting the unit property tax from the lessee; (2) provide that a heavy equipment dealer must submit property tax on heavy equipment to the collector to place in escrow once every calendar quarter instead of once every month; (3) require the collector to provide written notice to each owner for whom the collector maintains an escrow account of the unit property tax factor for the following tax year; and (4) provide that a person who acquires the business of a heavy equipment owner may use the same unit property tax factor that the owner who owes the current year tax would use when paying the current year tax.

H.B. 3879 (Wilson) - **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.) (See also **H.B. 2607** by Gates and **H.B. 4833** by Swanson.)

H.B. 3906 (Rogers) – **Appraisal of Property**: would prohibit the chief appraiser from considering a sale a comparable sale if the sale occurred later than January 1 of the tax year for which the market value of the subject property is to be determined.

H.B. 3968 (Cook) – **Appraisal of Property**: would provide that the appraisal office’s plan for periodic reappraisal of property may provide for the reappraisal of a different group of property in the district in each year of a three-year period subject to the requirement that appraisal activities for real and personal property occur at least once in every three years.

H.B. 3969 (Cook) – **Personal Property Tax Exemption**: would provide that a person is entitled to a property tax exemption for income-producing tangible personal property if the property has a taxable value of less than \$100,000. (Note: current law provides a property tax exemption if the property has a taxable value of less than \$2,500.) (See **H.J.R. 158**, below.)

H.B. 3970 (Cook) – **Mineral Interest Tax Exemption**: would provide that a person is entitled to an exemption from taxation of each mineral interest the person owns that has a taxable value of less than \$5,000. (Note: current law provides a property tax exemption if the property has a taxable value of less than \$500.) (See **H.J.R. 159**, below.)

H.B. 3972 (Cook) – **Appraisal Cap**: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R.160**, below.) (Companion bill is **S.B. 881** by Creighton.)

H.B. 3973 (Cook) – **Property Tax Exemption**: would: (1) provide an exemption of \$150,000 of the value of the residence homestead of an individual who is 75 years of age or older who has received a residence homestead exemption at the property for the preceding 10 years; and (2) provide that the surviving spouse of an individual described in (1), above, may continue to receive the exemption if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse

died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse.

H.B. 3974 (Cook) – Property Tax Exemption: would provide, in a city located wholly or partly in a county with a population of at least 200,000, a property tax exemption from the value of a residence homestead of \$25,000 or a greater amount determined by the governing body of the city. (See **H.J.R. 161**, above.)

H.B. 4042 (Hayes) – Personal Property Appraisal: would provide that, if in a property owner's opinion, the owner's income-producing personal property has an aggregate value of less than \$20,000, the appraised value of income-producing tangible personal property is the property owner's good faith estimate of the aggregate market value of the property as contained in the rendition statement for the property unless the chief appraiser determines there is clear and convincing evidence that the owner's good faith estimate is incorrect.

H.B. 4077 (Noble) – Property Tax Exemption: would provide that a person is entitled to receive and the chief appraiser shall allow a person to receive the tax exemption for a person 65 years of age or older in the year the person turns 65 years of age without requiring the person to apply for the exemption if the person's age is shown by information in an application for a residence homestead exemption or information provided to the appraisal district by the Texas Department of Public Safety.

H.B. 4113 (Martinez-Fischer) – Property Tax Installment Payments: would authorize an individual to pay a taxing unit's property taxes imposed on the individual's residence homestead in four equal installments.

H.B. 4130 (Hefner) – Appraisal of Property: would provide that if an electric cooperative that owns taxable property in more than one appraisal district makes a written request to the chief appraiser, the chief appraiser must appraise the property at its presumptive appraised value, which is defined in the bill as 20 percent of the net book value of the taxable property on January 1 of a tax year. (Companion bill is **S.B. 1771** by **King**.)

H.B. 4181 (Munoz) – Property Tax Exemption: would extend the property tax exemption of the residence homestead of the surviving spouse of a military service member who is killed or fatally injured in the line of duty to include the surviving spouse of a military technician. (See **H.J.R. 165**, below.) (Companion bill is **S.B. 1604** by **Paxton**.)

H.B. 4228 (Bryant) – Property Tax Protests and Appeals: would: (1) provide that in a property tax protest or appeal over the appraised value of property: (a) a determination that a property is comparable to another property must be based on similarities with regard to location, square footage of the lot and improvements, property age, property condition, property access, amenities, views, income, operating expenses, occupancy, and the existence of easements, deed restrictions, or other legal burdens affecting marketability; (b) calculation of the market value of the property that is the subject of the protest or a comparable property must be based on the appraisal records; (c) if a reasonable number of comparable properties does not exist in the appraisal district, the value of property may be calculated using properties in adjacent counties or other parts of the state; (d) the chief appraiser may disclose confidential information to meet the district's burden of proof;

(e) a property owner or the chief appraiser may offer as proof a third-party appraisal; and (f) require a property owner to provide the chief appraiser with any available third-party appraisal completed within 12 months; (2) require the comptroller to establish standards for the development and calibration of adjustments made by the appraisal review board to the appraised value of certain unique properties in a protest hearing; (3) provide that in a property tax appeal, limit the award of attorney's fees to cases in which the appraised value of the property as determined by the court is less than 90 percent of the appraised value according to the appraisal roll; and (4) provide that an appraisal district may be awarded attorney's fees in an amount not to exceed \$100,000 if the appraised value of the property as determined by the court is at least 10 percent greater than the appraised value according to the appraisal roll.

H.B. 4261 (Cook) – Appraisal Cap: would establish an appraisal cap applicable to the residence homestead of a veteran, a person who is disabled, a person who is 65 years of age or older, or the surviving spouse of an individual described above that would limit the appraised value of the property to the lowest of: (1) the market value of the property for the most recent tax year that the market value was determined by the appraisal office; (2) the appraised value of the property for the tax year in which the owner first qualified the property for the cap plus the value of new improvements; or (3) the appraised value of the property for preceding year plus the value of new improvements.

H.J.R. 147 (VanDeaver) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature provide that the appraised value of a residence homestead is equal to the appraised value of the property in the first year the property qualified as a residence homestead plus the value of new improvements. (See **H.B. 3564**, above.)

H.J.R. 149 (Talarico) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property tax property used to operate a child-care facility. (See **H.B. 3621**, above.)

H.J.R. 150 (Noble) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from the property tax an amount equal to the amount of the residence homestead exemption for school district tax from the value of a property that: (1) is the primary residence of an adult individual with an intellectual or developmental disability who is related to the owner of the property within the third degree by consanguinity; and (2) is not used for the production of income. (See **H.B. 3640**, above.) (Companion bill is **S.J.R. 83** by **King**.)

H.J.R. 152 (Jones) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homestead from ten to two percent. (See **H.B. 3713**, above.)

H.J.R. 153 (Wilson) – Property Tax Freeze: would amend the Texas Constitution to authorize the legislature to expand the existing law authorizing cities to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses to all taxing units other than school districts. (See **H.B. 3757**, above.) (Companion bill is **S.J.R. 42** by **Flores**.)

H.J.R. 157 (Guillen) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property tax the portion of the value of a person’s property that is attributable to the installation or construction in or on the property of border security infrastructure. (See **H.B. 3653**, above.)

H.J.R. 158 (Cook) – Personal Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation income-producing tangible personal property having a value less than any amount specified by the legislature. (See **H.B. 3969**, above.)

H.J.R. 159 (Cook) – Mineral Interest Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation a mineral interest having a value less than any amount specified by the legislature. (See **H.B. 3970**, above.)

H.J.R. 160 (Cook) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 3972**, above.) (Companion bill is **S.J.R. 47** by **Creighton**.)

H.J.R. 161 (Cook) – Property Tax Exemption: would amend the Texas Constitution to: (1) authorize the legislature to provide a residence homestead property tax exemption in a political subdivision located wholly or partly in a county with a population of 200,000 or more of \$25,000 or a greater amount specified by the governing body of the political subdivision; and (2) provide that where ad valorem tax has previously been pledged for the payment of debt, the taxing officers of a political subdivision may continue to levy and collect the tax against the value of the residence homesteads exempted under this subsection until the debt is discharged if the cessation of the levy would impair the obligation of the contract by which the debt was created. (See **H.B. 3974**, above.)

H.J.R. 165 (Munoz) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to define “military service member” for purposes of the property tax exemption of the residence homestead of the surviving spouse of a military service member. (See **H.B. 4181**, above.) (Companion bill is **S.J.R. 73** by **Paxton**.)

S.B. 1604 (Paxton) – Property Tax Exemption: would extend the property tax exemption of the residence homestead of the surviving spouse of a military service member who is killed or fatally injured in the line of duty to include the surviving spouse of a military technician. (See **S.J.R. 73**, below.) (Companion bill is **H.B. 4181** by **Munoz**.)

S.B. 1771 (King) – Appraisal of Property: would provide that if an electric cooperative that owns taxable property in more than one appraisal district makes a written request to the chief appraiser, the chief appraiser must appraise the property at its presumptive appraised value, which is defined in the bill as 20 percent of the net book value of the taxable property on January 1 of a tax year. (Companion bill is **H.B. 4130** by **Hefner**.)

S.B. 1774 (Eckhardt) – Property Tax Exemption: would extend the charitable property tax exemption to all real property owned by an organization that is primarily engaged in: (1) preserving

or conserving wildlife; or (2) acquiring, holding, and transferring unimproved real property under an urban land bank demonstration program as or on behalf of a land bank.

S.B. 1789 (Middleton) – Property Tax Exemption: would exempt from the property tax all tangible personal property. (See **S.J.R. 78**, below.) (Companion bill is **H.B. 2987** by **Metcalf**.)

S.B. 1801 (Springer) – 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. (Companion bill is **H.B. 2747** by **Darby**.)

S.B. 1892 (Springer) – Open-Space Appraisal: would provide that: (1) for land to qualify for open-space appraisal on the basis of its use to raise or keep bees, the land must contain at least 6 colonies located on the land for at least nine months out of the year and, if the land consists of more than 5 acres, contain at least one additional colony for each additional 2.5 acres; and (2) land that qualified for open-space appraisal on the basis of its use to raise or keep bees may not subsequently qualify on the basis of wildlife management.

S.B. 1923 (Springer) – Property Tax Appeals: would prohibit a chief appraiser, an appraisal district, or an appraisal review board from bringing a counterclaim in an appeal from a property tax protest.

S.B. 1956 (Parker) – Property Tax Exemption: would provide a property tax exemption for the value of the residence homestead of a Congressional Medal of Honor recipient and the recipient's surviving spouse if the spouse has not remarried since the death of the recipient. (See **S.J.R. 79**, below.)

S.B. 1997 (Bettencourt) – Property Tax Rate Calculation: would remove the unused increment rate from a taxing unit's voter-approval tax rate calculation.

S.B. 1998 (Bettencourt) – Property Tax Rate Calculation: would require a taxing unit to calculate adjustments made to the value of taxable property due to tax revenue the taxing unit pays into a tax increment reinvestment zone fund separately for each reinvestment zone in which the taxing unit participates.

S.B. 1999 (Bettencourt) – Property Tax Rate Calculation: would: (1) define "foregone revenue amount" as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year's total value; and (2) redefine the "unused increment rate" as the sum of the preceding three years' foregone revenue amount divided by current total value.

S.J.R. 73 (Paxton) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to define "military service member" for purposes of the property tax exemption of the residence homestead of the surviving spouse of a military service member. (See **S.B. 1604**, above.) (Companion bill is **H.J.R. 165** by **Munoz**.)

S.J.R. 78 (Middleton) – Property Tax Exemption: would amend the Texas Constitution to exempt all tangible personal property from the property tax and authorize tax authorities to

continue to levy and collect tax against tangible personal property to the extent the tax is pledged for the payment of a debt if cessation of the levy and collection would impair the obligation by which the debt was created. (See **S.B. 1789**, above.) (Companion bill is **H.J.R. 129** by **Metcalf**.)

S.J.R. 79 (Parker) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide a property tax exemption for the value of the residence homestead of a Congressional Medal of Honor recipient and the recipient’s surviving spouse if the spouse has not remarried since the death of the recipient. (See **S.B. 1956**, above.)

Public Safety

H.B. 3 (Burrows) – School Safety and Security: would provide, among other things, that: (1) in each county under 350,000 population, the sheriff shall twice annually coordinate a meeting of school officials and all law enforcement in the county that could respond to a school violence incident; (2) the following entities are required to participate in the biannual meetings in (1), above: (a) the elected sheriff or designee; (b) the police chief or designee for any police department in the county; (c) each elected constable or designee in the county; (d) each school police department chief or security coordinator; (e) DPS personnel assigned to the county; (f) other state agency law enforcement officers assigned to the county; (g) federal law enforcement officials assigned to the county; (h) county and municipal EMS and fire command staff; (i) the superintendent or designee for each district in the county; and (j) other entities deemed appropriate by the sheriff; (3) attendees at the biannual meetings will discuss agency capabilities, resources, emergency radio interoperability, chain of command planning, and other topics submitted by the attendees; (4) the sheriff shall submit to the center a report identifying the attendee list and the agenda items discussed, and the Texas School Safety Center (TSSC) shall maintain the reports and make them available on its public website; (5) at least once every five years, TSSC shall review the building standards for instructional facilities and make recommendations regarding any changes necessary to ensure that the building standards reflect best practices for student safety; and (6) the Texas Education Agency commissioner shall work with local jurisdictions to make the adopted building standards part of local building codes to ensure compliance.

H.B. 13 (K. King) – Active Shooter Preparedness Plan: would, among other things: (1) require each school district and open-enrollment charter school to annually adopt and implement an active shooter preparedness plan for use in the district’s or school’s facilities and submit the plan to the Texas Education Agency (TEA); and (2) provide that the requirements for an active shooter preparedness plan must include requiring the district or school to: (a) provide to TEA and each law enforcement agency with jurisdiction in the district or geographic area served by the school an accurate map of each district or school campus that is oriented to true north; and (b) provide each law enforcement agency with jurisdiction in the district or geographic area served by the school the opportunity to conduct a walk-through of each district or school facility.

H.B. 1530 (Goldman) – Texas Commission on Law Enforcement: this is the Texas Commission on Law Enforcement (TCOLE) sunset bill. The bill, among other things, would provide that:

1. TCOLE continue until 2035;

2. TCOLE, with the input from an advisory committee, shall by rule establish minimum standards with respect to the creation or operation of a law enforcement agency, including:
 - (a) the determination regarding the need for creating the agency in the community;
 - (b) the sustainable funding sources for the agency;
 - (c) the physical resources available to officers, which may differ based on the size of the law enforcement agency, including:
 - (i) duty firearms, including patrol rifles and shotguns;
 - (ii) less lethal force weapons, including a requirement of at least one per officer on duty;
 - (iii) effective communications equipment;
 - (iv) protective equipment, including a requirement of at least one protective vest per officer on duty;
 - (v) officer uniforms; and
 - (vi) patrol vehicles and associated equipment;
 - (d) the physical facilities of the agency, including any evidence room, dispatch area, or public area;
 - (e) the policies of the agency, including policies on active shooters and barricaded subjects; and
 - (f) any other standard TCOLE considers necessary;
3. TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check in which the database must:
 - (a) contain records related to a person's previous law enforcement employment or experience, including any:
 - (i) commendations or awards;
 - (ii) misconduct or disciplinary records; and
 - (iii) certifications or licenses held;
 - (b) be maintained by the federal government or nationally recognized law enforcement accreditation association; and
 - (c) provide a process for a person to contest or amend any information maintained in the database relating to the person;
4. TCOLE shall adopt rules specifying the circumstances under which TCOLE may issue, without a hearing, an emergency order suspending a person's license for a period not to exceed 90 days after determining that the person constitutes an imminent threat to the public health, safety, or welfare;
5. an order suspending a license under Number 4, above, must state the length of the suspension in the order, and if an emergency order is issued without a hearing, TCOLE shall set the time and place for a hearing to be conducted not later than the 10th day after the date the order was issued; and
6. TCOLE by rule may establish advisory committees to make recommendations on programs, rules, and policies administered by TCOLE;
7. TCOLE shall create a public database containing profiles of each licensed officer in which the profile must:
 - (a) contain the following information with respect to each officer:
 - (i) the date the officer completed the basic training course;
 - (ii) whether the officer is in compliance with continuing education requirements and the continuing education courses completed;
 - (iii) the total hours of training the officer has completed; and
 - (iv) the date the officer's license was issued;
 - (b) be compiled in a format that makes the information contained in the profile readily available to the public; and
 - (c) TCOLE shall adopt rules to exclude from the database profiles for certain officers if including the profile would create a safety risk for the officer based on the officer's position or duties, including the profiles of undercover officers and officers involved in active narcotics operations;

8. before a law enforcement agency or governmental entity hires a person for whom a license is sought, the law enforcement agency must: (a) review any information relating to the person available in a database designated by TCOLE in Number 3, above; and (b) file an application with TCOLE as provided by TCOLE rule;
9. before a law enforcement agency may hire a licensed person, the agency must, on a form and in the manner prescribed by TCOLE, among other things, submit to TCOLE confirmation that under the agency, to the best of the agency's ability before hiring the person obtained and reviewed as related to the person, as applicable, information on the person's law enforcement background as available through a database designated by TCOLE under Number 3, above;
10. TCOLE by rule shall establish deadlines for an officer to complete any minimum curriculum requirements that are not completed as part of the officer's basic training course;
11. TCOLE may compel by subpoena the production for inspection or copying of a record by an agency hiring a person to be an officer that is relevant to the investigation of an alleged violation of this bill or a TCOLE rule, and TCOLE acting through the attorney general, may bring an action to enforce a subpoena against a person who fails to comply with the subpoena;
12. venue for an action brought under Number 11, above, is in a district court in Travis County or any county in which TCOLE may conduct a hearing, and the court shall order compliance with the subpoena if the court finds that good cause exists to issue the subpoena;
13. TCOLE call adopt rules specifying the circumstances under which it may request that a license holder submit to an examination by a psychologist, psychiatrist, or physician selected by TCOLE to determine whether the license holder continues to meet the required standards; and
14. in certain circumstances, TCOLE may suspend the license of a person who refuses to submit to the examination, and if the results of the examination under Number 13, above, show that the person does not meet required standards, TCOLE shall suspend the person's license.

(Companion bill is **S.B. 1445** by Paxton.)

H.B. 3528 (Campos) – Suicide Prevention Study: would: (1) require the Texas Commission on Fire Protection (TCFP) to establish an advisory committee to study the need to implement suicide prevention and peer support programs in fire departments in this state; and (2) provide that not later than September 1, 2024, the advisory committee shall prepare and submit a report to the governor and the legislature which must: (a) provide an overview of suicide prevention and peer support groups in fire departments; (b) address possible licensing requirements and any confidentiality concerns; and (c) provide recommendations on: (i) the need for legislation to

implement suicide and peer support groups in fire departments; (ii) whether to encourage local governments to develop local suicide prevention and peer support groups in fire departments; and (iii) specific programs to be implemented in this state.

H.B. 3529 (Manuel) – Personal Assistive Mobility Devices: would: (1) provide that the Health and Human Services Commission (HHSC) shall adopt rules to ensure the safety and security of and the protection of property rights in a patient’s personal assistive mobility device while the patient is receiving emergency medical services; and (2) require each person or entity that provides the emergency medical services to adopt procedures, in accordance with HHSC rules, for the: (a) safe and secure storage of the patient’s personal assistive mobility device for the duration of the service provision; (b) return to the patient of the patient’s personal assistive mobility device at the time the service provision concludes; and (c) safe and secure transfer of the patient’s personal assistive mobility device from one person providing medical services to another person providing those services, including the transfer of a personal assistive mobility device for a patient who is transported by air. (Companion bill is **S.B. 525** by West.)

H.B. 3532 (Sherman) – Missing Children: would provide that, as soon as practicable after a law enforcement agency arrests or detains a missing child with an intellectual disability or mental illness, the agency shall notify the missing child’s parent, managing conservator, or guardian regarding the agency’s detention or arrest.

H.B. 3539 (Troxclair) – Ammunition Manufacturing Facility: would establish the Texas Ammunition Manufacturing Facility to manufacture quality ammunition for sale to law enforcement agencies, ammunition wholesalers, and ammunition retailers at a reasonable price.

H.B. 3540 (Lujan) – Overdose Mapping: would, among other things, provide that: (1) a local health authority or a law enforcement agency located in a county with a population of more than two million may enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses for public safety purposes; (2) a local health authority or law enforcement agency that has entered into a participation agreement under (1), above, shall: (a) solicit and accept information regarding overdoses occurring in the county; and (b) provide information to the entity with which the authority or agency has a participation agreement under (1), above, for purposes of entering the information into the computerized system; (3) a person who provides information about an overdose incident to a local health authority or law enforcement agency in good faith under the bill is not subject to civil or criminal liability for providing the information; (4) provide that a law enforcement agency may use information provided or received under the bill only for mapping overdose locations for public safety purposes; and (5) information provided for purposes of overdose mapping under the bill is confidential and not subject to disclosure under the Public Information Act.

H.B. 3547 (Anchia) – Pokuaa-Flowers Act: this bill, known as the “Pokuaa-Flowers Act,” would, among other things, provide that: (1) a parole panel that requires certain releasees who are serving sentences for violent offenses to submit to electronic monitoring as a condition of release on parole or to mandatory supervision shall, as an additional condition of release prohibit the releasee from visiting a hospital for a purpose other than to receive emergency medical care unless the parole officer supervising the releasee approves the releasee’s request to visit the hospital prior to the

visit; (2) the releasee's request to visit a hospital must specify the date and time of the intended visit and the reason for the visit; and (3) a parole officer who approves a visit in (2), above, shall promptly notify the chief law enforcement officer for the hospital, or a local law enforcement agency if the hospital does not employ any peace officers, of the date and time of the releasee's intended visit. (Companion bill is **S.B. 2127** by **Hinojosa**.)

H.B. 3556 (**Stucky**) – **Missing Children**: would provide that on the request of a local law enforcement agency that knows a child is missing but has not verified the criteria under law for activation, and if the chief law enforcement officer of the local law enforcement agency believes that activation of the alert system is warranted, the Department of Public Safety shall: (1) activate the alert AMBER alert system only in the following areas: (a) within a 100-mile radius of the location from which the child is believed to have gone missing or the location in which the child was last seen, as applicable; and (b) in all counties adjacent to the county from which the child is believed to have gone missing or the county in which the child was last seen, as applicable; and (2) notify appropriate participants in the alert system, as established by rule.

H.B. 3620 (**Rosenthal**) – **Marijuana Penalties**: would, among other things: (1) remove marijuana from certain controlled substance-related regulations involving: (a) alcohol beverage control licensing; (b) school discipline regulations, including superintendent notification, suspension, and expulsion; (c) court-ordered community supervision requirements; (d) juvenile delinquency and need for supervision conditions; (e) termination of parent-child relationships; (f) drug court and diversion programs; (g) maintenance of criminal history records; (h) state needy family financial assistance responsibility agreements; (i) group health benefit plan exceptions; and (j) pharmacy regulations; and (2) remove marijuana from criminal controlled substance offenses and exceptions to defenses to prosecution.

H.B. 3649 (**Guillen**) – **Gambling**: would, among other things, provide an exception to the criminal offense of gambling if: (1) the gambling place: (a) was located in a private place; (b) did not provide any economic benefit other than personal winnings to any person; and (c) except for the advantage of skill or luck, the risk of losing and the chances of winning at the gambling place were the same for all participants; or (2) the thing of value bet or offered: (a) was bet or offered in a private place; (b) did not provide any economic benefit other than personal winnings to any person; and (c) except for the advantage of skill or luck, the risk of losing and the chances of winning the thing of value bet or offered was the same for all participants.

H.B. 3652 (**Moody**) – **Cannabis**: would, among other things: (1) authorize the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, use, and taxation of cannabis and cannabis products; (2) provide that a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of cannabis or cannabis products on property the person owns, occupies, or manages; (3) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility; (4) prohibit the sale of distribution of cannabis or cannabis products to a person under 21 years old; (5) prohibit a political subdivision of the state from adopting or enforcing an ordinance, order, resolution, rule, or other regulation that prohibits (1) or (2), above; (6) provide that a political subdivision that authorizes the operation of cannabis growers, cannabis establishments or cannabis testing facilities in the county may adopt regulations consistent with

the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, or cannabis testing facilities; (7) assess a ten percent sales tax on each sale of cannabis or a cannabis product by a cannabis establishment; (8) establish Cannabis Testing and Quality Control fund; (9) establish Public School Teachers fund; and (10) direct the allocation of cannabis tax revenue.

H.B. 3659 (Hefner) – Civil Asset Forfeiture Proceedings: would provide, among other things, that: (1) property that is contraband is not subject to seizure and forfeiture if the property: (a) is not otherwise unlawful to possess; and (b) has an aggregate value of less than \$5,000; (2) for purposes of determining the aggregate value of contraband in (1), above, the owner or interest holder is not required to have simultaneously owned or had an interest in all of the property constituting the contraband; (3) the attorney representing the state must prove by clear and convincing evidence property is subject to forfeiture; (4) a law enforcement agency engaged in the seizure, forfeiture, receipt, or expenditure of proceeds and property shall submit a monthly report to the attorney general’s office and must: (a) include all information required by state law for civil asset forfeiture proceeds audits; and (b) specify the number of seizures challenged or not challenged by an owner or interest holder of the property; and (5) each law enforcement agency shall file the report described in (4), above, covering the seizure, forfeiture, receipt, or expenditure of proceeds and property by the agency during the preceding month, or if an agency did not engage in a seizure or forfeiture during the reporting period, indicate that fact in the report.

H.B. 3660 (Vasut) – Releasing Animals: would establish a defense to prosecution for cruelty to nonlivestock animals for a person was: (1) releasing or returning a stray or feral animal pursuant to a Trap-Neuter-Return program; or (2) releasing or returning a previously trapped wild animal in accordance with Texas wildlife laws and regulations. (Companion bill is **S.B. 1682** by **Zaffirini**.)

H.B. 3688 (Jones) – Criminal Case Dismissals: would provide that: (1) an attorney representing the state, with permission of the court, may dismiss a criminal action at any time upon filing a written statement with the papers in the case which must set out the specific reasons for the dismissal, including lack of evidence or actual innocence; and (2) if the specific reason for a dismissal set out under (1), above, is the misconduct of a law enforcement officer, the attorney representing the state shall: (a) include in the papers in the case any information relating to the misconduct; (b) refer the matter to the law enforcement agency employing the officer for internal review; and (c) consider whether the filing of a criminal charge against the officer is appropriate or refer the matter to the appropriate attorney representing the state for that consideration.

H.B. 3704 (Garcia) – Deaths Caused by Peace Officers: would provide that: (1) as soon as practicable after a peace officer causes the death of another while in the discharge of the officer’s duties, the law enforcement agency that employs the officer shall notify the immediate family and household members of the deceased individual of the death and provide a chaplain, victim services professional, or peace officer employed by the agency to: (a) console the immediate family or household members; and (b) provide information regarding relevant resources available in the community; and (2) an action taken by a law enforcement agency or chaplain, victim services professional, or peace officer in accordance with this bill may not be construed as an admission of liability on behalf of the agency or the peace officer who caused the death.

H.B. 3746 (Goldman) – Code Enforcement Officers and Sanitarians: would, among other things: (1) repeal existing Occupations Code statutes regarding code enforcement officers and sanitarians; (2) expire all code enforcement officer and sanitarian certificates of registration; and (3) terminate a pending Texas Department of Licensing and Regulation pending regulatory action, including a complaint investigation, disciplinary action, or administrative penalty relating to (2), above.

H.B. 3758 (S. Thompson) – Civil Asset Forfeiture Proceedings: would, with certain exceptions, repeal the law related to civil asset forfeiture and establish criminal asset forfeiture in this state, and among other things:

1. authorize a convicting court to order a person convicted of an offense subject to forfeiture to forfeit certain property, but only after the state establishes by clear and convincing evidence that the requirements for forfeiture are met or enters into a court-approved plea agreement for the forfeiture of the property;
2. provide that contraband is not subject to forfeiture, but is subject to seizure and must be disposed in accordance with state law;
3. establish procedures for the seizure of real and personal property and for the defendant to challenge the seizure;
4. provide that a forfeiture proceeding must be held following the trial of the related alleged offense;
5. authorize a defendant, at any time following a forfeiture determination, to petition the court to determine whether the forfeiture is unconstitutionally excessive;
6. prohibit the property of an innocent owner from being forfeited;
7. prohibit a law enforcement agency from: (a) retaining any forfeited or abandoned property for the agency's use; or (b) selling any forfeited or abandoned property directly or indirectly to an employee, a person related to an employee, or another law enforcement agency;
8. require law enforcement agencies to report certain forfeiture information to the Department of Public Safety;
9. require a law enforcement agency to return property under certain circumstances and make the agency responsible for any damage, storage fees, and related costs applicable to the property; and
10. prohibit the transfer of seized property to the federal government, with some exceptions.

H.B. 3825 (Bucy) – Mug Shots: would, among other things: (1) prohibit a law enforcement agency from publishing an individual's mug shot unless: (a) they have been convicted of an offense

based on the conduct for which they were arrested or incarcerated at the time the mug shot was taken; or (b) the law enforcement agency has determined that: (i) the individual is a fugitive or an imminent threat to another individual or public safety, and releasing the mug shot will assist in apprehending the individual or reducing or eliminating the threat; or (ii) a judge orders the mug shot released on good cause shown; and (2) provide that mug shots are not confidential under the Public Information Act.

H.B. 3841 (Frazier) – Accident Investigations: would: (1) increase the property damage amount from at least \$1,000 to at least \$5,000 at which a peace officer who is notified of a motor vehicle accident may investigate the accident and file justifiable charges relating to the accident; (2) increase the property damage amount from an apparent extent of \$1,000 to an apparent extent of \$5,000 or more, at which a law enforcement officer who is in the regular course of duty and investigates a motor vehicle accident shall make a written report of the accident; and (3) require that the Department of Public Safety suspend a driver’s license and vehicle registration unless the owner deposits sufficient security as financial responsibility applicable if the accident resulted in injury or death or in damage to property of at least \$5,000.

H.B. 3858 (Frazier) – Mental Health Wellness Units: would, among other things, provide that: (1) each law enforcement agency shall establish and maintain a mental health wellness unit within the agency for the agency’s peace officers; (2) a wellness unit in (1), above, shall: (a) identify peace officers that respond to a violent incident that may result in a loss of life, including a homicide, or fatal motor vehicle accident; (b) require a representative of the wellness unit to communicate with and monitor the mental health of an officer, when feasible; (c) maintain and provide a list of verified counselors, therapists, and support resources available to an officer who agrees to services through the wellness unit; and (d) include any additional requirements that the Texas Commission on Law Enforcement (TCOLE) determines are necessary to implement this bill; and (3) TCOLE shall establish and administer a grant program to assist local enforcement agencies in establishing and maintaining mental health wellness units within the agencies as required in (1), above.

H.B. 3958 (Smith) – DNA Sample Collection Grant Program: would provide that from money appropriated or otherwise available for the purpose, the Department of Public Safety shall establish and implement a grant program to assist law enforcement agencies in taking a DNA sample after arresting a defendant for certain felony offenses.

H.B. 3960 (Frazier) – Immigration Enforcement Agreements: would provide, among other things, that: (1) a governmental entity that employs or appoints a peace officer may request and, as offered, enter into a written agreement with the United States Immigration and Customs Enforcement to authorize officers and employees of the governmental entity to enforce federal immigration law; (2) an agreement in (1), above, must include the scope, duration, and limitations of the authority; (3) a governmental entity may not enter into a contract or other agreement with a common carrier or contract carrier if the carrier knowingly provides any service in furtherance of transporting a person who is unlawfully present in the United States, into this state, unless the carrier is transporting the person to facilitate the detention or removal of the person from this state or the United States; and (4) a contract or agreement between a governmental entity and a common carrier or contract carrier in (3), above, must contain: (a) a written verification from the carrier that

the carrier does not knowingly provide and will not knowingly provide during the term of the contract or agreement any service in furtherance of transporting a person who is unlawfully present in the United States, into this state, except to facilitate the detention or removal of the person from this state or the United States; and (b) a provision allowing the governmental entity to terminate the contract or agreement without penalty if the carrier is found to be in violation of the written verification.

H.B. 3967 (Morales) – Documentary Films: would provide that a reality television program does not include a documentary film for purposes of the prohibition of a law enforcement agency from authorizing a person to accompany and film a police officer acting in the line of duty when producing a reality television program.

H.B. 3981 (Paul) – Peace Officers: would provide that fire marshals and any related officers, investigators, or inspectors of an incorporated city, town, or village who hold a permanent peace officer license are peace officers.

H.B. 3986 (Lalani) – Emergency Detentions: would, among other things, provide that: (1) a peace officer may take a person who has been admitted to a facility into custody; (2) the governing body of a facility may adopt and implement a written policy that provides for the facility or a physician at the facility to detain a person who voluntarily requested treatment from the facility or who lacks the capacity to consent to treatment if: (a) the person expresses a desire to leave the facility or attempts to leave the facility before the examination or treatment is completed; and (b) a physician at the facility: (i) has reason to believe and does believe that the person has a mental illness and because of that mental illness is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (ii) believes that there is not sufficient time to file an application for emergency detention or for an order of protective custody; and (3) a policy adopted and implemented by a facility may not allow the facility or a physician at the facility to detain a person who has been transported to the facility for emergency detention.

H.B. 3999 (Harrison) – Automatic License Plate Readers: would, among other things, provide that: (1) a law enforcement agency may use an automatic license plate reader only as authorized by a warrant or court order; (2) images and any related data produced from an automatic license plate reader used by a law enforcement agency may be used only for the purpose of investigating a criminal offense that is a violent offense; (3) images and any related data produced from an automatic license plate reader used by a law enforcement agency must be destroyed promptly after collection unless the image or data is from a motor vehicle that: (a) is involved in a criminal offense described in (2), above, or an ongoing criminal investigation of such an offense; or (b) is registered to a person who is involved in a criminal offense described in (2), above, or an ongoing criminal investigation of such an offense; (4) a law enforcement agency may not enter into an agreement with a person to provide images or any related data produced from an automatic license plate reader to the person except for a purpose otherwise authorized by this bill; (5) a law enforcement agency that uses an automatic license plate reader in accordance with this bill shall: (a) adopt a policy regarding the agency's use of automatic license plate readers; (b) annually compile a report regarding the agency's use of automatic license plate readers, including: (i) the number of license plates scanned by the agency; and (ii) the number of license plate scans that the agency used in an investigation that led to the arrest or prosecution of a person; and (c) annually publish the policy

described in (5)(a), above, and the report described in (5)(b), above, on the agency's publicly accessible Internet website.

H.B. 4009 (Reynolds) – Emergency Detentions: would provide, among other things, that: (1) a peace officer who takes a person into custody under an emergency detention shall immediately transport the apprehended person to the nearest appropriate inpatient mental health facility located within 100 miles from where the person was apprehended or the nearest hospital emergency department, if the person is in need of emergency medical care; (2) the Office of Court Administration of the Texas Judicial System shall develop and provide to each court in the state with jurisdiction to hear emergency mental health matters best practices and procedures for ensuring that a judge or magistrate is available 24 hours a day, seven days a week to respond to applications for emergency detentions; (3) in a county with a population of 550,000 or more that is adjacent to a county with a population of 3.3 million or more, a peace officer may transport a person approved for transfer without a court order if the person is still subject to an unexpired notification of detention; and (4) a copy of the notification must accompany the person in (3), above, to the receiving facility.

H.B. 4056 (Murr) – Harmful Materials Regulation: would, among other things, provide that a person who displays certain harmful material to a minor may not assert as a defense to prosecution that the display of the material was for educational or governmental purposes. (Companion bill is **S.B. 1007** by Flores.)

H.B. 4074 (Bernal) – Driver's License Renewals: would prohibit the Department of Public Safety from denying renewal of a driver's license because it received information from a political subdivision that the applicant failed to appear in court or satisfy a judgment involving a traffic offense punishable by fine only. (Companion bill is **S.B. 1281** by Hughes.)

H.B. 4079 (Lozano) – Export by Customs Brokers: would prohibit a customs broker from certifying that delivery of tangible personal property was made to a point outside the territorial limits of the United States only if the customs broker or an authorized employee watches the property cross the border of the United States or watches the property being placed on a common carrier for delivery outside the United States.

H.B. 4102 (Guillen) – Unmanned Drones: would prohibit a governmental entity from acquiring or using an unmanned aircraft or any related services or equipment produced by a company or governmental entity that the governmental entity knows or has reason to believe is owned by, controlled by, or headquartered in China, Iran, North Korea, Russia, or Syria. (Companion bill is **S.B. 1986** by Hughes.)

H.B. 4171 (Campos) – Automated External Defibrillators: would, among other things: (1) authorize a city require the installation and maintenance of automated external defibrillators (AEDs) in structures subject to city licensure or other emergency preparedness-related regulation by ordinance, including specifying the structures subject to the ordinance, the minimum number and position of required AEDs, compliance and inspection procedures, and variance request process; (2) direct the city to consult with the fire marshal, fire chief, or other local official with authority over emergency matters regarding the requirements under (1), above; (3) prohibit a city

from applying or enforcing an ordinance under (1), above, to a premises with a occupancy limit of 30 or fewer persons or a health facility licensed under state law; (4) specify that all AEDs installed or maintained under (1), above, must comply with all other applicable AED-related state regulations; (5) specify that a county order does not apply to structures within a city or the city's extraterritorial jurisdiction if the city has adopted an ordinance under (1), above; and (6) exempt a city and its elected or appointed officials, employees, and agents from liability for regulating or failing to regulate AEDs. (Companion bill is **S.B. 1304** by **LaMantia**.)

H.B. 4173 (**Klick**) – **Overdose Prevention and Control**: would, among other things, provide that:

1. the Department of State Health Services (DSHS) shall develop an overdose mapping and response system in which a central repository containing information about overdose incidents is established and maintained using the information technology platform;
2. a law enforcement officer who responds to an overdose incident shall report information about the incident to the information technology platform as soon as possible but not later than 24 hours after the incident;
3. a person who administers emergency services and responds to an overdose incident or transports a person experiencing a confirmed or suspected overdose to a medical facility shall report information about the incident to the information technology platform as soon as possible but no later than 24 hours after the incident;
4. when a coroner, medical examiner, or other individual responsible for determining the cause of death determines that the death of a person was caused by an overdose, the coroner, medical examiner, or other individual shall report information about the overdose incident to the information technology platform, or give the information to a person authorized to report it, as soon as possible but not later than 24 hours after the determination of the cause of death;
5. a report under this bill must include: (a) the date and time of the overdose incident; (b) the approximate location of the overdose incident; (c) whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; (d) whether the overdose was fatal or nonfatal; (e) the sex and approximate age of the person suffering the overdose incident; and (f) the suspected substance involved;
6. a person who reports information about an overdose incident under this bill in good faith is not subject to civil or criminal liability for making the report unless the act constitutes willful or wanton negligence;
7. DSHS shall: (a) identify parameters for identifying an overdose spike throughout the state; and (b) create overdose spike response plans that coordinate the response of public health, public safety, and emergency management agencies and officials, first responders, community organizations, health care providers, and the media with the goal of preventing and reducing the harm caused by overdose spikes;

8. in developing overdose spike response plans, DSHS may: (a) establish public safety, public health, and behavioral health partnerships within the state; (b) assist local communities in identifying additional ways to use information about overdose incidents to deploy public health, behavioral health, and public safety responses to address specific geographic areas or high-risk populations; (c) assist in the distribution of opioid antagonists throughout the state; and (d) assist in implementing strategies to reduce drug supply and demand, especially in high-risk areas and where there are high volume of high-risk populations;
9. not later than September 1 of each year, DSHS shall submit an annual report to the legislature regarding the overdose mapping and response system under this bill, and it must include: (a) the number of overdose incidents report and the approximate locations where the overdose incidents occurred, including any clusters of overdose incidents; (b) the entities or individuals reporting information about overdose incidents; (c) the percentage of overdose incidents involving fatal overdoses; and (d) the manner in which the reported information about overdose incidents was used for public health, behavioral health, and public safety responses, the outcomes of those responses, and the impact on affected communities;
10. information about overdose incidents reported to the overdose mapping and response system by a person other than a law enforcement officer may not be used for a criminal investigation or prosecution of any person, and information about overdose incidents reported to, and accessible through, the overdose mapping and response system is confidential and is not subject to disclosure under the Public Information Act;
11. DSHS shall develop, implement, and maintain an ongoing statewide prevention and education campaign to address the fentanyl education needs in this state, and must include: (a) information for the general public about fentanyl; (b) precautionary measures to avoid risks and prevent harm by fentanyl; (c) resources for addiction treatment and services; and (d) information on laws regarding the manufacture, delivery, possession, and use of fentanyl, including criminal penalties and immunities for reporting an overdose;
12. DSHS shall establish a Substance Abuse Prevention Collaborative, composed of the number and composition of members as determined by the executive commissioner to be appropriate, and shall: (a) gather feedback from stakeholders concerning evidence-based overdose prevention practices; (b) work with prevention specialists to provide and support training to strengthen the state's prevention workforce; (c) coordinate with and assist state agencies and communities to strengthen the state's prevention infrastructure; (d) implement a statewide strategic plan for prevention of substance abuse disorders; (e) advance the use of tested and effective prevention programs and practices through education, outreach, advocacy, and technical assistance; (f) direct efforts to raise public awareness of the costs savings of prevention measures; (g) provide direct training and technical assistance to communities regarding the selection, implementation, and sustainment of tested and effective prevention programs; (h) provide recommendations to state agencies and communities regarding innovative prevention programs and practices; (i) support funding efforts to align funding and services and communicate with communities about funding strategies; (j) work with key state and community stakeholders

to establish minimum standards for prevention programs; and (k) not later than September 1 of each year, submit an annual report to the legislature of the collaborative's progress;

13. DSHS shall develop and implement a grant program to prevent overdose deaths and reduce health risks associated with substance abuse, and to be eligible to receive a grant, an entity must be: (a) a nonprofit organization that is in good standing and registered with the IRS and the secretary of state's office; (b) a federally qualified health center or rural health clinic; or (c) a law enforcement agency;
14. DPS, in consultation with the Health and Human Services Commission, shall conduct a study regarding the use of the Internet, including retail, payment, and social media platforms, for the purpose of distributing fentanyl, alpha-methylfentanyl, any other derivative of fentanyl, synthetic opiates, and counterfeit prescription drugs; and
15. regardless of whether: (a) the actor has been previously convicted of or placed on deferred adjudication community supervision for certain offenses; (b) the actor was acquitted in a previous proceeding in which the actor successfully established a defense to certain offenses; or (c) at any time during the 18-month period preceding the date of the commission of the instant offense, the actor requested emergency medical assistance in response to the possible overdose of the actor or another person, it is a defense to prosecution for certain offenses involving possession of small amounts of controlled substances, marijuana, dangerous drugs, abusable volatile chemicals, or possession of drug paraphernalia for defendants seeking assistance for a suspected overdose.

H.B. 4179 (Garcia) – Use of Force Claims: would: (1) prohibit a peace officer from asserting official immunity or other forms of immunity for a claim arising from the officer's use of force if the claimant proves by a preponderance of the evidence that the peace officer's actions did not comply with the standard use of force that would be used by a peace officer of reasonable and ordinary prudence in similar circumstances; and (2) exempt claims under (1), above, from governmental entity suit election of remedies and public servant liability provisions under certain circumstances.

H.B. 4180 (Frazier) – Reckless Driving Exhibition: would create a criminal offense for intentionally establishing, maintaining, or participating in a combination or in the profits of a combination or as a member of a criminal street gang, in the operation of a motor vehicle while engaging in a reckless driving exhibition, or racing on a highway. (Companion bill is **S.B. 2043** by **King**.)

H.B. 4196 (Frazier) – Notice to Appear for Traffic Offense: would provide that: (1) a peace officer's actions do not constitute misconduct if a peace officer issues a person a written notice to appear and: (a) the person refuses to sign the written notice prepared by the officer; (b) the officer does not take the person before a magistrate after the person fails to sign the written notice; and (c) the officer does not violate any other provisions related to notices to appear; and (2) the officer is not subject to removal from the officer's position in a scenario under (1), above.

H.B. 4216 (Morales) – Crime Victims’ Rights: would provide that a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose certain information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted by law shall provide the notification or information in the following manner: (1) electronically by text message or email; (2) on request of the victim, guardian, or relative, as applicable, through an anonymous, online portal; or (3) by making personal contact with the victim, guardian, or relative, as applicable. (Companion bill is **S.B. 2101** by **Miles**.)

H.B. 4241 (Davis) – Profiling: would provide that a peace officer may not engage in profiling activities, including racial, sex, gender, religious, ethnic, or age.

H.B. 4249 (Morales) – Drones: would provide that the use of deadly force involving a drone is justified if: (1) the actor reasonably believes that the use of deadly force by means of a drone is necessary to protect the actor or another from an imminent threat of death or serious bodily injury; and (2) before the actor’s use of deadly force occurred, the head of the law enforcement agency employing the actor, on a case-by-case-basis, specifically approved the actor’s use of deadly force by means of drone. (Companion bill is **S.B. 1899** by **Birdwell**.)

S.B. 525 (West) – Personal Assistive Mobility Devices: would: (1) provide that the Health and Human Services Commission (HHSC) shall adopt rules to ensure the safety and security of and the protection of property rights in a patient’s personal assistive mobility device while the patient is receiving emergency medical services; and (2) require each person or entity that provides the emergency medical services to adopt procedures, in accordance with HHSC rules, for the: (a) safe and secure storage of the patient’s personal assistive mobility device for the duration of the service provision; (b) return to the patient of the patient’s personal assistive mobility device at the time the service provision concludes; and (c) safe and secure transfer of the patient’s personal assistive mobility device from one person providing medical services to another person providing those services, including the transfer of a personal assistive mobility device for a patient who is transported by air. (Companion is **H.B. 3529** by **Manuel**.)

S.B. 1632 (Bettencourt) – School Emergency Plans: would provide that: (1) before submitting a multihazard emergency operations plan to the Texas School Safety Center (TSSC) at the TSSC’s request, a school district shall request provisional feedback from the TSSC regarding the plan and make adjustments to its plan as necessary; and (2) after approval of a plan by the TSSC, a school district shall submit its plan to an appropriate local law enforcement agency for review and to provide suggestions on the plan. (Companion bill is **H.B. 4882** by **DeAyala**.)

S.B. 1680 (Menendez) – Gambling: would, among other things: (1) provide an exception to the criminal offense of gambling if: (a) the gambling place: (i) was located in a private place; (ii) did not provide any economic benefit other than personal winnings to any person; and (iii) except for the advantage of skill or luck, the risk of losing and the chances of winning at the gambling place were the same for all participants; or (b) the thing of value bet or offered: (i) was bet or offered in a private place; (ii) did not provide any economic benefit other than personal winnings to any person; and (iii) except for the advantage of skill or luck, the risk of losing and the chances of

winning the thing of value bet or offered was the same for all participants; and (2) establish January 1, 2025 expiration date for (1), above.

S.B. 1681 (Menendez) – Gambling Definitions: would, for the criminal offense of gambling, define: (1) “economic benefit” as direct winnings from a game of skill or luck, not including a benefit received before a game commences or after payment of direct winnings from the game; and (2) “private place” as a place to which the public does not have access without a valid membership, special invitation, or prior permission.

S.B. 1682 (Zaffirini) – Releasing Animals: would establish a defense to prosecution for cruelty to nonlivestock animals for a person was: (1) releasing or returning a stray or feral animal pursuant to a Trap-Neuter-Return program; or (2) releasing or returning a previously trapped wild animal in accordance with Texas wildlife laws and regulations. (Companion bill is **H.B. 3660** by **Vasut**.)

S.B. 1740 (Gutierrez) – Gun Safety: would: (1) provide that it is an offense for a person to store a firearm, whether loaded or unloaded or firearm ammunition, in a motor vehicle or boat while the person is not in the motor vehicle or watercraft unless the firearm or firearm ammunition is kept from ordinary observation and locked within the trunk, utility or glove box, or a locked container securely affixed to the motor vehicle or boat; (2) provide that a person who owns a firearm shall report the loss or theft of the firearm to a law enforcement agency with jurisdiction over the location where the firearm was lost or stolen within twenty-four hours of the discovery of the loss or theft; (3) provide that a violation of (1) or (2), above, is a Class C misdemeanor punishable only by the completion of a court-approved firearm safety course; (4) require a dealer of firearms to post certain signs; and (5) provide that with the cooperation of the Texas Department of Transportation, the office of the governor, and other appropriate law enforcement agencies, the Department of Public Safety shall develop and implement a firearm safety system to be activated at regular intervals to publicize firearm safety and storage policies and advice.

S.B. 1852 (Flores) – Peace Officer Training: would provide that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require an officer to complete a training program of not less than 16 hours on responding to an active shooter as provided by the Advanced Law Enforcement Rapid Response Training Center at Texas State University, or a similar organization approved by TCOLE; and (2) an officer shall complete the program not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the officer’s basic training course.

S.B. 1858 (Hancock) – Next Generation 9-1-1 Service Fund: would provide, among other things, that for any money in the Next Generation 9-1-1 Service Fund resulting from the appropriation of state funds, after the money is deposited into the fund the Commission on State Emergency Communications shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion that the population of the area served by the district bears to the population of the state. (Companion bill is **H.B. 3290** by **Guillen**.)

S.B. 1898 (Birdwell) – Emergency Medical Transport by Firefighters: would provide that: (1) a firefighter, regardless of licensure as an emergency medical services provider, may transport a sick or injured patient to a health care facility in a vehicle other than an emergency medical services vehicle if: (a) the appropriate emergency medical services provider is notified of the patient’s clinical condition and is unable to provide emergency medical services at the patient’s location; and (b) the medical treatment and transport protocols for the patient’s apparent clinical condition authorize transport of the patient in a vehicle other than an emergency medical services vehicle; and (2) each emergency medical services and trauma care system shall develop the medical treatment and transport protocols necessary for the implementation of (1)(b), above, for the area covered by the system and provide notice of the protocols to the emergency medical providers and fire fighters in that area. (Companion bill is **H.B. 624** by **Harris**.)

S.B. 1899 (Birdwell) – Drones: would provide that the use of deadly force involving a drone is justified if: (1) the actor reasonably believes that the use of deadly force by means of a drone is necessary to protect the actor or another from an imminent threat of death or serious bodily injury; and (2) before the actor’s use of deadly force occurred, the head of the law enforcement agency employing the actor, on a case-by-case-basis, specifically approved the actor’s use of deadly force by means of drone. (Companion bill is **H.B. 4249** by **Birdwell**.)

S.B. 1900 (Birdwell) – Foreign Terrorist Organizations: would provide, among other things, that: (1) a foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance; (2) if a court finds that a foreign terrorist organization constitutes a public nuisance, the court may enter an order enjoining a defendant or imposing other reasonable requirements to prevent the foreign terrorist organization from engaging in future gang activities; (3) a foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order in (2), above; (4) a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of 100,000 or more shall compile and maintain in a local or regional intelligence database certain criminal information relating to a foreign terrorist organization; (5) the agency must compile and maintain the information in (4), above, in accordance with criminal intelligence systems operating policies; and (6) the office of the attorney general shall establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations. (Companion bill is **H.B. 3499** by **Guillen**.)

S.B. 1970 (Bettencourt) – Seizure of Vehicles Used in Reckless Driving Exhibition: would: (1) create a criminal offense of intentionally establishing, maintaining, or participating in a combination or in the profits of a combination or as a member of a criminal street gang to conspire to operate a motor vehicle while engaging in a reckless driving exhibition; and (2) deem property of any nature, including real, personal, or tangible property, used in the commission of or conspiracy to operate a motor vehicle while engaging in a reckless driving exhibition as contraband, subject to seizure by law enforcement. (Companion bill is **H.B. 1442** by **A. Johnson**.)

S.B. 1986 (Hughes) – Unmanned Drones: would prohibit a governmental entity from acquiring or using an unmanned aircraft or any related services or equipment produced by a company or governmental entity that the governmental entity knows or has reason to believe is owned by,

controlled by, or headquartered in China, Iran, North Korea, Russia, or Syria. (Companion bill is **H.B. 4102** by **Guillen**.)

S.B. 2168 (**Alvarado**) – **Mobile Stroke Unit Grant**: would, among other things, require the Health and Human Services Commission to establish and administer a grant program to provide financial assistance to stroke facilities and increase the availability of mobile stroke units in Texas. (Companion bill is **H.B. 2356** by **A. Johnson**.)

Sales Tax

H.B. 3541 (**Dutton**) – **Temporary Sales Tax Rate Reduction**: would: (1) require the comptroller to: (a) determine the amount of the surplus for state fiscal biennium ending August 31, 2023 attributable to the sales tax; (b) estimate the amount of the surplus for state fiscal biennium ending August 31, 2025 attributable to the sales tax; (c) if the amount in (b), above, is more than 50 percent of the amount under (a) above, determine the rate of sales tax that would result in an amount under (b), above, equaling 50 percent of the amount under (a), above; and (d) publish that rate in the Texas Register; and (2) change the state sales tax rate to the rate determined under (1)(c), above, applicable to the fiscal biennium ending on August 31, 2025.

H.B. 3580 (**Bumgarner**) – **Sales Tax Exemption**: would exempt from the sales tax a firearm, firearm accessory, and ammunition.

H.B. 3622 (**Lozano**) – **Taxable Services**: would remove “real estate repair and remodeling” from the definition of “taxable services” for the purpose of the sales tax. (Companion bill is **S.B. 2187** by **Hinojosa**.)

H.B. 3740 (**Kitzman**) – **Sales Tax Exemption**: would exempt from the sales tax a firearm, firearm accessory, and ammunition.

H.B. 3894 (**Shine**) – **Sales Tax Exemption**: would exempt from the sales tax battery energy storage systems used to generate, process, or store electricity for distribution and sale, regardless of the origin of the electricity used to charge the battery energy storage system if sold, rented to, stored, used, or consumed by a manufacturer.

H.B. 4257 (**Raney**) – **Reimbursement for Sales Tax Collection**: would increase the percentage a taxpayer may deduct and hold as reimbursement for the cost of collecting the sales tax from .5 percent to 1.5 percent.

S.B. 1769 (**Eckhardt**) – **Sales Tax Holiday**: would increase the sales price limit applicable to items eligible for a tax exemption during the school sales tax holiday from \$100 to \$175.

S.B. 1833 (**Hinojosa**) – **Sales Tax Exemption Eligibility**: would increase the limit on the sales price of portable generators eligible for a sales tax exemption under the emergency preparation items exemption from \$3,000 to \$10,000. (Companion bill is **H.B. 3206** by **Darby**.)

Community and Economic Development

H.B. 14 (Harris) – Third Party Inspections and Review of Development Applications: would provide: (1) for a third-party review of certain development documents, permits, and inspections if a city fails to approve, conditionally approve, or disapprove the documents or conduct the inspection by the 15th day following the time prescribed by law for the review or inspection; (2) that a third-party document review may be performed by certain qualified persons, including: (a) a licensed engineer; or (b) a reviewer employed by the city or any other political subdivision, if the city approves the person; (3) that a third-party inspection may be performed by certain qualified persons, including: (a) a certified building inspector; (b) a licensed engineer; or (c) an inspector employed by the city or any other political subdivision, if the city approves the person; (4) that the city cannot collect an additional fee for the third-party review or inspection; (5) that the person performing the review or inspection must satisfy all applicable regulations and provide notice to the regulatory authority within 15 days of completion; and (6) that the applicant has appeal rights under certain conditions.

H.B. 1515 (Clardy) – Texas Economic Development and Tourism Office: this is the Texas Economic Development and Tourism Office (TEDTC) sunset bill. The bill, among other things, would continue TEDTC until 2035. (Companion bill is **S.B. 1940** by **Springer**.)

H.B. 3526 (Raymond) – Solar Pergolas: would prohibit a city from applying a building code to the construction of a solar pergola.

H.B. 3601 (Lozano) – Bona Fide Offers in Condemnation: would, for the purposes of making a bona fide offer to acquire property through eminent domain, provide that the final offer is made no earlier than: (1) the 30th day following the initial offer, if the final offer is equal to or higher than the initial written offer; or (2) the 60th day following the initial offer, if the final offer is lower than the initial written offer. (Companion bill is **S.B. 2311** by **Hinojosa**.)

H.B. 3699 (Wilson) – Exceptions to Platting Based on Owner Intention: would, among other things, provide: (1) that platting of a subdivision would be required only when the landowner intends to lay out certain areas for public use; (2) for specific limitations on city roadway right of way size regulations; (3) that a city may not require dedication of land within a subdivision for a future street or alley that is: (a) not intended by the owner of the tract; and (b) not included on the city's capital improvement plan; (4) that each city must make available to the public a complete list of all documentation and information required for a plat application; and (5) that an application that contains all of the required information from (4), above, must be considered complete.

H.B. 3741 (Canales) – Right of Way Landscaping: would require the Department of Transportation to institute a program for landowners with property adjacent to the state highway system to plant are native, regionally appropriate, and pollinator-friendly vegetation in the right-of-way that affects their property.

H.B. 3755 (Canales) – Right of Way Landscaping: would require the Department of Transportation to institute a program for landowners with property adjacent to the state highway system to plant are native, regionally appropriate, and pollinator-friendly vegetation in the right-of-way that affects their property.

H.B. 3787 (S. Thompson) – Digital Alert Signs: would, among other things, require the Texas Department of Transportation to enter into an agreement with a private entity to provide information necessary for certain statewide alert systems through a system of dynamic, digital message signs located across the state and capable of displaying digital images.

H.B. 3801 (King) – Centennial Parks Conservation Fund: would establish the centennial parks conservation fund to, among other things: (1) improve, develop, beautify, equip, and maintain park sites; and (2) provide grants to political subdivisions for local parks. (Companion bill is **S.B. 1648** by **Parker**.) (See **H.J.R. 154**, below.)

H.B. 3804 (Shine) – Sprinkler Systems: would prohibit cities, counties, or emergency services districts from enacting any ordinance, bylaw, order, building code, or rule that in any manner requires or conditions, directly or indirectly, any regulatory approval on the installation of a multipurpose residential fire protection sprinkler system or any other fire protection sprinkler system in a new or existing one- or two-family dwelling, except under certain circumstances.

H.B. 3826 (Toth) – Building Permits: would prohibit a city from: (1) entering into a written agreement with a building permit applicant to allow for an alternative deadline for granting or denying the permit; (2) denying a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit; and (3) requiring a building permit applicant to waive the 45-day time period for granting or denying a building permit. (Companion bill is **S.B. 560** by **Springer**.)

H.B. 3834 (J. Lopez) – Keeping Hens: would prohibit a city from adopting or enforcing an ordinance, rule, or other measure prohibiting the raising or keeping hens.

H.B. 3844 (Lozano) – Public Improvement Districts: would, among other things: (1) modify the definition of “public improvement project” to include: (a) acquisition, construction, or improvement of publicly owned water, wastewater, natural gas, electric, canal, or drainage facilities or improvements; (b) special supplemental services for improvement and promotion of the district, and for repair and maintenance of those special supplemental services, including services relating to advertising, promotion, health and sanitation, water and wastewater, roadways and sidewalks, public safety, security, business recruitment, development, recreation, and cultural enhancement; or (c) payment of expenses incurred in the establishment, administration, and operation of the district, including payment of costs associated with the issuance of bonds; (2) provide that a public improvement project is not subject to the state bidding or procurement requirements if at least one-third of the cost of the improvement is or will be paid or secured by: (a) a special assessment levied on property located inside the public improvement district; (b) a developer of land located inside the public improvement district; or (c) a combination of special assessments described by (2)(a), above, and developer commitments described by (2)(b), above; (3) require a home rule city that objects to a county establishing a public improvement district to give notice to the county of the city’s objection to the establishment or the public improvement district and the reason for the objection; (4) provide that a statement of the estimated cost of an improvement in a petition under does not limit: (a) the actual cost of an improvement payable by the city or county from an assessment levied against property in an improvement district; or (b) the amount of an assessment that may be levied against property in an improvement district by the

governing body of a city or county on a determination of the cost of an improvement and the amount of an assessment in a service plan and assessment plan; (5) provide that the area of a public improvement district may consist of noncontiguous tracts of land, including parcels of land that would be contiguous to each other but for separation caused by a natural geographic feature or an existing roadway, easement, or right-of-way, provided the public improvement projects and services to be implemented and the costs of the projects and services may be apportioned according to state law; (6) provide that property included within one public improvement district may be included, wholly or partly, within the boundaries of another public improvement district; and (7) provide that the service plan may cover the entire improvement district or be limited to a specific area or areas within the district. (Companion bill is **S.B. 1958** by **Parker**.)

H.B. 3892 (**K. King**) – **Modular Housing**: would, among other things: (1) establish regulations for modular residential dwellings in Texas; (2) require the Texas Department of Licensing and Regulation (TDLR) to promulgate rules and regulations related to modular homes; (4) require modular homes manufactured or sold in Texas to be inspected at the factory; and (5) allow cities to adopt construction standards for modular dwelling units, provided the standards are in substantial compliance with state requirements and reviewed and approved by TDLR.

H.B. 3921 (**Goldman**) – **Residential Lot Size and Density Requirements**: would apply to cities that are wholly or partly located in counties with a population of 300,000 or more by, among other things: (1) prohibiting a city from adopting or enforcing an regulation that requires a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, or that sets a ratio of fewer than 31.1 dwelling units per acre if regulating density; (2) prohibiting a city from adopting or enforcing certain requirements for small lots, including a building setback greater than ten feet from the front or back of the property or five feet from the side of the property, certain parking regulations, certain impervious cover regulations and fewer than three full stories; (3) allowing a city to require the sharing of a driveway with another lot; and (4) exempting sewer or water requirements from these new requirements. (Companion bill is **S.B. 1787** by **Bettencourt**.)

H.B. 3946 (**Clardy**) – **Major Events Reimbursement Program**: would, for purposes of eligibility for funding under the major events reimbursement program, consider certain sporting events to be held one time in each year if the event is held only one time in any annual season for that sport.

H.B. 3947 (**Craddick**) – **Automatic Disannexation in Home-Rule Cities**: would, among other things: (1) define “full municipal services” as police protection, fire protection, emergency medical services, solid waste collection, water and wastewater facilities, and the operation and maintenance of roads and streets; (2) automatically disannex any area, lot, or tract within a home-rule city not receiving full municipal services, with certain, limited exceptions; and (3) waive governmental immunity from suit and liability to the extent liability is created by this bill.

H.B. 3959 (**Howard**) – **Building Materials and Hotel Occupancy Tax Funds**: would allow cities under 20,000 population to: (1) enforce certain regulations related to building materials used in construction or renovation for buildings other than single-family residential homes; and (2) use revenue from the municipal hotel occupancy tax to promote tourism and the convention and hotel

industry by enhancing and upgrading a water or wastewater system that provides services to facilities that attract tourism in the city.

H.B. 3987 (Reynolds) – Boarding Homes: would, among other things: (1) provide that an establishment providing lodging to three or more unrelated persons would be considered a “boarding home facility,” regardless of the age or disability status of the residents; and (2) remove the restrictions on the use of any permitting fee or fine assessed against a boarding home facility by a city.

H.B. 4038 (Hayes) – Annexation Challenges and Statutes of Limitation: would provide that: (1) a person must bring a suit to challenge an annexation within 35 years of the annexation date; (2) municipal boundaries cannot be validated by law unless that law explicitly validates the boundary; and (3) an ordinance annexing land is excluded from the city ordinance validation statute.

H.B. 4039 (Hayes) – Municipal Services Following Annexation: would provide that: (1) a city must provide full municipal services to annexed property by: (a) September 1, 2027 for property annexed prior to September 1, 2023; and (b) the fourth anniversary of the date of annexation for property annexed after September 1, 2023; and (2) if a city fails to provide full municipal services by the deadlines in (1), above, an affected landowner may bring an action seeking disannexation.

H.B. 4051 (Goldman) – Media Production Development Zone: would provide that to be approved as a media production development zone, an area must be in a metropolitan statistical area, the principal city of which has a population of more than 100,000.

H.B. 4087 (Kuempel) – Sewage Disposal Permits: would: (1) allow a city, under certain circumstances to issue a permit for the use of a temporary on-site sewage disposal system that operates in conjunction with pumping and hauling of wastewater produced by the system; and (2) limit the term of the permit of one year from the date of issuance and not allow for renewal.

H.B. 4103 (Raymond) – Housing Discrimination: would prohibit: (1) housing discrimination based on the source of income; and (2) the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination under (1), above, to a city if the city does not have laws prohibiting the alleged discrimination. (Companion bill is **S.B. 570** by **West**.)

H.B. 4175 (Harris) – Municipal Services in Extraterritorial Jurisdiction: would require a city that extends application of an ordinance into its extraterritorial jurisdiction (“ETJ”) to provide full municipal services to a property in the ETJ if the city denies or refuses to permit an activity or structure on that property not later than 30 months after the date of the denial or refusal.

H.B. 4215 (Bell) – Extraterritorial Jurisdiction Limitation: would: (1) limit the size of a city’s extraterritorial jurisdiction to an amount not to exceed 50% of the gross acreage of the city; and (2) require the city to release extraterritorial jurisdiction as necessary to comply with this limit. (Companion bill is **S.B. 1545** by **Bettencourt**.)

H.B. 4232 (Shine) – Public Improvement Districts: would require a city: (1) to post a copy of a public improvement district (PID) service plan and certain other information on the city’s website within seven days of approving, amending, or updating the plan; (2) to submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) require the city to post on its website certain information about city PIDs. (Companion bill is **S.B. 1916** by **Parker**.)

H.J.R. 154 (K. King) – Centennial Parks Conservation Fund: would amend the Texas Constitution to establish the centennial parks conservation fund for the creation and improvement of state and local parks and the conservation of land, water, and soil in this state. (See **H.B. 3801**, above.)

S.B. 1636 (Zaffirini) – Wildland-Urban Interface Area Regulation: would: (1) adopt the Wildland-Urban Interface Code as it existed on January 1, 2023 as the wildland-urban interface code of the state; (2) require the Texas Department of Agriculture to designate the wildland-urban interface areas of the state; (3) require cities to adopt procedures for the administration and enforcement of the Wildland-Urban Interface Code in designated areas; and (4) provide that if a conflict exists between the Wildland-Urban Interface Code and local building or fire codes, the more stringent regulation would apply.

S.B. 1648 (Parker) – Centennial Parks Conservation Fund: would establish the centennial parks conservation fund to, among other things: (1) improve, develop, beautify, equip, and maintain park sites; and (2) provide grants to political subdivisions for local parks. (Companion bill is **H.B. 3801** by **King**.) (See **S.J.R. 74**, below.)

S.B. 1684 (Johnson) – Workforce Housing: would, among other things: (1) require the Texas Department of Housing and Community Affairs to establish a workforce housing program to provide financial assistance to participating cities to facilitate the construction and rehabilitation of eligible workforce housing developments; (2) establish a fund to provide financial assistance in the form of grants or low-interest loans for eligible projects; (3) establish criteria for project eligibility; and (4) require the TDHCA to adopt rules to implement and govern the program. (See **H.J.R. 77**, below.) (Companion bill is **H.B. 4958** by **Goodwin**.)

S.B. 1688 (Birdwell) – Enterprise Zone: would: (1) define “COVID relief period” as the period beginning March 1, 2020, and ending December 31, 2021; (2) provide that the requirement that an employee perform at least 50 percent of the person’s service for the business at the qualified business site to be a “qualified employee” is waived for an annual certification or job retention period that includes the COVID relief period; (3) provide that a qualified business in compliance with state law governing enterprise zones before the COVID relief period that is eligible for a waiver under (2), above, may elect to withdraw its project or activity from designation as an enterprise project by December 31, 2023; and (4) provide that a qualified business that withdraws its enterprise project designation under (3), above, is considered eligible for any refund of state taxes approved for the COVID relief period, notwithstanding the requirements for meeting the definition of a new permanent job or a retained job. (Companion bill is **H.B. 3374** by **Button**.)

S.B. 1786 (Bettencourt) – Development Application and Inspection Procedures: would, among other things, modify approval procedures for property development application review and inspection by a city by: (1) defining additional terms related to property development, including broadening who the appropriate municipal authority for approving development applications may be; (2) providing cities the ability to delegate responsibilities for property development review and development inspections to third-party reviewers and inspectors and establishing procedures and requirements for such delegation; and (3) requiring delegation of development review to third-party reviewers, if the city fails to complete at least 80 percent of certain development reviews and requests for development inspections within the required timeframes over a two-year period.

S.B. 1787 (Bettencourt) – Residential Lot Size and Density Requirements: would apply to cities that are wholly or partly located in counties with a population of 300,000 or more by, among other things: (1) prohibiting a city from adopting or enforcing an regulation that requires a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, or that sets a ratio of fewer than 31.1 dwelling units per acre if regulating density; (2) prohibiting a city from adopting or enforcing certain requirements for small lots, including a building setback greater than ten feet from the front or back of the property or five feet from the side of the property, certain parking regulations, certain impervious cover regulations and fewer than three full stories; (3) allowing a city to require the sharing of a driveway with another lot; and (4) exempting sewer or water requirements from these new requirements. (Companion bill is **H.B. 3921** by **Goldman**.)

S.B. 1830 (Hinojosa) – Urban Water Districts: would, among other things: (1) allow the Texas Commission on Environmental Quality to dissolve an urban area water district meeting certain criteria, including: (a) the district is located entirely in a county with a population over 400,000; (b) 70 percent or more of the district’s area is within the corporate limits or extraterritorial jurisdiction of a city; (c) the services and functions performed by the district can be provided by a city in the district; and (d) the district either generates more than 70 percent of the district’s operating revenue from a city for the supply or delivery of raw water used for municipal purposes, or generates less than 15 percent of the district's operating revenue from raw, untreated, or nonpotable water sales and the flat rate assessment collected from non-municipal customers; and (2) create the framework for district dissolution that includes, among other things, a hearing, a certain ordinance from an affected municipality, and a petition of qualified voters.

S.B. 1848 (Hinojosa) – Urban Water Control and Improvement Districts: would, among other things: (1) allow for the dissolution of certain urban area Water Control and Improvement Districts located entirely in counties with populations over 400,000 under certain conditions; and (2) would require an election to be held and, if a majority of votes favor dissolution, the assets, debts, contractual rights, and other obligations of the district would then be transferred to the city.

S.B. 1905 (Sparks) – Media Production Development Zone: would: (1) remove a population requirement from the requirements to be approved as a media production development zone; and (2) provide that there may not be more than 20 media production development zone designations at any one time.

S.B. 1916 (Parker) – Public Improvement Districts: would require a city: (1) to post a copy of a public improvement district (“PID”) service plan and certain other information on the city’s

website within seven days of approving, amending, or updating the plan; (2) to submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) require the city to post on its website certain information about city PIDs. (Companion bill is **H.B. 4232** by **Shine**.)

S.B. 1926 (Springer) – Impact Fees: would, among other things: (1) define “impact fee” as a charge or assessment imposed against a qualified property in order to generate revenue for funding or recouping the costs of capital improvements or facility expansions for water, wastewater, or storm water services or for roads necessitated by or attributable to property that receives an ad valorem tax benefit under the bill; (2) provide that a city or county may impose and collect from the owner of a qualified property a reasonable impact fee under the bill to pay for the cost of providing improvements associated with or attributable to property that receives property tax benefit under the bill; (3) provide that a person may apply to the school district for approval of an agreement for a new investment project, including the construction and operation of new improvements to realty or placement into service new tangible personal property that did not exist on the date of the agreement under the bill; (4) provide that the school district shall forward the application to the comptroller for a recommendation on approval of the application by the school district if the comptroller finds that the project provides: (a) no financial harm to the school district; and (b) a net economic or financial benefit to the state; and (5) repeal Chapter 313 of the Tax Code.

S.B. 1940 (Springer) – Texas Economic Development and Tourism Office: this is the Texas Economic Development and Tourism Office (TEDTC) sunset bill. The bill, among other things, would continue TEDTC until 2035. (Companion bill is **H.B. 1515** by **Clardy**.)

S.B. 1955 (Parker) – Modular Housing: would, among other things: (1) establish regulations for modular residential dwellings in Texas; (2) require the Texas Department of Licensing and Regulation (TDLR) to promulgate rules and regulations related to modular homes; (4) require modular homes manufactured or sold in Texas to be inspected at the factory; and (5) allow cities to adopt construction standards for modular dwelling units, provided the standards are in substantial compliance with state requirements and reviewed and approved by TDLR.

S.B. 1958 (Parker) – Public Improvement Districts: would, among other things: (1) modify the definition of “public improvement project” to include: (a) acquisition, construction, or improvement of publicly owned water, wastewater, natural gas, electric, canal, or drainage facilities or improvements; (b) special supplemental services for improvement and promotion of the district, and for repair and maintenance of those special supplemental services, including services relating to advertising, promotion, health and sanitation, water and wastewater, roadways and sidewalks, public safety, security, business recruitment, development, recreation, and cultural enhancement; or (c) payment of expenses incurred in the establishment, administration, and operation of the district, including payment of costs associated with the issuance of bonds; (2) provide that a public improvement project is not subject to the state bidding or procurement requirements if at least one-third of the cost of the improvement is or will be paid or secured by: (a) a special assessment levied on property located inside the public improvement district; (b) a developer of land located inside the public improvement district; or (c) a combination of special assessments described by (2)(a), above, and developer commitments described by (2)(b), above; (3) require a home rule city that objects to a county establishing a public improvement district to

give notice to the county of the city's objection to the establishment or the public improvement district and the reason for the objection; (4) provide that a statement of the estimated cost of an improvement in a petition under does not limit: (a) the actual cost of an improvement payable by the city or county from an assessment levied against property in an improvement district; or (b) the amount of an assessment that may be levied against property in an improvement district by the governing body of a city or county on a determination of the cost of an improvement and the amount of an assessment in a service plan and assessment plan; (5) provide that the area of a public improvement district may consist of noncontiguous tracts of land, including parcels of land that would be contiguous to each other but for separation caused by a natural geographic feature or an existing roadway, easement, or right-of-way, provided the public improvement projects and services to be implemented and the costs of the projects and services may be apportioned according to state law; (6) provide that property included within one public improvement district may be included, wholly or partly, within the boundaries of another public improvement district; and (7) provide that the service plan may cover the entire improvement district or be limited to a specific area or areas within the district. (Companion bill is **H.B. 3844** by **Lozano**.)

S.J.R. 74 (**Parker**) – **Centennial Parks Conservation Fund**: would amend the Texas Constitution to establish the centennial parks conservation fund for the creation and improvement of state and local parks and the conservation of land, water, and soil in this state. (See **S.B. 1648**, above.)

S.J.R. 77 (**Johnson**) – **Workforce Housing**: would amend the Texas Constitution to provide for the creation of the Workforce Housing Fund to provide grants and low-interest loans to cities for the purpose of facilitating the development of affordable workforce housing. (See **S.B. 1684**, above.)

Elections

H.B. 3611 (**Cain**) – **Preferential Voting System**: would provide that: (1) in an election requiring a majority vote to be elected to a public office, a candidate must receive more than half of the votes as originally cast; and (2) a majority may not be determined by using a preferential voting system (voting system which permits a voter to rank each candidate through a numerical designation from the candidate the voter favors most to the candidate the voter favors least) to reassign votes. (Companion bill is **S.B. 921** by **Hughes**.)

H.B. 3613 (**Cain**) – **City Elections**: would provide that: (1) a city that is divided into districts, wards, or other areas from which members of its governing body are elected shall elect all members of the city council following each apportionment on the first uniform election date that allows sufficient time to comply with applicable requirements of the law; and (2) if members of city council described in (1), above, serve staggered terms, the city shall adopt an equitable process to determine which members of the council serve shorter terms to accommodate an election following apportionment that accounts for the remaining time in each member's term and whether the term of any member elected from a particular district, ward, or area was previously shortened.

H.B. 3732 (**Guerra**) – **Voting System Standards**: would provide that: (1) a voting system may not be used in an election if the voting system does not produce a paper receipt that provides a

voter the information necessary to verify the voter's participation in the election is recorded accurately in the voter information databases maintained by the county and the secretary of state; and (2) a paper receipt required under (1), above, may not indicate for which candidates or measures a person voted.

H.B. 3748 (Bucy) – Elections: would, among other things, provide that:

1. a qualified voter includes a person who has not been finally convicted of a felony or, if so convicted, is not currently incarcerated for that offense;
2. a person who would be eligible to vote in an election, but for the requirement to be a registered voter, shall be accepted for voting at a polling place at which the person would be allowed to vote if registered if, on the day the person offers to vote, the person: (a) submits a voter registration application that complies with the law to a voter registrar at the polling place; (b) presents certain documentation as proof of identification; or (c) executes an affidavit stating that the person is eligible to vote in the election and is voting only once in the election;
3. persons voting under Number 2, above, shall be processed separately at the polling place from persons who are voting under regular procedures;
4. the secretary of state shall adopt rules to ensure the accountability of election officers and to fairly implement the provisions of Number 2, above;
5. for each person entitled to register at a polling place, the early voting clerk shall follow the procedure for accepting a regular voter on election day, with the modifications necessary for the conduct of early voting;
6. a copy of a notice of election provided to the county by a certain political subdivisions, including a city, for posting on the county's internet website must include: (a) the location of each polling place that will be open on election day; (b) the location of each polling place that will be open for early voting; and (c) each location that will be available to voters to deliver a marked ballot to be voted by mail;
7. any qualified voter is eligible for early voting by mail;
8. an application for a ballot to be voted by mail serves as an application both for a ballot for the main election and for any resulting runoff election;
9. the secretary of state shall implement a program to allow a person to complete an application for an early voting ballot by mail over the internet from the official website of the state;
10. a nonpartisan election observation organization that has been certified by the secretary of state may appoint watchers;

11. the following documentation is an acceptable form of photo identification for voting: (a) an official Native American tribal document; and (b) any other official government document issued to the voter and containing the voter's name, address, and photograph;
12. the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day;
13. an authority authorized to order extended early voting under Number 12, above, that orders the voting during an extended early voting period shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period;
14. the early voting election order and election notice shall include the dates and hours that extended voting is ordered to be conducted and the early voting clerk shall post notice for each election stating the dates and hours of extended voting;
15. an election officer shall accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person;
16. notice of the priority given to persons with a mobility problem that substantially impairs a person's ability to ambulate shall be posted at each entrance to a polling place where it can be read by persons waiting to vote;
17. at each polling place two parking spaces shall be reserved for voting and the spaces may not be parking spaces designated specifically for persons with disabilities;
18. the parking spaces must be clearly marked with a sign as being for use by a voter who is unable to enter the polling place and the sign must have a telephone number that a voter may call or text to request assistance from election officials at the polling place;
19. the early voting clerk shall post the official application form for an early voting ballot on the clerk's Internet website in a format that allows a person to easily complete the application directly on the website before printing;
20. if a voter who applies for early voting by mail has a sickness or physical condition that prevents the voter from appearing at the polling place on election day without a likelihood of needing personal assistance or of injuring the voter's health, or if the voter is expecting to give birth within three weeks before or after election day, the balloting materials may be provided by email in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state; and

21. the provision that states that the secretary of state may only select to participate in the countywide polling program six counties with a population of 100,000 or more and four counties with a population of less than 100,000 is repealed.

H.B. 3763 (Bucy) – Optical Scan Ballot Study: would provide that: (1) by October 1, 2024, the secretary of state shall conduct a study to consider the feasibility of requiring an election authority operating a central counting station who uses a centrally counted optical ballot scan system to only use data storage discs on which information, once written, is not capable of being modified; and (2) the study must consider: (a) whether the technology exists that would allow the requirement to be attainable by election authorities in Texas; and (b) the cost of implementing the requirement for each state and county election official.

H.B. 3814 (DeAyala) – 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. (Companion bill is **S.B. 1253** by **Bettencourt**.)

H.B. 3819 (Wilson) – Election Precincts: would provide that a county commissioners court may not establish a county election precinct containing territory inside a city with a population of 10,000 or more and unincorporated territory outside that city unless: (1) the commissioners court determines that either of the two areas meets certain criteria; or (2) the two areas are located in a county participating in a countywide polling place program.

H.B. 4036 (Hayes) – Poll Watchers: would, among other things, provide that: (1) a poll watcher who wishes to observe certain actions of a signature verification committee related to early voting mail in ballots shall submit the watcher’s name, email address, and phone number to the chair of the committee; (2) not less than four hours before taking an action related to verification of signatures for early voting mail in ballots, the signature verification committee must provide notice by phone and email to each poll watcher who has submitted the information required under (1), above, including the date, time, and place the action will be taken; and (3) a defect in a early voting mail in ballot may not be corrected in person unless two members of the signature verification committee appointed by the early voting clerk are present, each being aligned with a different political party, if applicable.

H.B. 4206 (DeAyala) – 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. (Companion bills are **S.B. 1254** and **S.B. 1945** by **Bettencourt** and **S.B. 1944** by **Eckhardt**.)

H.B. 4235 (Smith) – Optical Ballot Scan System: would: (1) provide that an authority operating a central counting station may not purchase or use a centrally counted optical ballot scan system that stores data on a computer with a data storage disc on which information, once written, is capable of being overwritten during a system upgrade; and (2) repeal the following provisions: (a) an authority that purchases system components in order to comply with a centrally counted optical

ballot scan system is eligible to have 100 percent of the cost of those system components reimbursed; and (b) the provisions of (1), above, expire on October 1, 2026.

S.B. 1642 (Hall) – Election Records: would, among other things, provide that: (1) precinct election records shall be preserved by the authority to whom they are distributed for at least 36 months after election day; (2) for a period of at least 60 days after the date of the election, the voted ballots shall be preserved securely in a locked room in the locked ballot box in which they are delivered to the general custodian of election records; (3) on the 61st day after election day, the general custodian of election records shall: (a) require a person who has possession of a key that operates the lock on a ballot box containing voted ballots to return the key to the custodian; (b) unlock the ballot box and transfer the voted ballots to another secure container, segregated and marked by precinct, for the remainder of the preservation period; and (c) create and maintain an index of voted ballots and ballot numbers assigned to each precinct, categorized by precinct location and polling place location, and make the index available to the public on the county election internet website, if the county maintains a website; (4) a ballot box or other secure container containing voted ballots may not be opened during the first 60 days of the preservation period; (5) the secure container that ballots or other precinct election records are transferred to must be sealed with a uniquely numbered seal, and the number shall be logged to ensure chain of custody during the preservation period; and (6) if ballots are imaged during the election process, the general custodian of election records shall post the ballot images, including the serial number assigned to the ballot and indexed by precinct, on the county’s Internet website or the secretary of state’s Internet website not later than five days after the election. (Companion bill is **H.B. 4548** by **Toth**.)

S.B. 1643 (Hall) – Canvassing Elections: would require the city council as the canvassing authority of an election of the city to compare the precinct returns with the corresponding tally list. (Companion bills are **H.B. 4578** by **Longoria** and **H.B. 4587** by **Toth**.)

S.B. 1661 (Hughes) – Central Counting Station: would provide that an authority operating a central counting station may not purchase or use a ballot scanner unless the ballot scanner can only use a data storage device on which information, once written, is incapable of being modified without rendering the device readable. (Companion bill is **H.B. 4733** by **Toth**.)

S.B. 1807 (Springer) – Penalties: would, among other things, provide that: (1) if, after receiving or discovering information indicating that a public official or election official has created, altered, modified, waived or suspended any election standard, practice, or procedure mandated by law or rule in a manner not expressly authorized by the Election Code, the secretary of state shall order that person to correct the offending conduct through written notice that includes a description of the violation and an explanation of the action necessary for compliance and of the consequences of noncompliance; (2) a person is liable for a civil penalty in the amount of \$1,000 for each day after the second day following the receipt of the written notice described in (1), above, that the public official or election official fails to take affirmative action to comply with the corrective actions identified by the Secretary of State; (3) the civil penalty described in (2), above, shall increase to \$5,000 for each day following the 7th day that the public official or election official fails to take affirmative action to comply with the corrective actions identified by the Secretary of State; and (4) the attorney general may bring an action to recover the civil penalty described in (2)

and (3), above, and the penalty shall be deposited in the state's general fund. (Companion bill is **H.B. 4727** by **Toth**.)

S.B. 1818 (**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. 1907 (**Bettencourt**) – **Election Records**: would, among other things, provide that: (1) if the precinct election records are not delivered by the prescribed deadline, the secretary of state may supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records; and (2) if precinct election records are ordered impounded by a district judge on the application of a member of the canvassing authority, the district judge shall supervise the activities necessary to complete the count, prepare the precinct returns, and distribute the records.

S.B. 1911 (**Bettencourt**) – **Election Offenses**: would provide that: (1) a person who is responsible for distributing election supplies and intentionally fails to distribute the supplies by the prescribed deadline commits a Class A misdemeanor; (2) a person who is entrusted with the delivery of election supplies for use at polling places and intentionally fails to deliver any of the supplies within the time specified by the person who entrusted the delivery to the person commits a Class A misdemeanor; (3) a person commits a state jail felony if the person intentionally obstructs the distribution of election supplies for an election; and (4) an election officer, watcher, or other person serving at a polling place in an official capacity commits a state jail felony if, before the polls close or the last voter has voted, whichever is later, reveals certain information.

S.B. 1936 (**Bettencourt**) – **Election Records**: would provide that a presiding judge who designates an election clerk to deliver election records or supplies may only designate an election clerk who has served at the same polling place as the presiding judge for at least four hours before the designation.

S.B. 1944 (**Eckhardt**) – **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. (Companion bill is **H.B. 4206** by **DeAyala**.)

S.B. 1945 (**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. (Companion bill is **H.B. 4206** by **DeAyala**.)

S.B. 1947 (**Bettencourt**) – **Early Voting Ballot Application**: would provide that if an early voting ballot application is timely returned, the early voting clerk shall enter the time and date of receipt on the carrier envelope and enclose the carrier envelope and the voter's early voting ballot application in a jacket envelope.

S.B. 1950 (Bettencourt) – Early Voting Mail in Ballot: would provide that: (1) a county clerk, elections administrator, early voting clerk, or early voting ballot board may not suspend the requirements related to accepting an early voting ballot voted by mail; and (2) a county clerk, elections administrator, or early voting clerk who violates (1), above, commits an offense and such offense is a Class A misdemeanor.

S.B. 1951 (Bettencourt) – Central Counting Station: would provide that: (1) the manager of a central counting station shall designate teams of two election officers to prepare duplicate ballots; (2) each officer described in (1), above, must be aligned or affiliated with a different political party unless there are not two or more election officers serving the central counting station who are aligned with different parties; (3) the election officers designated under (1), above, shall prepare a duplicate ballot by having one officer announce the name of the candidate and the other officer mark the ballot with the name of that candidate; (4) each duplicate ballot must be independently reviewed by a second team of two election officers, each of whom is aligned or affiliated with a different political party as described by (1), above; and (5) the manager of a central counting station shall post the time that ballots will be duplicated to ensure that poll watchers are able to observe the activity under (3)–(4), above.

S.B. 1995 (Middleton) – Access to Voted Ballots: would, among other things, provide that: (1) a general custodian of election records shall adopt a written policy establishing procedures for providing access to voted ballots for public inspection; and (2) at a minimum, a policy adopted under (1), above, shall include: (a) procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the ballot available for public inspection; (b) a defined time period for public inspection consistent with the Texas Public Information Act; (c) a log containing the name of any person who accesses the voted ballots during the defined time period; (d) general regulations regarding access to the ballots; (e) the use of video surveillance, if available, to monitor all activities in the inspection room during the time that the voted ballots are made available for public inspection; (f) the use of other security measures necessary to ensure no alteration of the ballots is possible; and (g) procedures to ensure that all other materials unrelated to the ballot inspection request are removed from the room in which the public inspection takes place.

Emergency Management

H.B. 3718 (Lozano) – COVID-19 Business Closures: would provide that the governing body of a political subdivision, including a city, or its presiding officer, shall not issue an order, enact an ordinance, or take any other action having the force and effect of law that would limit or prohibit any business activity or services in response to the COVID-19 pandemic.

H.B. 3719 (Lozano) – Face Coverings: would provide that: (1) a governmental entity may not adopt or enforce an ordinance, order, or other measure that requires an individual to wear a face covering in response to the COVID-19 pandemic; and (2) the limitation in (1), above, does not apply to an ordinance, order, or other measure that relates to: (a) a state supported living center; (b) a hospital that is owned or operated by this state; an agency of this state, or the federal government; and (c) subject to any applicable guidance provided by the Texas Commission on Jail

Standards, a facility operated by the Texas Department of Criminal Justice or the Texas Juvenile Justice Department or a municipal or county jail.

H.B. 3720 (Lozano) – COVID-19-Related School Closures: would provide that the governing body of a political subdivision, including a city, or its presiding officer, may not issue an order, enact an ordinance, or take any other action that would limit or prohibit any school activity or service in response to the COVID-19 pandemic.

S.B. 1943 (Eckhardt) – Local Emergency Warning System: would, among other things, provide that: (1) for purposes of operating an emergency warning system for residents of a political subdivision, the political subdivision may contract with DPS for disclosure of the contact information of a political subdivision resident who consents to the disclosure for the purpose of participating in the system; (2) a participant in an emergency warning system described in (1), above, may request removal from the system by submitting a written request, including a text message from a cellular telephone or other wireless communication device, for removal to the applicable political subdivision; (3) on receipt of the request, the applicable political subdivision shall remove the participant's contact information from the system and cease issuing emergency warnings to the former participant through the system; (4) a participant in an emergency warning system described in (1), above, may elect to receive warning alerts in both English and Spanish; (5) when a person applies for an original or renewal driver's license, the person may consent to: (a) participate in an emergency warning system described in (1), above, and; (b) the disclosure by DPS of the person's contact information to the city or county, or both, in which the person resides for the purpose of participating in an emergency warning system operated by the city or county; (6) DPS shall disclose a person's contact information to a city or county for participation in an emergency warning system if: (a) the person indicates the person's consent to participate in an emergency warning system and to the disclosure of the person's contact information; and (b) the applicable city or county: (i) operates an emergency warning system; and (ii) has contracted with DPS for the disclosure of the person's contact information; and (7) contact information obtained by the city or county under this bill may not be used or disclosed for any purpose other than enrolling a person in an emergency warning system and issuing warnings to the person through the system.

Municipal Courts

H.B. 3817 (Herrero) – Video Court Appearances: would allow a court to require that a defendant appear for any criminal court without the defendant's consent if the defendant is confined in a penal institution at the time of the proceeding.

S.B. 1921 (Miles) – Reducing Court Fines and Costs: would provide that a court, when imposing fines or courts, may not require a defendant to pay more than five percent of the defendant's monthly income to satisfy such fines or costs.

Open Government

H.B. 3729 (Bonnen) – Family of Crime Victims: would, among other things, provide that: (1) a prosecutor may permit a person to view the following evidence of a crime that resulted in the death

of a person and that occurred in the prosecutor's jurisdiction: (a) a medical examiner's report, if the person viewing the report is a family member of the person who is the subject of the report and the person who is the subject of the report was a victim of the crime; and (b) video evidence of the crime, if the person viewing the video is a victim of the crime or a family member of a victim of the crime; (2) a person permitted to view a medical examiner's report or video evidence described under (1), above, may not duplicate, record, capture, or otherwise memorialize the information; (3) a prosecutor may require a person described in (2), above, to sign a confidentiality agreement before permitting the person to view the information; (4) permitted viewing of a medical examiner's report or video evidence under (1), above, is not a voluntary disclosure of information under the Public Information Act; and (5) a governmental body, by providing information described under (1), above, that is confidential or otherwise excepted from public disclosure does not waive the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future. (Companion bill is **S.B. 435** by **Middleton**.)

H.B. 4063 (J. Gonzalez) – Meeting Notice: would provide that: (1) the validity of a notice posted on an electronic bulletin board by a governmental body that made a good faith attempt to post the notice continuously for at least 72 hours before the scheduled time of the meeting is not affected by a failure to comply with the requirement to post the notice on the electronic bulletin board that is due to a technical problem beyond the governmental body's control; and (2) if another law requires a governmental body to post notice, on a bulletin board or otherwise, the governmental body may comply with that law through the use of an electronic bulletin board.

S.B. 1658 (Hinojosa) – Public Information: would, among other things, provide that: (1) the following information is not considered confidential under the Texas Public Information Act (TPIA): (a) attorney-client privilege; (b) work product privilege; (c) another exception to disclosure provided by the TPIA; or (d) a state or federal discovery privilege, including a privilege provided by the Texas or Federal Rules of Civil Procedure, Texas or Federal Rules of Evidence or Texas Disciplinary Rules of Professional Conduct; (2) the failure to make timely requests for an attorney general under the following exceptions to disclosure do not constitute a compelling reason for the governmental body to withhold the information: (a) information related to litigation or settlement negotiations; (b) information related to competition or bidding; (c) information related to the location or price of property; (d) certain legislative documents; (e) law enforcement and prosecutorial information; (f) interagency or intraagency memoranda not available to a third-party in litigation; (g) information related to financial institutions or securities; (h) audit work papers; (i) test items; (j) certain audits; (k) certain economic development information; (l) certain communications with employees of the legislative budget board; and (m) proprietary records and trade secrets in certain partnerships; (3) the definition of a body camera for purposes of the TPIA does not include a recording device that is capable of recording audio, or transmitting audio to be recorded remotely; and (4) the TPIA provision related to responding to requests for information that require programming or manipulation of data is repealed. (Companion bill is **H.B. 3334** by **Canales**.)

S.B. 1770 (King) – Law Enforcement Records: would provide that: (1) information held by a prosecutor, law enforcement agency, or corrections agency is excepted from public disclosure under the Texas Public Information Act (TPIA) if the information: (a) was obtained, or is a copy

of information obtained, from: (i) an electronic communication device; (ii) a computer, tablet or other similar device; or (iii) a disk, flash drive, or other electronic storage device; or (b) was obtained by any prosecutor, law enforcement agency or corrections agency: (i) during the course of the detection, investigation, or prosecution of a crime; (ii) in a manner related to the detection, investigation, or prosecution of a crime; and (iii) was not written or produced by a prosecutor, law enforcement agency, or corrections agency; (2) a governmental body may redact the information described in (1), above, from any information the governmental body discloses without requesting a decision from the attorney general; and (3) a governmental body that redacts or withholds information under (2), above, shall provide a written notice to the requestor: (a) stating the information is being withheld from the requestor under (1), above; (b) identifying the device from which the information was obtained; and (c) including, if known, the name of the person who owned or possessed the device from which the information was obtained at the time the device was obtained by a prosecutor, law enforcement agency, or corrections agency.

S.B. 1910 (Bettencourt) – Litigation Exception: would provide that, for purposes of the Texas Public Information Act, information related to a general election, primary, or special election is not excepted from public disclosure under the litigation exception.

Other Finance and Administration

H.B. 9 (Ashby) – Broadband Funding: would, among other things: (1) establish the Broadband Equity, Access, and Deployment (BEAD) program and Broadband Infrastructure Fund (BIF); (2) provide for eligible uses of BIF funds, including: (a) creating statewide broadband service access map; (b) broadband service access-related infrastructure projects; (c) 9-1-1 and next generation 9-1-1 service centers; (d) universal service fund-eligible expenditures; and (e) improving public safety telecommunications connectivity; (3) direct the comptroller to adopt necessary BEAD and BIF rules; (4) suspend imposition of 9-1-1 emergency service fees during the period of funding under (1), above; (5) repeal the universal service fund uniform charge payable by each telecommunications provider; and (6) take effect on January 1, 2024, following passage of the related constitutional amendment. (Companion bill is **H.J.R. 125** by Ashby.)

H.B. 1550 (Goldman) – Office of State-Federal Relations Sunset: would, among other things, extend the operation of the Office of State-Federal Relations until September 1, 2035. (Companion bill is **S.B. 1400** by Springer.)

H.B. 3538 (Troclair) – Community Advocacy: would: (1) prohibit a political subdivision from spending public funds to: (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or (b) pay a nonprofit state association or organization that: (i) primarily represents political subdivisions; and (ii) hires or contracts with an individual required to register as a lobbyist; (2) provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent any further prohibited activity and any further payments of public funds; and (3) provide that a taxpayer or resident who prevails in an action under (2), above, is entitled to recover reasonable attorney's fees and costs from the political subdivision. (Companion bill is **S.B. 175** by Middleton.)

H.B. 3563 (Cain) – Pet Stores: would: (1) provide that pet store may not sell a dog or cat unless the pet store obtained the dog or cat from: (a) an animal control agency; (b) an animal shelter; (c) an animal rescue organization; or (d) a qualified breeder; (2) provide for the qualifications of a qualified breeder; (3) require a pet store to keep records documenting from which animal control agency, animal shelter, animal rescue organization, or qualified breeder the pet store obtained each dog or cat in the possession of the pet store for not less than one year following the date the pet store takes possession of the dog or cat; and (4) require the pet store to make the records under (3), above, reasonably available for inspection by an animal control agency or other governmental entity.

H.B. 3579 (Bumgarner) – Massage Establishments: would provide that the executive director of the Texas Department of Licensing and Regulation (TDLR) shall issue an emergency order halting the operation of a massage establishment if: (1) a law enforcement agency gives notice to TDLR or TDLR otherwise learns that the law enforcement agency is investigating the massage establishment for an offense for trafficking of persons; or (2) TDLR has reasonable cause to believe that an offense of trafficking of persons is being committed at the massage establishment.

H.B. 3587 (C. Morales) – Sterilization of Animals: would, among other things, provide that: (1) not later than the 30th day after the date a releasing agency (including a city-owned shelter) releases an adult animal described to the animal’s owner, the releasing agency shall provide to the owner written notice that: (a) if the animal is again seized while running at large and placed in the custody of the releasing agency, state law requires the owner to have the animal sterilized by a veterinarian; or (b) if the animal was previously seized while running at large and placed in the custody of the releasing agency, state law requires the owner to have the animal sterilized by a veterinarian not later than the 60th day after the date the notice is provided with certain exceptions; (2) not later than the 60th day after the date a releasing agency provides the notice required under (1)(b), above, to the owner of an unsterilized adult animal, the owner shall: (a) have the animal sterilized by a veterinarian; and (b) submit to the releasing agency a form provided by the releasing agency and signed by the veterinarian who performed the sterilization verifying the animal’s sterilization; (3) if an unsterilized adult animal is seized while running at large and placed in the custody of a releasing agency a third time, the releasing agency may not release the animal to the animal’s owner until: (a) a veterinarian employed or contracted by the releasing agency sterilizes the animal; and (b) the owner of the animal reimburses the releasing agency for the costs associated with the sterilization; and (4) the bill preempts an ordinance, order, or regulation relating to the sterilization of an adult animal unless the ordinance, order, or regulation: (a) is compatible with and at least as stringent as the bill; or (b) relates to an issue not specifically addressed by the bill.

H.B. 3609 (Cain) – Public Funds: would provide that a political subdivision, including a city, may not adopt or implement a policy or program that permits the use of public money to finance a political campaign, including a policy or program that permits: (1) the direct use of public money by the political subdivision to finance a political campaign; or (2) the indirect use of public money by the political subdivision through a voucher or similar program that provides a person with the public money to finance a political campaign.

H.B. 3714 (Harrison) – Occupational Licensing: would, among other things: (1) direct each licensing authority, including a city, by September 1, 2024, to conduct a comprehensive review of

each occupational regulation applicable to a license issued by the authority, and: (a) specify the public health, safety, or welfare objective served by the regulation and reason the regulation is necessary to serve each objective; (b) analyze the effects of the regulation on: (i) worker opportunity; (ii) consumer choice and costs; (iii) general unemployment; (iv) market competition; (v) governmental costs; and (vi) other related measures; and (c) compare how other states regulate the applicable business or profession; (2) mandate that the licensing authority: (a) repeal or modify any regulation that it determines is not necessary and carefully tailored to fulfill the public health, safety, or welfare objectives identified under (1)(a), above; (3) recommend that the legislature repeal or modify the regulation or take any other action to modify the regulation to fulfill the public health, safety, or welfare objectives identified under (1)(a), above; (4) provide for enforcement of (1) and (2), above, including allowing a person to petition or file suit against a licensing authority seeking to repeal or modify a regulation that is not carefully tailored to fulfill the public health, safety, or welfare objectives under (1)(a), above; and (5) provide burdens of proof, applicable legal standards, and recovery available in a suit under (4), above.

H.B. 3727 (Anderson) – Hotel Occupancy Tax: would, among other things: (1) amend the definition of “convention center facilities” to include parking facilities only if the facility is located within 1,500 feet of the convention center; (2) define “tourist” to mean an individual who travels at least 50 miles, attends a meeting at a hotel, or spends the night in a hotel; (3) add a definition of “multiuse facility” to the chapter governing hotel occupancy tax; (4) change the date on which a city’s annual hotel occupancy tax report is due to the comptroller from February 20 to March 1 and add several reporting requirements; (5) provide that a city may use a portion of hotel occupancy tax revenue for the costs incurred in providing the report under (3), above; (6) prohibit a city from using hotel occupancy tax revenue on a visitor information center that is not exclusively used to distribute tourism-related information to tourists; (7) require that a shuttle system associated with a convention center project on which the city uses hotel occupancy tax revenue be used primarily by tourists; (8) require a city with a population of less than 200,000 to allocate for advertising at least the amount of revenue received from the hotel occupancy tax at a rate of one percent of the cost of a room; (9) require a city with a population of more than 1.6 million to allocate for advertising at least 23 percent of the hotel occupancy tax revenue the city collects; (10) repeal the authority of a city to adopt an ordinance to allocate 15 percent of its hotel occupancy tax revenue to historical restoration and preservation projects and provide a grandfather clause for cities with existing ordinances; (11) provide a recapture provision for a city to remit to the comptroller certain lost state sales and use tax and hotel occupancy tax revenue that a city is entitled to receive in association with a qualified hotel or convention center project; and (12) require the comptroller to prepare a report on qualified hotel and convention center projects. (Companion bill is **S.B. 1420** by **Birdwell**.)

H.B. 3802 (Plesa) – Commercial Electric Vehicle Charging Station Tax: would, among other things: (1) impose a tax on commercial electric vehicle charging services based on the amount of electricity transferred; (2) require the comptroller to adopt rules to administer this tax; and (3) require the comptroller to deposit the proceeds of the tax to the credit of the state highway fund.

H.B. 3823 (K. King) – Universal Service Fund: would: (1) allow the Public Utility Commission (PUC) to establish a statewide fixed amount uniform charge on each communication connection to ensure that the universal service fund (USF) and the programs established in connection with

the USF are fully funded; (2) provide that the PUC may not prioritize providing USF funding for one USF-supported program over another; and (3) direct the PUC to adopt rules regarding the assessment of the charge in (1), above, by no later than March 1, 2024.

H.B. 3856 (Goldman) – 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. (Companion bill is **S.B. 1114** by **Hancock**.)

H.B. 3863 (Dutton) – Conflicts: would provide that: (1) a local public official or a business entity in which a local public official has a substantial interest may not enter into a real estate transaction with the local governmental entity of which the person is an official if the official would financially benefit from the transaction; and (2) a charitable contribution deduction from the Internal Revenue Service is not considered a financial benefit.

H.B. 3883 (Troclair) – Biological Sex: would provide that a governmental entity that collects vital statistics information that identifies the biological sex of an individual for the purpose of complying with antidiscrimination laws or for the purpose of gathering public health, crime, economic, or other data shall identify each individual as either male or female.

H.B. 3885 (Munoz) – State and Local Tax Penalties: would: (1) require the comptroller to apply a payment to the amount of tax due before applying any portion of the payment to penalties or interest unless the taxpayer provides written instructions for a different application; and (2) cap penalties for failure to pay tax or file a report at \$500 except in the case of fraud.

H.B. 4024 (Harrison) – Bond Elections: would provide that a political subdivision with at least 250 registered voters must, in the voter information document required for a debt election: (1) provide the financial information formatted as a table in both the aggregate and per student capita; (2) provide the estimated maximum annual increase in taxes for a residence homestead with an appraised value equal to the average taxable value in the jurisdiction and any underlying data used to develop the estimate; and (3) require a political subdivision that maintains an internet website to provide the required voter information document on the website's homepage or bond election information page, if it has one.

H.B. 4031 (Schofield) – Settlements: would, among other things, provide that: (1) a local government, including a city, may not enter into a settlement of a claim or action against the local government seeking any relief under any theory or recovery, including a mandamus action against a local officer or official that is brought or may be brought in or before any court, administrative agency, or other tribunal without the consent or approval of the legislature if the settlement: (a) requires or authorizes the local government to adopt any election standard, practice, or procedure not previously adopted by the local government; or (b) alters, limits, or invalidates a law or rule of this state related to the conduct of elections; (2) a settlement described by (1), above, entered into without the prior consent or approval of the legislature is void unless the settlement is expressly conditioned on obtaining subsequent approval by the legislature; and (3) not later than August 1 of each even-numbered year, a local government shall send to the attorney general a report in a

manner prescribed by the attorney general that describes each claim or action: (a) to which (1), above, applies or may apply; (b) that is pending as of August 1 of that year; and (c) that has been settled or that in the opinion of the local government may be settled within the next 24 months. (Companion bill is **S.B. 1948** by **Bettencourt**.)

H.B. 4082 (**Goldman**) – **Local Debt**: would: (1) provide that certificates of obligation may be authorized by a city or county for the following public improvements: (a) streets, roads, highways, bridges, sidewalks, landfills, parking structures, or airports; (b) utility systems, water supply projects, water plants, wastewater plants, water and wastewater conveyance facilities, wharfs, docks, or flood control and drainage projects; (c) police stations, fire stations, or other public safety facilities, emergency shelters, jails, juvenile detention facilities, judicial facilities, animal shelters, libraries; (d) administrative office buildings for housing governmental functions of a city or county; or (e) parks and recreation facilities that are generally accessible to the public and are dedicated as part of the city or county park system; (2) prohibit a city or county from issuing a certificate of obligation for semi-professional or professional sports, stadia, arenas, civic centers, convention centers, hotels, or coliseums; and (3) provide that a tax anticipation note may be authorized by a city or county in accordance with (1) and (2), above.

H.B. 4189 (**Paul**) – **General Obligation Bonds**: would require a political subdivision to allocate the proceeds from the issuance of general obligation bonds authorized by the voters in the percentage or amount stated in the ballot proposition to authorize the issuance. (Companion bill is **S.B. 1939** by **Bettencourt**.)

H.B. 4129 (**Slaton**) – **Erotic Performances**: would, among other things: (1) allow the attorney general or district a county attorney to bring suit against a sexually oriented business that allows an erotic performance to take place in the presence of a child; (2) require each licensing authority to revoke the license of a business found to violate (1), above.

H.B. 4255 (**Gerdes**) – **Airport Operator and Lease Agreements**: would extend the term limits for: (1) a local government contract with a qualified person or entity to operate, or a lease involving, a local government-owned or controlled airport or air navigation facility from 40 years to 99 years; and (2) a local government lease for nonaeronautical property on an airport with active federal government aircraft operations on federal government property. (Companion bill is **S.B. 1716** by **Zaffirini**.)

H.J.R. 163 (**Harrison**) – **Recalling City and County Officers**: would call for a constitutional amendment: (1) allowing qualified voters to recall: (a) any municipal or county officer elected by the entire municipality or county; (b) any member of a municipal governing body or county commissioners court or other municipal officer elected by voters of a territory less than the entire municipality or county; and (c) any elective officer of any special district created by state law; and (2) providing for recall election petition forms, signature requirements of at least 10 percent of all votes cast for the targeted office at the most recent regular election for that office, submission procedures, validity endorsements, and election timelines and protocols.

S.B. 1608 (Sparks) – Local Debt or Tax Elections: would provide that an election for the issuance of bonds or a tax increase must be held on the November uniform election date. (Companion bill is **H.B. 863** by Schofield.)

S.B. 1609 (Sparks) – Local Debt Elections: would provide that an election for the issuance of bonds or other debt shall be held on the November uniform election date. (Companion bill is **H.B. 187** by Landgraf.)

S.B. 1710 (Perry) – Universal Service Fund: would: (1) make Voice over Internet Protocol service providers subject to the universal service fund (USF) charge; and (2) provide that the Public Utility Commission assess the USF charge on a technology-neutral basis.

S.B. 1714 (Perry) – License Qualifications and Disciplinary Actions: would, among other things: (1) prohibit a licensing authority from suspending or revoking a license, disqualifying a person from receiving a license, or deny a person the opportunity to take a licensing examination on the grounds that the person has been convicted of an offense unless the offense is: (a) on a list of offenses prepared by a licensing authority that it has determined directly relate to the duties and responsibilities of each occupation licensed by the authority; and (b) the person applied for the license before the fifth anniversary of a conviction, or release from confinement for, such offense; (2) direct the licensing authority to create and publish a public list of offenses that would preclude the issuance or maintenance of a license and guidelines on the reasons why each offense appears on the list of offenses; (3) mandate that the licensing authority list specific offenses and not use nonspecific terms to describe an offense for (2), above; (4) provide factors that the licensing authority must consider when determining whether to include a specific offense under (2), above; (5) shorten the timeframe that the licensing authority must provide notice of the authority's determination of eligibility from 90 days to 30 days from receipt of the application; (6) apply only to licensing authority actions or proceedings began on or after January 1, 2024; and (7) direct the licensing authority to file and publish the list and guidelines for (2), above, by December 31, 2023.

S.B. 1716 (Zaffirini) – Airport Operator and Lease Agreements: would extend the term limits for: (1) a local government contract with a qualified person or entity to operate, or a lease involving, a local government-owned or controlled airport or air navigation facility from 40 years to 99 years; and (2) a local government lease for nonaeronautical property on an airport with active federal government aircraft operations on federal government property. (Companion bill is **H.B. 4255** by Gerdes.)

S.B. 1753 (Hall) – COVID-19 Mandates: would, among other things: (1) prohibit a governmental entity from adopting or enforcing an ordinance, order, or other measure that requires an individual to wear a face covering or be vaccinated against COVID-19; and (2) provide for certain exceptions related to: (a) requirements to provide the documentation necessary to administer a COVID-19 vaccination; and (b) state-owned or operated hospitals, supported living centers, and local, county, and state jails.

S.B. 1766 (Creighton) – Appraiser Indemnity: would: (1) mandate that a contract for appraiser services for real property (Appraiser Contract) require that a licensed appraiser perform the contract services: (a) with the professional skill and care ordinarily provided by competent

appraisers under the same or similar circumstances and professional license; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of a competent appraiser; (2) allow a governmental entity to require the reimbursement of its reasonable attorney's fees in proportion to an appraiser's liability, name the governmental agency as an additional insured on, and assert any defense provided by, the appraiser's liability insurance policy; (3) render a provision of or promise in connection with an Appraiser Contract void and unenforceable if: (a) the provision requires a licensed appraiser to indemnify or hold harmless the governmental agency harmless against liable for damage under such contract, except to the extent that the damages are caused by or result from negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor, supplier, consultant, or other person or entity over which the appraiser exercises control; (b) the provision requires a licensed appraiser to defend a person against a claim based wholly or partly on the negligence or fault of, or breach of contract by the governmental agency or its employees, agents, or other persons or entities over whom the governmental entity exercises control outside of the appraiser; or (c) contains a different standard of care than that provided in (1), above; and (4) not apply to including in and enforcing a provision in an Appraiser Contract relating to project scope, fees, and scheduling. (Companion bill is **H.B. 2584** by **Paul**.)

S.B. 1810 (Sparks) – **Local Debt**: would: (1) prohibit the governing body of an issuer, including a city council, from authorizing an anticipation note to pay a contractual obligation to be incurred if: (a) a bond proposition to authorize bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved; (b) the total amount of the anticipation note exceeds five percent of the governing body's total outstanding bonded indebtedness at the time of issuance, including the amount of principal and interest to be paid on the outstanding bonds until maturity; or (c) the city secretary receives a petition signed by at least five percent of the registered voters of the issuer that protests the issuance of the anticipation note before the later of the date tentatively set for the adoption of the order or ordinance to authorize the anticipation note or the date the order or ordinance is adopted; (2) provide an exception to (1), above, if: (a) the governing body of an issuer is issuing the note for: (i) a case of public calamity if it is necessary to act promptly to relieve the necessity of the residents or to preserve the property of the issuer; (ii) a case in which it is necessary to preserve or protect the public health of the residents of the issuer; or (iii) a case of unforeseen damage to public machinery, equipment, or other property; and (b) the governing body of an issuer is issuing the note to comply with a state or federal law, rule, or regulation if the issuer has been officially notified of noncompliance with the law, rule, or regulation; and (3) prohibit the governing body of an issuer, including a city council, from authorizing certificate of obligation to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved.

S.B. 1814 (Bettencourt) – **Debt Service Property Tax Rate**: would provide that “current debt service” for the purpose of calculating the current debt rate of a taxing unit for property tax purposes means the minimum dollar amount required to be expended for debt service for the current year.

S.B. 1828 (Hinojosa) – **Energy Savings Performance Contract Recodification**: would, among many other things: (1) repeal the current enabling chapter related to energy savings performance contracts; (2) allow a city to enter a multiyear performance contract for the implementation of one

or more conservation measures, if certain conditions are met, including a requirement that the savings or increased revenues generated by the conservation measures will equal or exceed the cost of the contract to the city; and (3) require annual compliance auditing and reporting by the service provider, a performance bond requirement, and other guarantees of performance.

S.B. 1879 (Middleton) – Separation of Church and State: would, among other things: (1) prohibit a governmental officer or employee from enforcing: (a) Article I, Section 7 and the third sentence of Article VII, Section 5 (Blaine Amendments) unless the U.S. Supreme Court overrules *Carson v. Makin* and *Espinoza v. Montana Dept. of Revenue*; (b) any restriction, or denial of a benefit, that purports to be justified on the grounds of separation of church and state, any element of the U.S. Supreme Court’s decision in *Lemon v. Kurtzman*, or any restriction or denial of a benefit that purports to be justified by the Blaine Amendments (Separation of Church and State Doctrine); and (c) the Establishment Clause of the First Amendment to the U.S. Constitution against any person other than the federal government, its officers, or its instrumentalities; (2) prohibit a governmental officer or employee from adopting or enforcing a restriction on speech or expression, whether in the form of direct duties or conditions, that singles out churches or other religious organizations, or chill the speech of any person by publishing a statement that a restriction under (1), above, is the law or required by law; (3) exempt governmental officers or employees from (1)(b)-(c), above, if doing so is necessary to comply with a court order or a directly on-point ruling from the U.S. Supreme Court of Appeals for the Fifth Circuit whose facts or legal conclusions are not distinguishable from the governmental officer or employee’s actions; (4) provide for standing, venue, available remedies, entitlement to a jury trial, and recovery of attorney’s fees and costs by the prevailing party for a suit under (1), above; and (5) waive sovereign immunity, governmental immunity, official immunity, qualified immunity, or any other form of immunity in a suit under (1), above, except under certain circumstances. (Companion bill is **H.B. 5003** by Cain.)

S.B. 1893 (Birdwell) – TikTok Ban: would, among other things, require a governmental entity to adopt a policy prohibiting the installation or use, and requiring the removal of TikTok or any successor application, or any other social media application specified by the governor by executive order, on any entity-owned or leased electronic device, subject to certain exceptions for law enforcement or information security purposes.

S.B. 1912 (Bettencourt) – Ballot Proposition Language: would, for ballot proposition language not provided by a state statute: (1) require a political subdivision seeking to hold an election on a measure to submit to the attorney general: (a) the ballot proposition language; and (b) a brief statement on the purpose of the proposition; (2) require the attorney general, on receiving a submission under (1), above, to review the ballot language before the election may be held; (3) provide that if the attorney general finds the proposition is consistent with state law, the attorney general shall approve the language of the proposition for the ballot; (4) provide that if the attorney general finds the proposition is not consistent with state law, the attorney general shall disapprove the language of the proposition; (5) provide that if the attorney general does not approve or disapprove the language of a proposition before the 40th day after the proposition was submitted, the proposition is approved for use on the ballot; (6) provide that if a proposition is disapproved under (4), above, the political subdivision may submit alternate language in the same manner as the initial submission; and (7) prohibit a political subdivision from submitting a proposition or alternate language after the 120th day before the date of the election.

S.B. 1939 (Bettencourt) – General Obligation Bonds: would require a political subdivision to allocate the proceeds from the issuance of general obligation bonds authorized by the voters in the percentage or amount stated in the ballot proposition to authorize the issuance. (Companion bill is **H.B. 4189** by Paul.)

S.B. 1948 (Bettencourt) – Settlements: would, among other things, provide that: (1) a local government, including a city, may not enter into a settlement of a claim or action against the local government seeking any relief under any theory or recovery, including a mandamus action against a local officer or official that is brought or may be brought in or before any court, administrative agency, or other tribunal without the consent or approval of the legislature if the settlement: (a) requires or authorizes the local government to adopt any election standard, practice, or procedure not previously adopted by the local government; or (b) alters, limits, or invalidates a law or rule of this state related to the conduct of elections; (2) a settlement described by (1), above, entered into without the prior consent or approval of the legislature is void unless the settlement is expressly conditioned on obtaining subsequent approval by the legislature; and (3) not later than August 1 of each even-numbered year, a local government shall send to the attorney general a report in a manner prescribed by the attorney general that describes each claim or action: (a) to which (1), above, applies or may apply; (b) that is pending as of August 1 of that year; and (c) that has been settled or that in the opinion of the local government may be settled within the next 24 months. (Companion bill is **H.B. 4031** by Schofield.)

S.B. 1984 (Alvarado) – Public Private Partnership Act: would create a new chapter of the Government Code which, among many other things, would: (1) allow for public-private partnerships in Texas for qualifying projects; (2) define qualifying projects to including projects involving the design, construction, financing, operation, and maintenance of a facility or system that provides a public service or benefit; (3) allow governmental entities, including cities, to enter into public-private partnerships for qualifying projects after taking certain steps, including a competitive bidding process; and (4) allow private entities to propose projects to cities for consideration.

S.B. 1989 (Whitmire) – Pet Stores: would provide that: (1) a pet store may not sell a dog or cat unless the pet store obtained the dog or cat from: (a) an animal control agency; (b) an animal shelter; or (c) an animal rescue organization; and (2) a pet store that violates (1), above, is liable to the state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of (1), above. (Companion bill is **H.B. 870** by Patterson.)

Personnel

H.B. 3678 (Jones) – Peace Officer Misconduct Complaints: would provide that a law enforcement agency must permanently maintain in a peace officer's personnel file the complete record of an internal investigation of the officer conducted by the agency in response to a complaint of misconduct.

H.B. 3682 (Tepper) – Affirmative Action: would provide that: (1) a government agency, including a city and any agency of the city, may not consider race, color or any other protected

characteristic under applicable state or federal law of a person as a factor in making an employment decision regarding the person; and (2) a person may seek an appropriate remedy available under state or federal law for a violation of (1), above.

H.B. 3799 (Morales Shaw) – Leave for Miscarriage: would provide that: (1) an employee who is not entitled to any leave under the federal Family and Medical Leave Act and who experiences a miscarriage is entitled to ten consecutive days of unpaid leave immediately following the miscarriage; (2) an employer, including a city, may not require an employee to use any applicable sick or vacation leave before the employee may take leave under (1), above; and (3) an employer who violates the provisions of this bill commits an unlawful employment action.

H.B. 3846 (Toth) – E-Verify: would, among other things, provide that: (1) a political subdivision, including a city, shall register and participate in the E-Verify program to verify the information of all new employees; and (2) an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (1), above, is subject to immediate termination of employment if the employee fails to comply with (1), above. (Companion bill is **S.B. 1621** by **Kolkhorst**.)

H.B. 3977 (Neave Criado) – Sexual Assault: would provide that an employee who is the victim of sexual assault may bring a cause of action against an employer if the employee's injuries arose from the employer's negligence.

H.B. 4114 (Harrison) – Discrimination: would provide that an employer, including a city, commits an unlawful employment practice if the employer retaliates or discriminates against a person who engages in lawful conduct involving the exercise of civil rights guaranteed by the Texas Constitution or the Constitution of the United States: (1) during a period of time that is not during the person's assigned working hours; and (2) in a location that is not the person's work site or on the premises of the employer, unless such work site or premises is also the person's place of residence.

H.B. 4227 (Goldman) – Civil Service: would provide that only a city with a population of less than one million may, after receiving a petition by a certain number of residents of the city, order an election to repeal civil service for police officers and firefighters of the city.

S.B. 1621 (Kolkhorst) – E-Verify: would, among other things, provide that: (1) a political subdivision, including a city, shall register and participate in the E-Verify program to verify the information of all new employees; and (2) an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (1), above, is subject to immediate termination of employment if the employee fails to comply with (1), above. (Companion bill is **H.B. 3846** by **Toth**.)

S.B. 1626 (LaMantia) – Medical Examination: would provide that: (1) a fire department shall offer an annual occupational medical evaluation to each fire fighter employed by the fire department at no cost to the fire fighter; (2) the annual occupational medical evaluation must be confidential and include: (a) fluid tests; (b) a pulmonary function test; (c) an electrocardiogram; (d) an infectious disease screening; (e) a cancer screening; and (f) a chest x-ray; (3) a fire fighter

is eligible to receive a chest x-ray during an annual occupational medical examination described in (2), above, once every five years; (4) the Texas Commission on Fire Protection shall adopt rules establishing minimum standards for annual occupational medical examinations by using standards developed by the National Fire Protection Association; and (5) a fire department is not required to comply with (1), above, until July 1, 2024.(Companion bill is **H.B. 2455** by **T. King**.)

S.B. 1693 (**Blanco**) – **Veterans Benefits**: would provide that: (1) the Texas Workforce Commission shall, in consultation with the Texas Veterans Commission, create and distribute to each employer employing more than 50 employees in Texas a veterans benefits and services poster; and (2) each employer described in (1), above, shall display the veterans benefits and services poster in a conspicuous place in the employer’s place of business that is accessible to all employees. (Companion bill is **H.B. 3483** by **Turner**.)

S.B. 1738 (**Gutierrez**) – **Automatic Suspension**: would provide that: (1) a law enforcement officer who is involved in a shooting with a child shall be immediately placed on administrative leave or suspended from active duty until an investigation is conducted; (2) the investigation of the shooting involving a child shall be conducted by an independent law enforcement agency or investigator; (3) the suspended officer or officers are prohibited from communicating with potential witnesses or suspects during the investigation; and (4) if the investigation determines that the use of force was unjustified or that the law enforcement officer failed to intervene to prevent the death of a child, the suspended officer or officers may be terminated, suspended, or subject to any other disciplinary action.

S.B. 1878 (**Middleton**) – **Infertility**: would provide that for purposes of workers’ compensation, a firefighter or emergency medical technician who suffers from infertility is presumed to have developed infertility during the course and scope of employment as a firefighter or emergency medical technician if the firefighter or emergency medical technician: (1) regularly responded on the scene to calls involving fires or firefighting; or (2) regularly responded to events involving the documented release of radiation or a known or suspected carcinogen while the person was employed as a firefighter or emergency medical technician.

S.B. 1976 (**Miles**) – **Criminal History**: would provide that: (1) a local government, including a city, may not include a question regarding an applicant’s criminal history record information on an initial employment application form; (2) a local government may inquire into or consider an applicant’s criminal history record information after the local government has determined that the applicant is otherwise qualified and has conditionally offered the applicant employment; (3) an applicant’s criminal history record information collected by a local government under as part of the application review process, if any, is confidential and may not be disclosed by the local government; (4) a local government may not disqualify an applicant from employment because of a prior criminal conviction unless: (a) the criminal conviction directly relates to the employment position sought by the applicant; or (b) other law prohibits the applicant from employment because of the type of criminal conviction; (5) a local government may not consider in the criminal history record information or disqualify an applicant based on: (a) an arrest that is not followed by an information or indictment; (b) a conviction that has been sealed or expunged; or (c) a class C misdemeanor or other misdemeanor punishable by fine only; (6) before denying an applicant employment based on the applicant’s criminal history record information, a local government must

notify the applicant in writing of the local government's intent to deny the applicant employment because of the applicant's criminal history; (7) in determining whether a criminal conviction directly relates to an employment position, a local government shall consider certain factors; (8) a local government may not initially disqualify an applicant from an employment position because of a criminal conviction directly relating to the employment position if, not later than the 10th day after the date the local government notified the applicant of the local government's intent to deny employment, the applicant provides to the local government evidence of the applicant's rehabilitation; (9) a local government that denies an applicant employment after considering the information submitted by the applicant under (8), above, and the factors under (7), above, shall notify the applicant in writing of: (a) the final denial or disqualification; (b) the appeals process established by the Texas Workforce Commission; (c) potential eligibility of the applicant for other employment; and (d) the earliest date on which the applicant may reapply for employment; (10) a local government shall retain application forms, records of employment, communications with applicants, and any other related records until at least the third anniversary of the date of filling an employment position; and (11) the bill does not apply to an applicant for a position that: (a) involves the provision of services to or care of children; (b) that requires direct interaction with children; or (c) for which consideration of criminal history record information is otherwise required by law.

Transportation

H.B. 3899 (Troxclair) – Bond Election: would provide that a local government corporation created by a city to promote and develop public transportation facilities may not issue bonds to be paid from property taxes approved by the voters of a city at an election to exceed the voter-approval tax rate unless the issuance is first approved by the voters of the city. (Companion bill is **S.B. 1791** by Bettencourt.)

H.B. 4192 (Burns) – Parking in Residential Areas: would extend certain overnight commercial vehicle parking restrictions in certain residential subdivisions to cities located in counties with a population greater than 175,000.

S.B. 1663 (Alvarado) – City Speed Limits: would allow a city to declare a lower speed limit of not less than 20 miles per hour on certain residential roadways without having to perform an engineering or traffic study.

S.B. 1791 (Bettencourt) – Bond Election: would provide that a local government corporation created by a city to promote and develop public transportation facilities may not issue bonds to be paid from ad valorem taxes approved by the voters of a city at an election to exceed the voter-approval tax rate unless the issuance is first approved by the voters of the city. (Companion bill is **H.B. 3899** by Troxclair.)

Utilities and Environment

H.B. 10 (T. King) – Water Supply Financial Assistance: would: (1) create a new water supply for Texas fund (the water supply fund); (2) require the Texas Water Development Board (TWDB) by rule to undertake to finance projects through the water supply fund that will lead to the

acquisition or creation of seven million acre-feet of new water supplies by December 31, 2033; (3) provide that the water supply fund may be used only to provide low-interest loans to political subdivisions and wholesale water providers to develop water supply projects that create new water sources for the state including: (a) the acquisition of water from other states; (b) the development of infrastructure to transport water from other states; (c) desalination projects, including marine and brackish water desalination; (d) produced water treatment projects; and (e) research into new technology that may lead to the development of significant new water supply sources, as determined by the TWDB based on the amount of water the technology may produce; (4) provide that the water supply fund may be used to provide zero interest loans, negative interest loans, or loan forgiveness for any purpose described by (3), above, under criteria developed by the TWDB; (5) create a Texas water fund (water fund); (6) provide that the TWDB may only use the water fund to disburse money to: (a) the water assistance fund; (b) the State Water Implementation Fund for Texas; (c) the water supply fund; (d) a revolving fund; (e) the rural water assistance fund; and (f) the Texas Water Development Fund; (7) provide that the TWDB shall ensure that a portion of the money disbursed from the water fund is used for: (a) water infrastructure projects, prioritized by risk or need, for: (i) rural political subdivisions; and (ii) cities with a population of less than 150,000; (b) permit-ready water infrastructure projects; and (c) water conservation awareness programs; (8) provide that money disbursed from the water fund for the purposes described by (7), above, may be disbursed to funds described by (6), above, to be used to provide zero interest loans, negative interest loans, loan forgiveness, or grants for any purpose described by (7), above, under criteria developed by the TWDB; (9) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting water audits required by state law and in applying for financial assistance from the board to mitigate the utility system's water loss; and (10) require the TWDB to submit to the legislature a water loss report every fifth year. (Companion bill is **S.B. 28** by **Perry**.) (See **H.J.R. 130**, below.)

H.B. 3523 (**M. Gonzalez**) – **Texas Water Development Board Bonds**: would provide that the Texas Water Development Board may not issue more than \$100 million in bonds during a fiscal year for economically distressed areas for water supply and sewer service projects.

H.B. 3582 (**Cody Harris**) – **Flood Infrastructure Fund**: would: (1) provide that with certain exceptions, after the adoption of the initial state flood plan, the Texas Water Development Board may use the infrastructure fund to provide financing only for flood projects included in the state flood plan; (2) provide that money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project; and (3) provide that the remaining balance in the Hurricane Harvey Account on September 2, 2031 is transferred to the flood infrastructure fund. (Companion bill is **S.B. 1627** by **Perry**.)

H.B. 3624 (**Isaac**) – **Concrete Plants**: would require the Texas Commission on Environmental Quality (TCEQ) to give priority when processing applications for an authorization to use a standard permit for a rock or concrete crushing facility to an operator who the TCEQ determines: (1) has previously been authorized to use a standard permit for a rock or concrete crushing facility; and (2) reclaimed the land disturbed by the rock or concrete crushing facility before the 180th day after the date the facility ceased operating. (Companion bill is **S.B. 1416** by **Johnson**.)

H.B. 3637 (Goodwin) – Load Shedding: would, among other things, require: (1) electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region to submit to each county and city in which the cooperative or utility provides service, the Public Utility Commission (PUC), and the independent organization for the ERCOT power region: (a) customers or circuits the cooperative or utility has designated as critical load; and (b) a plan for participating in load shedding in response to an involuntary load shedding event; (2) each transmission and distribution utility, municipally owned utility, and electric cooperative to make upgrades to the distribution system operated by the utility or cooperative for the purpose of more evenly distributing involuntary load shedding; and (3) the PUC to adopt rules requiring electric cooperatives, municipally owned utilities, and transmission and distribution utilities to designate the following types of facilities as critical load public safety customers, as defined by PUC rule: (a) long-term care facilities; (b) food pantries; (c) homeless shelters; (d) temporary shelters identified by the county; (e) critical telecommunications facilities; (f) critical water or wastewater facilities; and (g) hospital facilities.

H.B. 3658 (Isaac) – Air Contaminants: would provide that the Texas Commission on Environmental Quality by rule shall require a person holding a permit for the operation of a facility used for the production of aggregates or concrete crushing, or for the operation of a concrete plant that performs wet batching, dry batching, or central mixing to conduct fence-line or property-line monitoring of emissions of air contaminants from the permitted facility.

H.B. 3707 (Patterson) – Renewable Energy: would, among other things, provide that: (1) a person, including a municipally owned utility, may not operate a renewable energy generation facility in Texas unless the person holds a permit issued by the Public Utility Commission (PUC) under the bill; and (2) the PUC may approve an application to amend a permit to operate a renewable energy generation facility without holding a hearing if, among other things, the PUC gives notice of the application to the county judge of each county and the governing body of each city in which the facility is located at least 30 days before the date of the PUC’s approval of the application and allows the county judges and governing bodies to present information to the PUC on the application. (Companion bill is **S.B. 624** by **Kolkhorst**.)

H.B. 3737 (Metcalf) – 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. (Companion bill is **S.B. 1093** by **Schwertner**.)

H.B. 3810 (Landgraf) – Public Water Systems: would provide that if the event may negatively impact the production or delivery of safe and adequate drinking water, an owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes water for public

or private use or a wastewater system that provides wastewater services for public or private use shall maintain internal procedures to notify the Texas Commission on Environmental Quality immediately of a condition that has caused or could cause a public water supply outage or a public water supply system to issue a boil water notice, a do-not-use advisory, or a do-not-consume advisory.

H.B. 3812 (Jetton) – Texas Infrastructure Fund: would, among other things: (1) establish the Texas Infrastructure Fund (TIF); (2) provide for use of TIF funds to award grants to public or private entities for infrastructure projects involving water, ports, marine infrastructure, broadband, highways, toll road, bridges, aviation, rail, or transit; (3) direct the comptroller to establish a TIF oversight committee consisting of certain statewide officials; (4) direct the comptroller to award TIF grants in a manner that: (a) take into account oversight committee recommendations; (b) ensure the amount of TIF grants awarded for a specific type of infrastructure project does not exceed 50% of TIF fund; (c) promote and support financially viable and diverse infrastructure financing options; and (d) reduce reliance on the issuance of general obligation bonds supported with state general revenue; and (5) direct the comptroller to adopt TIF funding rules, including eligibility, application procedures, evaluation and award criteria, grant amounts, matching fund conditions, and monitoring use of grant funds and ensuring compliance with required conditions.

H.B. 3941 (Goodwin) – Infrastructure Improvements: would provide that: (1) not later than May 1 of each year, each municipally owned utility shall submit to the Public Utility Commission a report describing the utility’s activities related to: (a) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas; (b) vegetation management; and (c) inspecting distribution poles; and (2) the municipally owned utility shall include in the report in (1), above, a summary of the utility’s activities related to preparing for emergency operations.

H.B. 3943 (Goodwin) – Third Party Outage Auditor: would, among other things: (1) define “extended power outage” as a power outage lasting five days or more; (2) provide that the resiliency of a municipally owned electric utility system or an electric cooperative must be audited by an professionally certified independent third party auditor if an extended power outage affects 10 percent or more of its retail customers; and (3) provide that after an audit under the bill is completed, the city that owns the utility shall make the audit report publicly available.

H.B. 3953 (Zwiener) – County Water Conservation Program: would, among other things: (1) provide that a county may adopt a water conservation program that applies to the unincorporated area of the county or areas within the extraterritorial jurisdiction of a city only: (a) rules for residential water use restrictions; and (b) water conservation standards applicable to the residential development of a subdivision of a tract of land, the development of which begins after August 31, 2023; and (2) provide that to the extent of a conflict between a county order adopted under (1), above, and a municipal ordinance regulating the same conduct, the ordinance prevails.

H.B. 4118 (Turner) – Gas Utilities: would provide that: (1) a regulatory authority (including a city) shall require gas utilities that serve residential customers to provide an adequate amount of pipeline pressure in distribution gas pipeline facilities that serve those customers during an extreme weather emergency; (2) if a gas utility violates (1), above, for at least six consecutive hours, the

regulatory authority shall require the gas utility to provide to each affected residential customer a \$100 rebate for each consecutive six-hour period in which the violation continued; (3) a civil penalty shall be in the amount of \$1 million for each violation of (1), above; and (4) a city may file a suit to recover the civil penalty if the gas utility or affiliate in violation of (1), above, is regulated by the city.

H.B. 4207 (Troclair) – Municipally Owned Utility Vegetation Management: would: (1) provide that a city may not transfer revenue from a municipal utility that provides electric service to the general fund of the city in a fiscal year if the Public Utility Commission (PUC) determines under (3), below, that the utility’s vegetation management activities are insufficient to ensure reliable service in that year; (2) require each municipally owned utility to submit to the PUC a report describing the utility’s activities related to: (a) identifying areas that are susceptible to damage during severe weather and hardening transmission and distribution facilities in those areas; (b) vegetation management; and (c) inspecting distribution poles; and (3) require the PUC to evaluate each report submitted by a municipally owned utility under (2), above, and notify the utility if the PUC determines that the utility’s vegetation management activities are insufficient to ensure reliable service.

H.B. 4211 (Troclair) – Municipally Owned Utility Wholesale Electricity: would provide that a municipally owned utility may not sell electric energy at wholesale if the utility has, during the preceding five municipal fiscal years, earned less revenue from wholesale sales in the electricity market than the utility has spent.

H.B. 4217 (Troclair) – Public Utility Agencies: would provide that: (1) in a county with fewer than one million utility connections, a public utility agency may: (a) own, hold, lease, or otherwise acquire water; (b) build, operate, or maintain pipelines to transport water or wastewater; (c) build and operate plants and equipment necessary to distribute water or to treat and dispose of wastewater; (d) sell water or provide wastewater services to a political subdivision, a private corporation, or an individual; (e) establish and enforce reasonable customer water conservation practices and prohibit excessive or wasteful customer uses of potable water; and (f) acquire, for the use and benefit of the agency, land, easements, and property by purchase; (2) in a county with fewer than one million utility connections, a public utility agency has the power of eminent domain to acquire by condemnation, for the use and benefit of the agency, land, easements, and property inside or outside the boundaries of the certificated service area of the public utility agency, necessary for water, sanitary sewer, storm drainage, or flood drainage or control purposes or for any other of its projects or purposes; and (3) the power of eminent domain shall be exercised in the manner provided for in state law except that the public utility agency is not required to: (a) give bond for appeal or bond for costs in any condemnation suit or other suit to which it is a party; or (b) deposit more than the amount of any award in any suit.

H.J.R. 125 (Ashby) – Broadband Funding: would call for a constitutional amendment to: (1) establish the Broadband Infrastructure Fund (BIF) to be administered by the comptroller to provide financing for projects to develop and improve broadband and telecommunications services, including the construction, reconstruction, and expansion of broadband and telecommunications infrastructure or services, the operation of broadband and telecommunications infrastructure, and the provision of such services, as determined by the comptroller and the Public Utility

Commission; (2) direct the appropriation of up to \$5 billion from the economic stabilization fund to the BIF; and (3) expire on January 1, 2025. (Companion bill is **H.B. 9** by **Ashby**.)

H.J.R. 130 (**T. King**) – **Water Supply Financial Assistance**: would amend the Texas Constitution to create the Texas water fund to be administered by the Texas Water Development Board. (See **H.B. 10**, above.)

S.B. 28 (**Perry**) – **Water Supply Financial Assistance**: would: (1) create a new water supply for Texas fund (the water supply fund); (2) require the Texas Water Development Board (TWDB) by rule to undertake to finance projects through the water supply fund that will lead to the acquisition or creation of seven million acre-feet of new water supplies by December 31, 2033; (3) provide that the water supply fund may be used only to provide low-interest loans to political subdivisions and wholesale water providers to develop water supply projects that create new water sources for the state including: (a) the acquisition of water from other states; (b) the development of infrastructure to transport water from other states; (c) desalination projects, including marine and brackish water desalination; (d) produced water treatment projects; and (e) research into new technology that may lead to the development of significant new water supply sources, as determined by the TWDB based on the amount of water the technology may produce; (4) provide that the water supply fund may be used to provide zero interest loans, negative interest loans, or loan forgiveness for any purpose described by (3), above, under criteria developed by the TWDB; (5) create a Texas water fund (water fund); (6) provide that the TWDB may only use the water fund to disburse money to: (a) the water assistance fund; (b) the State Water Implementation Fund for Texas; (c) the water supply fund; (d) a revolving fund; (e) the rural water assistance fund; and (f) the Texas Water Development Fund; (7) provide that the TWDB shall ensure that a portion of the money disbursed from the water fund is used for: (a) water infrastructure projects, prioritized by risk or need, for: (i) rural political subdivisions; and (ii) cities with a population of less than 150,000; (b) permit-ready water infrastructure projects; and (c) water conservation awareness programs; (8) provide that money disbursed from the water fund for the purposes described by (7), above, may be disbursed to funds described by (6), above, to be used to provide zero interest loans, negative interest loans, loan forgiveness, or grants for any purpose described by (7), above, under criteria developed by the TWDB; (9) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting water audits required by state law and in applying for financial assistance from the board to mitigate the utility system's water loss; and (10) require the TWDB to submit to the legislature a water loss report every fifth year. (Companion bill is **H.B. 10** by **T. King**.) (See **S.J.R. 75**, below.)

S.B. 1627 (**Perry**) – **Flood Infrastructure Fund**: would: (1) provide that with certain exceptions, after the adoption of the initial state flood plan, the Texas Water Development Board may use the infrastructure fund to provide financing only for flood projects included in the state flood plan; (2) provide that money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project; and (3) provide that the remaining balance in the Hurricane Harvey Account on September 2, 2031 is transferred to the flood infrastructure fund. (Companion bill is **H.B. 3582** by **C. Harris**.)

S.B. 1699 (**Johnson**) – **Distributed Energy Resources**: would, among other things: (1) provide that a retail electric provider may aggregate distributed energy resources; and (2) a person may

generate electricity if the person is aggregating distributed energy resources. (Companion bill is **H.B. 3387** by **Hunter**.)

S.B. 1719 (**Zaffirini**) – **Solid Waste Permits**: would, among other things: (1) require the Texas Commission on Environmental Quality (TCEQ) to impose reasonable fees for filing amendments to permits for solid waste, except that the first amendment filed for the same application shall not have any associated filing fees; (2) repeal the provision providing that before denying a permit under the Solid Waste Disposal Act, TCEQ must find: (a) that the applicant or permit holder has a compliance history that is classified as unsatisfactory according to TCEQ standards and associated rules adopted and procedures; or (b) that the permit holder or applicant is indebted to the state for fees, payment of penalties, or taxes imposed by state law or by a rule of TCEQ; and (3) require TCEQ to deny an original or renewal permit: (a) if the permit holder or applicant files more than three amendments to the same application; or (b) five years after the day the application for a permit is submitted if the application is not administratively complete.

S.B. 1751 (**Kolkhorst**) – **Bitcoin and ERCOT**: would: (1) require the Public Utility Commission (PUC) to require the independent organization for the ERCOT power region to ensure that any demand response program operated by the independent organization to respond to emergencies that provides compensation for load reductions is open to participation by a virtual currency mining facility that is registered as a large flexible load only if the anticipated demand for all facilities of that type participating in the program is less than 10 percent of the total load required by all loads in the program; (2) require the PUC to adopt rules requiring a person who enters into an agreement for retail electric service in the ERCOT power region to register the facility receiving service as a large flexible load under the bill if: (a) the person anticipates that the facility will require a total load of more than 10 megawatts before the second anniversary date of the date the agreement begins; and (b) the facility load is interruptible; and (3) provide that the governing body of a taxing unit may not enter into an agreement to exempt from taxation a portion of the value of real property on which a virtual currency mining facility registered as a large flexible load is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term.

S.B. 1752 (**Hall**) – **Electricity**: would, among other things: (1) provide that the governing body of a taxing unit may not enter into a property tax abatement agreement to exempt from taxation a portion of the value of real property on which an electric generating facility is located or is planned to be located during the term of the agreement, or of tangible personal property that is located or is planned to be located on the real property during that term; (2) provide that beginning September 1, 2023, the Public Utility Commission (PUC) may not authorize the recovery in the rate base of an electric utility or a transmission and distribution utility of investments made for transmission or transmission-related facilities in a competitive renewable energy zone; (3) require the PUC to adopt rules requiring each electric cooperative, power generation company, or exempt wholesale generator that sells electric energy at wholesale in the ERCOT power region and has received a federal tax credit provided federal law for certain renewable resources to notify the PUC of the tax credit; (4) require the PUC and the independent organization for the ERCOT power region to adopt rules and protocols that: (a) an entity described by (3), above, from offering electric energy for wholesale in the ERCOT power region at a price below \$27.50 per megawatt hour; (b) prohibit an entity described by (3), above, from being reimbursed for the costs of interconnecting a new

generation facility; and (c) incorporate marginal losses in locational marginal pricing for electric energy sold from a generating facility by an entity described by (3), above, in certain circumstances; (5) require the PUC and the independent organization for the ERCOT power region to: (a) impose a periodic fee on each entity described by (3), above, that uses transmission service in a competitive renewable energy zone; and (b) regularly disburse the fee revenue to each electric utility or transmission and distribution utility described by (2), above, to provide for the recovery of the utility's transmission facility investment described by (2), above; (6) provide that the PUC, in consultation with the independent organization for the ERCOT power region, shall plan for transmission needs related to the incorporation of renewable energy in a manner consistent with the planning process for other types of generation resources, including by considering in the planning process the factors for approving or denying a certificate of convenience and necessity; and (7) repeal provisions on dispatchable generation.

S.B. 1778 (Alvarado) – Water and Sewer Service: would provide that a retail public utility, including a municipally owned utility, may initiate, transfer, or terminate a customer's retail water or sewer service on receipt of a customer request by mail, by telephone, through an Internet website, or through another electronic transmission. (Companion bill is **H.B. 3417** by **Rogers**.)

S.B. 1823 (Johnson) – Drainage Projects: would, among other things, add residential drainage services to the types of projects for which the Texas Water Development Board may use the economically distressed areas account.

S.B. 1860 (Hughes) – Climate Provisions in City Charters: would require that a city or city charter commission receive approval from the appropriate state agency with proper jurisdiction before holding a vote on a proposed climate charter or amendment to a city's climate charter. (Companion bill is **H.B. 4930** by **Craddick**.)

S.B. 1865 (Nichols) – 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. (Companion bill is **H.B. 2774** by **E. Thompson**.)

S.B. 1889 (Springer) – Electric Utilities: would provide that: (1) except as provided by (2), below, when establishing an electric utility's rates, the regulatory authority (including a city) shall calculate the return on invested capital using the utility's actual proportion of long-term debt and equity capitalization as reported on the utility's most recent financial statement issued before the initiation of the applicable rate proceeding; and (2) if the electric utility's actual proportion of equity capitalization exceeds 60 percent, the regulatory authority (including a city) shall calculate the return on invested capital using an equity capitalization of 60 percent. (Companion bills are **H.B. 1889** by **Tinderholt** and **H.B. 3042** by **Spiller**.)

S.B. 1965 (Alvarado) – Purchase of Water and Sewer Systems: would, for the purposes of a utility or a water supply or sewer service corporation purchasing, acquiring, leasing, or renting a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity, provide that the Public Utility Commission shall approve the transaction if the owner has abandoned operation of the facilities that are the subject of the transaction and cannot be located or does not respond to an application filed for the transaction, among other things. (Companion bill is **H.B. 4763** by **S. Thompson**.)

S.B. 1983 (Nichols) – Winter Storm Uri Costs: would, among other things: (1) provide that a state agency may provide appropriated money to the issuing financing entity to pay the aggregate customer rate relief charges for customer rate relief bonds on behalf of certain gas utility customers; (2) create a “storm cost offset fund” in the state treasury composed of: (a) money transferred to the fund at the direction of the legislature; (b) gifts and grants contributed to the fund; and (c) other money required by law to be deposited in the fund; and (3) provide that money in the fund in (2), above, must be used for the benefit of retail electric service customers of electric cooperatives designated to receive a distribution from the fund.

S.B. 1988 (Perry) – Water Loss for Certain Municipally Owned Utilities: would provide that a municipally owned utility with a Texas Water Development Board water loss audit indicating water loss equal to or more than 15 percent shall: (1) within 180 days, enact Stage 2 water restrictions, as specified in the utility’s drought contingency plan, for a maximum of two years until a new Texas Water Development Board water loss audit indicates water loss of less than 15 percent; and (2) after two years, enact Stage 3 water restrictions, as specified in the utility’s drought contingency plan until a new Texas Water Development Board water loss audit indicates water loss of less than 15 percent. (Companion bill is **H.B. 4445** by **Gerdes**.)

S.J.R. 75 (Perry) – Water Supply Financial Assistance: would amend the Texas Constitution to create the Texas water fund to be administered by the Texas Water Development Board. (See **S.B. 28**, above.)

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