TML LEGISLATIVE UPDATE

March 24, 2023
Number 12

Bills on the Move

Significant Committee Action

H.B. 2 (Meyer), imposing a five percent appraisal cap on all property. Committee substitute voted from House Ways & Means.

H.B. 14 (Cody Harris), allowing for third party review of plats, plans, permits, and inspections under certain circumstances. TML testified in committee. Left pending after a hearing in House Land & Resource Management.

H.B. 471 (Patterson), expanding paid sick leave for first responders and expanded disease presumption. Committee substitute voted from House Business & Industry.

H.B. 866 (Oliverson), modifying the platting shot clock. TML testified in committee. Left pending after a hearing in House Land & Resource Management.

H.B. 1526 (Cody Harris), limiting parkland dedication and fees in lieu of dedication for cities over 800,000 in population. TML provided written testimony. Left pending after the hearing in House Land & Resource Management.

H.B. 1922 (Dutton), requiring a review of building permit fees every ten years. Left pending after a hearing in House Land & Resource Management.

H.B. 2071 (Jetton), imposing limits on Public Facility Corporations. Left pending after a hearing in House Urban Affairs.

H.B. 2239 (Troxclair), providing a city may not prohibit the removal of Ashe Juniper trees. Left pending after a hearing in House Land & Resource Management.

H.B. 2334 (Burns), providing that a person is not required to be a licensed plumber for plumbing on the service lines of private property. Left pending in House Licensing & Administrative Procedures.

H.B. 2350 (Cody Harris), prohibiting city occupational license if state issues an occupational license, with exceptions. Left pending in House Licensing & Administrative Procedures.

H.B. 2468 (Burrows), expanding workers compensation lifetime benefits for certain injuries sustained in the course of employment. Committee substitute voted from House Business & Industry.

H.B. 2970 (Guillen), would allow HUD-code homes in all residential zones under certain circumstances. TML provided written testimony. Left pending after a hearing in House Land & Resource Management.

H.J.R 1 (Meyer), amending the Texas Constitution to establish a five percent appraisal cap on all real property. Committee substitute voted from House Ways & Means.

S.B. 28 (Perry), creating the Texas water fund. Committee substitute voted from Senate Water, Agriculture and Rural Affairs.

S.B. 29 (Birdwell), prohibiting a city from imposing a mask mandate. Voted from Senate State Affairs.

S.B. 130 (Campbell), prohibiting a city from regulating private wages or benefits. Voted from Senate Business & Commerce.

S.B. 224 (Alvarado), increasing penalties and punishment for theft of a catalytic converter. Committee substituted voted from Senate Criminal Justice.

S.B. 432 (Middleton), increasing penalties and punishment for theft of a catalytic converter. Left pending after a hearing in Senate Criminal Justice.

S.B. 465 (Bettencourt), increasing penalties and punishment for theft of a catalytic converter. Left pending after a hearing in Senate Criminal Justice.

S.B. 573 (Hughes), prohibits city from requiring exterior key boxes from specific vendors. Left pending after a hearing in Senate Local Government.

S.B. 1015 (King), removing regulatory authorities, including cities, from the electricity rate-making process. Voted from Senate Business & Commerce.

S.B. 1016 (King), presumption that employee compensation and benefits are reasonable and necessary when establishing the rates of electric utilities. Voted from Senate Business & Commerce.

S.B. 1105 (Birdwell), allowing the governor to remove a city officer for certain activities including publicly declaring they will not enforce laws of the state. Voted from Senate State Affairs.

S.B. 1110 (Schwertner), prohibiting a city from transferring revenue from the municipal utility to the city's general fund. The committee substitute limits application of the prohibition to electric MOUs. TML provided written testimony. Left pending after a hearing in Senate Business and Commerce.

S.B. 1117 (Hancock), defining video services to not include streaming for franchise fee purposes. TML testified in committee. Left pending after a hearing in Senate Business and Commerce.

S.B. 1601 (Hughes), prohibiting a city library from receiving state funds if it hosts an event at which a person being dressed as the opposite gender reads a book or story to a minor for entertainment purposes. Left pending after a hearing in Senate State Affairs.

S.J.R. 58 (Birdwell), amending the Texas Constitution to state the governor shall convene the legislature in a special session when there is a state of disaster or emergency. Voted from Senate State Affairs.

S.J.R. 75 (Perry), creating the Texas water fund. Committee substitute voted from Senate Water, Agriculture and Rural Affairs.

Significant Floor Action

S.B. 5 (Parker), imposing a business personal property tax exemption of $25,000. TML provided written testimony. Passed the Senate.

Opioid Settlement Payments

Last week, the League reported on the first round of opioid settlement payments. The Opioid Abatement Fund Council (OAFC) has updated their website to include clarifying information on potential uses for opioid abatement funds, reporting, and fund allocation information. The website also provides information regarding the work of the Opioid Abatement Fund Council, including upcoming meetings, rules, and policies. Visit the new OAFC website here.

A non-exhaustive list of opioid remediation strategies is included in Exhibit E. Exhibit E also acts as a guide as to how cities should prioritize funding. The OAFC website states, "Other than statute requiring spending the funds to address opioid-related harms in the community, political subdivisions may use their discretion to spend their allocated share of the funds."

For further questions related to statewide opioid settlement initiatives, contact the Opioid Abatement Fund Council at OAFC.public.@cpa.texas.gov. For questions regarding the city's preferred method of receiving opioid abatement funds, contact the Texas Treasury Safekeeping Trust Company at Opioidabatementfund@ttstc.texas.gov.

Bill Updates Population Classifications

H.B. 4559 **(Darby)** is designed to update city population categories that are written into law. The bill adjusts the population categories by taking into account new census figures. As an example, the bill modifies one statute pertaining to a city with a population of more than 30,000 and less than 36,000 that borders the Red River.

The bill has 294 separate sections with hundreds of changes like the one above. If you know that your city is currently affected in any way by a specific population bracket, please check the language of H.B. 4559 to be sure that your city still fits in its' proper bracket.

BDO to Open BOOT Program Applications April 3

The comptroller's Broadband Development Office (BDO) will begin accepting applications for its Bringing Online Opportunities to Texas (BOOT) program grant funding on **April 3, 2023.**

The BOOT program is a grant program to provide funding to help bring last-mile broadband connectivity to homes and businesses across the state. Eligible BOOT grant applicants include political subdivisions, commercial and non-commercial broadband service providers, or any combination of both.

The BOOT Notice of Funding Activity can be found here.

Interested applicants can find more information about the BOOT program, eligibility requirements, application process, and rules here.

Update to Comptroller's List of Companies That Boycott the Energy Sector

On March 20, Comptroller Glenn Hegar added HSBC Holdings, PLC to his office's list of companies boycotting the oil and gas industry due to the firm's updated energy policy. Companies on this list are subject to divestment provisions under Chapter 809 of the Texas Government Code. Chapter 809 requires state entities, including major retirement systems and the Permanent School Fund, to adhere to the investment prohibitions and divestment requirements under that chapter. These entities must notify the comptroller of their holdings in listed financial companies within 30 days and submit an annual report detailing compliance with Chapter 809.

The list, initially provided in August 2022, now also includes enhanced answers to frequently asked questions about the listing process and research conducted by the comptroller's staff. No other changes were made to the list of almost 350 investment funds subject to the same provisions.

While cities are not subject to Chapter 809 divestment rules, cities are prohibited under Chapter 2274 of the Government Code from entering certain contracts with energy-boycotting companies. This list can be a useful tool to determine whether a potential city vendor could create issues under Chapter 2274.

Federal Infrastructure Bill Update

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

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

U.S. Department of Transportation (DOT)

On March 14, the DOT announced it has begun accepting applications for $2.5 billion in grant funding through its Charging and Fueling Infrastructure (CFI) Discretionary Grant Program for electric vehicle (EV) charging and alternative-fueling infrastructure projects. The CFI program will provide funding over five years to cities, counties, local governments, and Tribes to strategically deploy EV charging and other alternative vehicle-fueling infrastructure projects in publicly accessible locations in urban and rural communities across the county.

You can find more information about the CFI program here.

The Federal Transit Administration announced last week that it would waive the local funding match requirement for certain Complete Streets programs covered by its Metropolitan Planning and State Planning and Research programs. The local funding match waiver will extend through FY 2026. The match waiver includes projects involving:

- Adopting Complete Streets standards or policies;
- Developing a Complete Streets prioritization plan;
- Developing transportation facility and infrastructure plans;
- Developing public transportation ridership and pedestrian and bicyclist safety plans;
- Regional and megaregional planning; and
- Developing transit-oriented transportation plans.

Reminder for Upcoming Deadlines

Applications for the DOT Low or No Emission Vehicle and Bus and Bus Facilities program are due by **10:59:59 PM CST on April 13, 2023**. The Low or No Emission Vehicle program will fund zero and low-emission buses, charging equipment, and support facilities. The Buses and Bus Facilities program will fund building and rehabilitating buses, vans, and bus-related facilities.

More information about program eligibility, eligible activities, matching requirements, and applications can be found here.

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
- Jessie Brantley, Councilmember, City of Dickinson
- Bradley Ford, City Manager, City of Waco
- Michael Hornes, Assistant City Manager, City of Kerrville
- Jeff Hunter, Sergeant, City of Dallas Police Department
- Bill Kelly, Director of Government Relations, City of Houston
- Nick Long, Mayor, City of League City
- Devon Palk, City of Dallas Police Department
- Sean Saunders, Councilmember, City of League City
- James Smith, Sergeant, City of San Antonio Police Department
- Hope Wells, City of San Antonio Water System
- Dennis Williams, City of Dallas Fire Department

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. 4325 (C. Bell) – Open-Space Land: would provide that land owned by an entity other than the state or a political subdivision that acquired the land by condemnation is not eligible for appraisal as open-space land.

H.B. 4463 (Shine) – Charitable Property Tax Exemption: would provide that if the chief appraiser cancels an exemption erroneously granted for a tax year for property that the organization believes qualified for another charitable tax exemption in that tax year instead of for the canceled exemption, the organization may apply for the other exemption for that tax year or any subsequent prior tax year not later than the seventh anniversary of the date the chief appraiser canceled the exemption.

H.B. 4473 (Cody Harris) – 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.

H.B. 4491 (Caroline Harris) – Appraisal Cap: would exclude from the definition of "new improvements" for purposes of the appraisal cap an improvement made using money made available under the HOME Investment Partnerships Program or another similar program administered by the Texas Department of Housing and Community Affairs that provides financial assistance for the repair and reconstruction of owner-occupied housing.

H.B. 4512 (Shine) – Property Tax Discounts: would provide that a person is entitled to the early payment property tax discount. (Note: existing law authorizes a taxing unit to adopt the discount.)

H.B. 4576 (Murr) – Appraisal Cap: would establish a ten percent appraisal cap on land appraised as agricultural or open-space land. (See **H.J.R. 176**, below.)

H.B. 4604 (J. Jones) – Waiver of Penalties and Interest: would: (1) require the governing body of a taxing unit to waive penalties and interest on a delinquent tax until the fifth anniversary of the date a person inherits property on which delinquent tax is due; and (2) authorize the governing body of a taxing unit to waive penalties and interest on the property following the fifth anniversary if the estate is not settled by that anniversary.

H.B. 4607 (Tepper) – Appraisal of Real Property: would provide that the owner of a parcel of real property that extends into two or more counties may choose a single appraisal district established for one of those counties to appraise the property for ad valorem tax purposes for each taxing unit that imposes ad valorem taxes on the property. (See **H.J.R. 173**, below.)

H.B. 4618 (Bucy) – Property Tax Exemption: would: (1) entitle a person to a prorated property tax exemption from the value of property that is physically damaged during a tax year but is not located in a disaster area of 30 percent, 60 percent, or 100 percent, based on the level of damage as determined by the chief appraiser; and (2) require the assessor for each applicable taxing unit to recalculate the amount of the tax due on the property, correct the tax roll, and, if the tax has already been paid, issue a refund.

H.B. 4645 **(Flores) – Property Tax Exemption**: would, among other things, provide that an organization that leases land under a ground lease is entitled to a property tax exemption for the improvements owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting certain income eligibility requirements. (Companion bill is **S.B. 2324** by **Zaffirini**.)

H.B. 4646 **(J. Jones) – Property Tax Installment Payments**: would extend the right to pay property taxes on a residence homestead in four equal installments to any individual who is in not delinquent in the payment of taxes on the residence homestead, acquired the property through devise or descent in the preceding five years, and has an adjusted gross income of less than $300,000.

H.B. 4680 **(Campos) – Chief Appraiser**: would: (1) require a chief appraiser to be elected at the general election for state and county officers by the voters of the county in which the appraisal district is established; (2) provide that the chief appraiser serves a two-year term beginning January 1 of every other odd-numbered year; and (3) provide that to be eligible to serve as chief appraiser, an individual must be a resident of the county in which the appraisal district is established and must have resided in the county for at least four years preceding the date the individual takes office.

H.B. 4686 **(Noble) – Delinquent Taxes**: would: (1) reduce the interest rate on delinquent taxes due on a residence homestead to five percent for the first 180 days after the tax becomes delinquent; (2) eliminate the penalty for delinquent taxes on a residence homestead for the first 180 days after the tax becomes delinquent; and (3) require an additional delinquent tax notice to be sent to the owner of a residence homestead that states that the interest and penalty will increase after the 181st day after the delinquency date.

H.B. 4750 **(Leach) – Property Tax Exemption**: would increase the maximum amount of the property tax exemption available to disabled veteran who has a disability rating of at least 70 percent from $12,000 to $17,000.

H.B. 4774 **(Button) – Charitable Property Tax Exemption**: would: (1) provide that a local charitable organization that receives a property tax exemption is not required to submit a new application for the exemption each tax year; (2) repeal the five-year expiration provision in existing law; (3) require a local charitable organization to notify the comptroller and chief appraiser within 30 days if: (a) the organization sells or otherwise disposes of the property that is subject to the exemption; the IRS determines the organization is not longer an exempt entity under Section 501(c)(3), Internal Revenue Code, or (b) the organization no longer qualifies for the religious, educational, or public service state sales tax exemption; (4) provide that a local charitable organization that received an exemption that expired under the repealed five-year expiration provision before September 1, 2023, is entitled to an automatic reinstatement of the expired exemption; and (5) provide that if an exemption is reinstated under (4), above, the organization does not owe any tax and is entitled to a refund of any tax paid for the period starting on the date the exemption expired. (Companion bill is **S.B. 2361** by **Parker**.)

H.B. 4803 (Harrison) – Tax Rate Limitation: would: (1) define "surplus revenue" as the total amount of money received by a city in excess of the amount determined by multiplying the amount of the city's adopted budget for the preceding fiscal year by the inflation rate and population growth rate; (2) require a city to use its total amount of surplus revenue to provide property tax relief in a manner that reduces the amount of property tax a property owner would otherwise be required to pay; (3) limit a city's tax rate to a rate calculated by multiplying total revenue from all sources for the preceding year by the inflation rate, subtracting the amount of estimated revenue from all sources other than property tax for the current year, and dividing that amount by the total taxable value of property in the city; and (4) provide that a city may exceed the tax rate described in (3), above, if before the adoption of the tax rate the city pledged the tax revenue for payment of a debt and adopting a lower rate would impair the obligation of the contract creating the debt.

H.B. 4828 (Munoz) – Delinquent Taxes: would: (1) require the tax collector 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 and interest at five percent of the delinquent tax.

H.B. 4829 (Munoz) – Delinquent Taxes: (1) require the tax collector 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 and interest at $500.

H.B. 4833 (Slawson) – Public Facility Corporations: would, as of January 1, 2024, repeal the provision that automatically allows a leasehold or other possessory interest in real property of a public facility corporation to receive a total property tax exemption. (Companion bill is **S.B. 805** by Bettencourt.)

H.B. 4851 (Martinez-Fischer) – Property Tax Exemption: would provide that a labor organization is entitled to an exemption from taxation of the total appraised value of the real and personal property owned and exclusively used by the organization for the organization's operations. (See **H.J.R. 183**, below.)

H.B. 4852 (Harrison) – Tax Rate Notice: would require a taxing unit to include on the notice of a public hearing on a tax rate: (1) the preceding year's tax rate; (2) a table comparing the revenue generated by the adopted tax rate in the current and preceding years; (3) a table comparing the total value of property in the taxing unit in the current and preceding tax years; and (4) a table showing the amounts of revenue that would be generated if the taxing unit adopted for the current tax year: (a) the no-new-revenue rate; (b) the voter-approval rate; and (c) the taxing unit's proposed tax rate.

H.B. 4860 (Raymond) – Tax Protests: would: (1) authorize a person to file a motion with the chief appraiser to correct the appraisal roll on the ground of unequal appraisal of property; (2) in a property tax protest, require the appraisal review board to determine whether the value of property for purposes of a protest based on the appraised value is different from the value of the property for purposes of a protest based on unequal appraisal; (3) if there is a difference in the values described in (2), above, order the property's appraised value to the lower of the two values; and (4) provide than in an appeal from a protest hearing, the court may admit evidence of the market value of the property subject to the suit only for purposes of establishing the appraisal ratio of the property to determine whether the property owner is entitled to relief.

H.B. 4890 **(Shine) – Property Tax Installment Payments**: would provide that: (1) a property owner is entitled to pay property tax on the owner's residence homestead in four equal installments; and (2) a business entity is entitled to pay property tax on the business entity's real and person property in four equal installments if the business entity has gross receipts totaling less than: (a) for the 2023 tax year, $7 million; and (b) for each subsequent tax year, $7 million adjusted for inflation as determined by the comptroller.

H.B. 4901 **(Bonnen) – Property Tax Exemption**: would: (1) provide a property tax exemption for certain medical or biomedical property that is located in a medical or biomedical manufacturing facility; and (2) prohibit the governing body taxing unit from providing for taxation of medical or biomedical property exempted under (1), above. (See **H.J.R. 184**, below.) (Companion bill is **S.B. 2289** by **Huffman**.)

H.B. 4950 **(Gervin-Hawkins) – Property Tax Exemption**: would provide a property tax exemption in the amount of the appraised value of real property a person owns that arises from the installation on the property of an energy efficiency-related improvement. (See **H.J.R. 187**, below.)

H.B. 5013 **(J. Jones) – Property Tax Exemption**: would provide a property tax exemption of 50 percent of the value of a person's residence homestead if the person has received the residence homestead exemption for the same residence for the preceding 10 years. (See **H.J.R. 191**, below.)

H.B. 5032 **(Slaton) – Property Tax Credit**: would: (1) provide that a person who is a United States citizen residing in this state or a business entity with a principal office located in this state is entitled to a credit against property taxes due on property owned by the person of the lesser of the amount of: (a) the amount of money a person donates to the state for border security efforts; or (b) the total amount of taxes due on the property; (2) provide that the credit described in (1), above, is first applied to the school district taxes due on the property and that any remaining credit be distributed proportionately among remaining taxing units that tax the property; and (3) require the comptroller to make border security reimbursement payments to taxing units from the Texas Enterprise Fund to reimburse the taxing units for revenue lost as a result of the credit. (See **H.J.R. 193**, below.)

H.B. 5100 **(Bhojani) – Property Tax Credit**: would, among other things, provide that a person is entitled to a property tax credit against the taxes due on the person's residence homestead of the lesser of $3,000 or one-half of the taxes imposed by the taxing unit in the first tax year following the year in which the person purchases the residence homestead if the person has not previously qualified a property as the person's residence homestead. (See **H.J.R. 194**, below.)

H.B. 5134 **(C. Bell) – Homestead Exemptions**: would, among other things, provide that: (1) an individual is entitled to an exemption from taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead tax exemption for their residence homestead for at least the preceding ten years; and (2) the surviving spouse of an individual who qualified for an exemption under (1), above, is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which they qualified for the exemption; (b) the surviving spouse was 55 years of age or older when their spouse died; and (c) the property was the residence homestead of the surviving spouse when their spouse died and remains their residence homestead. (See **H.J.R. 196**, below.)

[H.B. 5139](#) **(Sherman) – Tax Foreclosure Sale**: would authorize a taxing unit to sell land foreclosed on due to delinquent taxes to an abutting property owner without offering the land for sale to the public if the land is landlocked without direct access to a public road and is located in a floodplain or floodway. (Companion bill is **S.B. 2091** by **West**.)

[H.B. 5293](#) **(Tinderholt) – Property Tax Exemption**: would amend the provision that entitles the surviving spouse of a 100 percent disabled veteran to a residence homestead exemption to eliminate the requirement that the property had to be the residence homestead of the surviving spouse when the disabled veteran died. (See **H.J.R. 206**, below.)

[H.J.R. 173](#) **(Tepper) – Appraisal of Real Property**: would amend the Texas Constitution to authorize the legislature to provide that the owner of a parcel of real property that extends into two or more counties may choose a single appraisal district established for one of those counties to appraise the property for ad valorem tax purposes for each taxing unit that imposes ad valorem taxes on the property. (See **H.B. 4607**, above.)

[H.J.R. 175](#) **(Paul) – Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from property taxation all or part of real and personal property used, constructed, acquired, or installed wholly or partly to prevent, monitor, control, or reduce air, water, or land pollution.

[H.J.R. 176](#) **(Murr) – Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to establish a ten percent appraisal cap on land appraised as agricultural or open-space land. (See **H.B. 4576**, above.)

[H.J.R. 179](#) **(Campos) – Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to establish a ten percent appraisal cap on rental real property that primarily serves the residence of the occupants of the property.

[H.J.R. 183](#) **(Martinez-Fischer) – Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation the total market value of the real and personal property owned and exclusively used by a labor organization for the organization's operations. (See **H.B. 4851**, above.)

[H.J.R. 184](#) **(Bonnen) – Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation the tangible personal property held by a manufacturer of medical or biomedical products as a finished good or used in the manufacturing or processing of medical or biomedical products. (See **H.B. 4901**, above.) (Companion bill is **S.J.R. 87** by **Huffman**.)

H.J.R. 187 (Gervin-Hawkins) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation the portion of the market value of real property that arises from the installation on the property of an energy efficiency-related improvement. (See **H.B. 4950**, above.)

H.J.R. 191 (J. Jones) – Homestead Exemption: would amend the Texas constitution to provide that: (1) a person is entitled to a property tax exemption of 50 percent of the appraised value of the person's residence homestead if the person has received a residence homestead exemption for that property for at least the preceding ten years; and (2) where property tax revenue of a political subdivision has previously been pledged for the payment of debt, the taxing officers of the political subdivision may continue to levy and collect the tax against the value of 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. 5013**, above.)

H.J.R. 193 (Slaton) – Property Tax Credit: would amend the Texas Constitution to authorize the legislature to: (1) provide that a person who makes a donation to the state for the purpose of border security is entitled to a credit against the ad valorem taxes imposed on property that the person owns in an amount equal to the lesser of the amount of the donation or the amount of taxes imposed; and (2) provide for the use of state money to reimburse a political subdivision for the revenue loss incurred as a result of the tax credit in (1), above. (See **H.B. 5032**, above.)

H.J.R. 194 (Bhojani) – Property Tax Credit: would amend the Texas Constitution to authorize the legislature to: (1) provide that a person who purchases the person's first home is entitled to a one-time credit against the ad valorem taxes imposed by political subdivisions on the home in the first tax year in which the property qualifies as the person's residence homestead in the amount of $3,000 or one-half of the amount of taxes otherwise imposed on the property by political subdivisions, whichever is less; and (2) provide for the use of state money to reimburse a political subdivision for the revenue loss incurred as a result of the tax credit in (1), above. (See **H.B. 5100**, above.)

H.J.R. 196 (Bell) – Property Tax Exemption: would amend the Texas Constitution to provide that: (1) an individual is entitled to an exemption from property taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead exemption for at least the preceding ten years; and (2) the surviving spouse of an individual who qualifies for an exemption under (1), above, is entitled to an exemption from property taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.B. 5134**, above.)

H.J.R. 206 (Tinderholt) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to eliminate the requirement that, for the surviving spouse of a 100 percent disabled veteran to continue to receive the property tax exemption after the veteran dies, the property had to be the residence homestead of the surviving spouse when the disabled veteran died. (See **H.B. 5293**, above.)

[S.B. 5](#) **(Parker) – Personal Property Tax Exemption**: would: (1) provide a $25,000 exemption from taxation of the aggregate value of a person's income-producing tangible personal property regardless of the total value of the income-producing tangible personal property the person owns; (2) require an individual to render the tangible person property the person owns only if in the person's opinion, the aggregate market value of the property in at least one taxing unit is greater than $25,000; and (3) provide that a taxable entity is entitled to a franchise tax credit equal to 20 percent of the amount of property taxes paid by the entity that are derived from the taxable value of the inventory owned by the entity and located in this state. (See **S.J.R. 2**, below.)

[S.B. 2091](#) **(West) – Tax Foreclosure Sale**: would authorize a taxing unit to sell land foreclosed on due to delinquent taxes to an abutting property owner without offering the land for sale to the public if the land is landlocked without direct access to a public road and is located in a floodplain or floodway. (Companion bill is **H.B. 5139** by **Sherman**.)

[S.B. 2131](#) **(Miles) – Appraisal Cap and Tax Freeze**: would provide that a replacement structure is not considered a new improvement merely because the exterior of the structure is of higher quality construction and composition than that of the replaced structure for the purposes of the residence homestead tax freezes and appraisal cap.

[S.B. 2163](#) **(King) – 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 **S.J.R. 83**, below.) (Companion bill is **H.B. 3640** by **Noble**.)

[S.B. 2167](#) **(Alvarado) – Appraised Value Appeals**: would provide that in an appeal of the determination of appraised value, the burden of proof is on the chief appraiser or the appraisal district to support an increase in the appraised value of property if the value of that property was lowered under a tax protest in the previous year. (Companion bill is **H.B. 2488** by **Geren**.)

[S.B. 2289](#) **(Huffman) – Property Tax Exemption**: would: (1) provide a property tax exemption for certain medical or biomedical property that is located in a medical or biomedical manufacturing facility; and (2) prohibit the governing body taxing unit from providing for taxation of medical or biomedical property exempted under (1), above. (Companion bill is **H.B. 4901** by **Bonnen**.)

[S.B. 2324](#) **(Zaffirini) – Property Tax Exemption**: would, among other things, provide that an organization that leases land under a ground lease is entitled to a property tax exemption for the improvements owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting certain income eligibility requirements. (Companion bill is **H.B. 4645** by **Flores**.)

S.B. 2350 (Bettencourt) – Voter-Approval Tax Rate Calculation: would define "voter-approval tax rate" for purposes of the unused increment rate calculation as a taxing unit's voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year.

S.B. 2352 (LaMantia) – Property Tax Exemption: would exempt from the property tax property owned by a charitable organization that provides a meeting place and support services for organizations that provide assistance to people with substance abuse disorders and their families without regard to the beneficiaries' ability to pay.

S.B. 2357 (Parker) – Property Tax: would, among other things:

1. provide that farm or ranch products produced by hydroponic farming qualify for the property tax exemption for implements of husbandry;

2. authorize a property owner to protest the appraised value of the structure or archeological site and the land separately if the property is subject to the historic site tax exemption;

3. require the chief appraiser to add property erroneously exempted to the appraisal roll only if the exemption was erroneously allowed in any one of the three preceding years for real property or two preceding years for personal property (note: existing law requires this for an erroneous exemption in any of the preceding five years for all property);

4. require the chief appraiser to accept a late application for an exemption granted by a city by agreement if the application is received by June 15;

5. add hydroponic farming to the uses that qualify land for appraisal based on agricultural use;

6. authorize the chief appraiser to appraise a portion of land as agricultural land;

7. provide that if land previously qualified for appraisal as open-space land but, due to the installation of a solar or wind powered facility, was considered to have undergone a change of use qualifies for appraisal as open-space land;

8. require a chief appraiser who corrects an appraisal roll must include the exact dollar amount of the new appraised value;

9. provide that back taxes due on property that was erroneously admitted to the appraisal roll do not incur interest;

10. require a tax bill to include the appraisal district account number for the property;

11. prohibit an arbitrator from determining the value of property subject to a protest to be higher than the value as shown in the appraisal records;

12. authorize a person who no longer owns an item of property to file an appeal from a property tax protest hearing as if the person still owns the property if the person owned the property at any time during the tax year;

13. extend the time a person has to file an appeal from a protest hearing to the later of the 60th day after the party receives notice that a final order has been entered in the hearing or September 1 of that year;

14. prohibit the chief appraiser, appraisal district, or appraisal review board from bringing a counterclaim in a property tax appeal to district court;

15. provide that an entity is not required to be registered to do business in this state in order to file a property tax appeal;

16. require the district court to transfer a property tax appeal to the State Office of Administrative Hearings at the request of a property owner; and

17. prohibit a district court from determining the value of property as higher than the value on the appraisal roll at a property tax appeal.

S.B. 2361 **(Parker) – Charitable Property Tax Exemption**: would: (1) provide that a local charitable organization that receives a property tax exemption is not required to submit a new application for the exemption each tax year; (2) repeal the five-year expiration provision in existing law; (3) require a local charitable organization to notify the comptroller and chief appraiser within 30 days if: (a) the organization sells or otherwise disposes of the property that is subject to the exemption; the IRS determines the organization is no longer an exempt entity under Section 501(c)(3), Internal Revenue Code, or (b) the organization no longer qualifies for the religious, educational, or public service state sales tax exemption; (4) provide that a local charitable organization that received an exemption that expired under the repealed five-year expiration provision before September 1, 2023, is entitled to an automatic reinstatement of the expired exemption; and (5) provide that if an exemption is reinstated under (4), above, the organization does not owe any tax and is entitled to a refund of any tax paid for the period starting on the date the exemption expired. (Companion bill is **H.B. 4774** by **Button**.)

S.B. 2427 **(Zaffirini) – Appraisal of Open-Space Land**: would: (1) provide that land qualifies for appraisal as open-space land if the land is: (a) devoted to wildlife management and has been devoted to agricultural use of the production of timber for three of the preceding five years; or (b) is currently devoted to raising or keeping bees for pollination or food production and has been devoted to agricultural use of the production of timber for three of the preceding five years; (2) eliminate the requirement that to qualify for open space land on the basis of wildlife management, land had to be appraised as qualified timber land when the wildlife management use began; and (3) provide that the category of land that qualifies for open-space appraisal on the basis of wildlife management may be the native pasture category.

S.B. 2516 **(Bettencourt) – Voter-Approval Rate**: would lower the revenue multiplier in the voter-approval tax rate calculation for a taxing unit other than a special taxing unit from 3.5 percent to 2.5 percent.

S.J.R. 2 (Parker) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property tax $25,000 of the value of a person's income-producing tangible personal property. (See **S.B. 5**, above.)

S.J.R. 83 (King) – 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 **S.B. 2163**, above.) (Companion bill is **H.J.R. 150** by **Noble**.)

S.J.R. 87 (Huffman) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from ad valorem taxation the tangible personal property held by a manufacturer of medical or biomedical products as a finished good or used in the manufacturing or processing of medical or biomedical products. (See **S.B. 2289**, above.) (Companion bill is **H.J.R 184** by **Bonnen**.)

Public Safety

H.B. 4318 (Walle) – Crime Victim Notification System: would, among other things, provide that: (1) the governor's criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency for purposes of purchasing or developing a crime victim notification system; (2) a crime victim notification system for which law enforcement agency seeks a grant under this bill must: (a) automatically, and without the requirement to download a software application to opt in to notifications, notify a victim or relative of a deceased victim by e-mail or text message of all of the following regarding a victim's case: (i) the date on which the incident report is created; (ii) the case number; (iii) the name of investigators who are assigned to the case; (iv) the date an arrest is made; (v) the date an affidavit alleging probable cause is presented to the attorney representing the state; (vi) the date the defendant is arraigned; (vii) updates regarding biological evidence, including the results of a sexual assault examination kit, as applicable; (viii) whether the case has been dismissed by the attorney representing the state; and (ix) any other information relevant to the case; (b) interface with the law enforcement agency's system of records; (c) provide configurable triggers to directly send messages; (d) provide the capability: (i) to attach informational brochures or other electronic attachments to the messages; (ii) for a person to check the case status; (iii) to transmit notifications in English or Spanish; and (iv) to respond to questions via artificial intelligence; (e) monitor the number and types of messages sent and enable a user to visualize that data; and (f) provide a survey tool so the law enforcement agency can solicit feedback on victims services; (3) information in the crime victim notification system is confidential and is not subject to disclosure under the Public Information Act; and (4) as a condition of receiving a grant under this bill, a law enforcement agency shall annually report to the criminal justice division the number and types of notifications sent using the crime victim notification system. (Companion is **S.B. 2085** by **Whitmire**.)

H.B. 4379 (Reynolds) – Arrest and Citation Procedures: would, among other things: (1) provide that a peace officer may issue a citation or take other action authorized by law if the officer has probable cause that the person is committing or has committed an offense; (2) provide that a peace officer may arrest a person subject to an order of detention from any jurisdiction, including an arrest warrant, revocation of community supervision, parole, mandatory supervision, or release; (3) provide that a peace officer may only arrest a person for a misdemeanor under (1), above, or if they have probable cause to believe the person is committing or has committed an offense: (a) after using all reasonably available means to confirm a person's identification, the person fails to provide adequate identification, orally or through documentation, as lawfully requested; or (b) the peace officer reasonably believes that arrest is necessary to protect a reasonably identifiable person from significant imminent harm, or prevent the person from fleeing the jurisdiction; (4) require that a peace officer report any arrest made in lieu of citation under (3), above, to their law enforcement employer; (5) establish mandatory citation information, post-citation services, and post-arrest release conditions, including appearance bonds, hearing to determine release pending trial, relevant release consideration factors, and release conditions; and (6) establish detention procedures and conditions, including bonds, hearing to determine whether to continue detention, hearing rules, and rights of detained persons.

H.B. 4414 (Slaton) – Crosswalk Markings: would provide that: (1) all cities mark crosswalks with solid white lines or a Texas-themed mural; and (2) cities over 100,000 population must mark their five most heavily pedestrian used crosswalks with a Texas-themed mural.

H.B. 4486 (Bhojani) – Model Criminal Citations: would provide that:

1. not later than September 1 of each even-numbered year, each law enforcement agency shall adopt, implement, and, as necessary, amend the citation used by the agency;

2. the citation implemented by the agency must conform to the model citation designed, adopted, and disseminated by the Texas Commission on Law Enforcement (TCOLE) under this bill;

3. TCOLE shall design, adopt, and disseminate to each law enforcement agency in this state a model citation for the purpose of reducing costs associated with the failure of a person issued a citation to appear for a scheduled court appearance and improving the efficiency of courts in this state;

4. the model citation adopted by TCOLE must: (a) be based on credible field, academic, or laboratory research; (b) include important information at the top of the citation; (c) be written and clear, plain language and include, as applicable: (i) the date, time, and location at which a person issued a citation must appear for court; (ii) the offense charged and the action the person issued a citation is required to take regarding the charge; (iii) the consequences of missing a scheduled court appearance; (iv) information regarding what the person issued a citation may expect at court, including an assurance that the person will not be arrested for an unresolved misdemeanor punishable by fine only; (v) the contact information and available hours of the individual at the court who is able to provide additional information to or answer questions from the person issued a citation; (vi) details for any available resources to assist with a court appearance, including resources that provide text reminders, parking details, general directions to the court, transportation options, child-care assistance, and rescheduling instructions; and (vii) details for persons

who are unable to afford fines or costs imposed by a court, including details for a payment plan, payment deferral, community service, and waiver or reduction of the fines or costs; and (d) include any other information, procedure, or best practice that is supported by credible research or commonly accepted as a means to achieve the purposes described in Number 3, above;

5. TCOLE shall consult with the following in designing the model citation: (a) the Bill Blackwood Law Enforcement Management Institute of Texas located at Sam Houston State University; (b) small, medium, and large law enforcement agencies; (c) court clerks; (d) office of court administration; (e) judges; (f) public defenders; and (g) prosecutors;

6. TCOLE shall provide for a period of public comment before adopting the model citation design; and

7. not later than December 31 of each odd-numbered year, TCOLE shall: (a) review the model citation adopted under this bill; (b) if appropriate, modify or update the design; and (c) disseminate the design to each law enforcement agency in this state.

H.B. 4528 **(Wilson) – Refusal to Consent**: would repeal the requirement that a peace officer take possession of a person's driver's license following the person's failure to pass or refusal to consent to a test for intoxication.

H.B. 4533 **(Martinez-Fischer) – Abandoned Children**: would, among other things, provide that: (1) fire departments and law enforcement agencies are added to the list of entities that are designated emergency infant care providers; (2) a designated emergency infant care provider shall, without a court order, take possession of a child who appears to be 90 days old or younger if: (a) the child is voluntarily delivered to the provider by the child's parent by leaving the child with an employee of the provider or placing the child in a newborn safety device located inside the provider's facilities; and (b) the parent did not express an intent to return for the child; (3) if a designated infant care provider has a form for voluntary disclosure of a child's medical facts and history, the provider shall make the form available on the provider's Internet website; (4) a newborn safety device installed by a designated emergency care provider must: (a) be physically located: (i) inside a facility that is staffed 24 hours a day by employees of the provider including at least one employee qualified to provide emergency medical services; (ii) in an area conspicuous and visible to the employees of the provider; and (iii) in an area that allows for direct exterior access to the device; and (b) contain an alarm system that: (i) audibly notifies the employees of the provider that a child has been placed in the device and sounds until the child is removed from the device; (ii) alters a local emergency medical services provider, if the child is not removed by an employee in a reasonable amount of time; and (iii) automatically lock the external access point once a child has been placed in the device; and (5) a designated emergency infant care provider that places a newborn safety device in the provider's facilities shall: (a) develop procedures to verify monthly that the device's alarm system is in working order; (b) provide annual training for all employees on the device's function and operation; and (c) conspicuously label the device with: (i) identifying information for the device; (ii) instructions for using the device; and (iii) a crisis hotline phone number approved by a local governing authority. (Companion is **S.B. 2343** by **Menéndez**.)

H.B. 4554 (Slaton) – Guns: would allow a person without a license to carry a handgun in a concealed manner while the person is on the campus of a private or independent institution of higher education in most circumstances.

H.B. 4598 (Leach) – Catalytic Converter Theft: would, among other things: (1) create a criminal offense for: (a) knowingly or intentionally causing less than $30,000 damage to a motor vehicle during the removal or attempted removal of a catalytic converter; (b) knowingly or intentionally possessing a catalytic converter without authorization; or (c) knowingly or recklessly failing to file the required county tax assessor-collector documents when purchasing or receiving a used secondhand motor vehicle; (2) prohibit a metal recycler from purchasing or acquiring a catalytic converter removed from a motor vehicle unless it is purchased or acquired from: (a) a person selling the catalytic converter acquired it in the ordinary course of their business; (b) another registered metal recycler; or (c) other specific licensed persons or entities; and (3) prohibit a city from adopting a regulation that restricts the purchase, acquisition, sale, transfer of a catalytic converter in a manner inconsistent with (2), above.

H.B. 4628 (Goldman) – DNA Testing: would provide that: (1) not later than the seventh day after the date the Department of Public Safety (DPS) performs a comparison of DNA profiles as required for certain offenses, DPS shall notify the accredited crime laboratory that analyzed the evidence collection kit containing biological evidence whether the comparison of the DNA profile obtained from the biological evidence to DNA profiles contained in the databases resulted in any matches; (2) if a match is identified under (1), above, between biological evidence contained in an evidence collection kit and a DNA profile contained in a database, on request of the accredited crime laboratory that performed the analysis of the evidence collection kit, a law enforcement agency that submitted the evidence collection kit to the crime laboratory shall, not later than the fifth business day after the date the request is made, provide any additional information requested by the crime laboratory concerning the match; (3) not later than the 30th day after a match is identified between biological evidence contained in an evidence collection kit and a DNA profile contained in a database, written notification must be provided to the law enforcement agency that submitted the evidence collection kit of: (a) any case-to-case match that may assist in the investigation of a criminal case but does not identify a suspect or offender; and (b) any verified match that identifies a suspect or offender; (4) verification of a match identifying an offender may be expedited in cases involving a significant public safety concern; (5) not later than the fifth business day after receiving a notification under (3), above, the law enforcement agency shall acknowledge receipt of the notification; and (6) not later than the 30th day after the date a law enforcement agency receives a notification of a verified match, the law enforcement agency shall attempt to collect a DNA sample from an identified suspect or offender and submit the sample to an accredited crime laboratory for analysis.

H.B. 4729 (Tinderholt) – Public Safety Funding: would: (1) define "public safety service" to mean fire protection, law enforcement, or emergency medical service; (2) provide that a political subdivision, other than a school district, may not adopt a budget that allocates an amount of money to provide a public safety service that is less than the amount allocated to provide that service in the preceding fiscal year if: (a) the reduction in the amount of money allocated to provide the public safety service is greater than the reduction in the amount of money allocated in that budget to provide other identifiable services; and (b) the percentage difference between the amount of money allocated in the budget to provide the public safety service and the amount allocated to provide that service in the preceding fiscal year is greater than the percentage difference between the amount of money allocated in the budget to provide other identifiable services and the amount allocated to provide other identifiable services in the preceding fiscal year; (3) allow a political subdivision to adopt a budget that does not meet the requirements of (2), above, if the political subdivision will not provide the public safety service in the fiscal year for which the budget is adopted; and (4) provide that the amount allocated in a budget to provide a public safety service includes all maintenance, operations, and debt service costs associated with providing the service.

H.B. 4737 (Tinderholt) – Unmanned Drones: would: (1) prohibit a governmental entity from acquiring or using an unmanned aircraft or any related services or equipment that it knows or has reason to believes is produced by a company or governmental entity that is owned by, controlled by, or headquartered in China; (2) allow a governmental entity to continue using unmanned aircraft acquired before September 1, 2023, but for each unmanned aircraft acquired after September 1, 2023, the governmental entity must discontinue the use of an unmanned aircraft acquired before September 1, 2023; and (3) require a governmental entity that continues to use an unmanned aircraft described under (1), above, to issue biennial report to the Department of Public Safety.

H.B. 4873 (Holland) – Peace Officer Standards of Conduct: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) by rule shall prescribe standards of conduct for officers that establish minimum standards with respect to the following: (a) pursuit of a suspect; (b) arrest and control tactics; (c) executing high-risk warrants; and (d) conducting traffic stops, including a uniform standard for conducting a traffic stop for an offense punishable by fine only; (2) TCOLE shall biennially review and update the standards of conduct as necessary; (3) TCOLE shall submit to the national misconduct database information necessary to create a record in the database for each officer license TCOLE revokes; (4) a person is disqualified to be an officer, and TCOLE may not issue an officer license to the person, if the person has been issued a license or other authorization to act as an officer in another state and the license or authorization was revoked or suspended; and (5) TCOLE may revoke or suspend a license, place on probation a person whose license has been suspended, or reprimand a license holder for violating a standard of conduct prescribed under (1), above.

H.B. 4879 (Holland) – Crime Statistics Reporting: would provide that: (1) the Department of Public Safety (DPS) shall require all local law enforcement agencies to: (a) implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the Uniform Crime Reporting Program of the FBI; and (b) use the system described in (1)(a), above, to submit to DPS information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency; (2) DPS by rule shall prescribe the form and manner for submitting information and statistics; (3) information and statistics submitted to DPS under this bill is confidential and not subject to disclosure under the Public Information Act; (4) DPS shall submit the information and statistics received under this bill to the Uniform Crime Reporting Program of the FBI, as required by that program; (5) DPS shall establish and maintain a computer-based Texas crime information system that includes all of the information and statistics submitted to DPS under this bill and shall restrict access to the system to authorized personnel of criminal justice agencies, as determined by DPS; and (6) DPS shall use the information included in the system to periodically publish reports regarding the nature and extent of criminal activities in the state on its Internet website and shall submit each report to the governor and each member of the legislature.

H.B. 4882 **(DeAyala) – 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 is **S.B. 1632** by **Bettencour**t.)
H.B. 4909 **(Bernal) – Dangerous Dogs**: would: (1) require an animal control authority to investigate a dog-related incident and determine whether the dog is a dangerous dog after receiving a sworn witness statement or observing and documenting aggressive behavior by the dog; (2) deem a dog as a dangerous dog if the incident in (1), above, results in: (a) serious bodily injury or the death of an individual; (b) the individual being transported to a hospital; (c) a police report being filed about an incident; or (d) the owner being arrested; (3) require that an animal control authority immediately notify law enforcement and the local county of district attorney with jurisdiction regarding (1), above; (4) allow a witness who submits a sworn statement under (1), above, to elect to have their personal information excepted from disclosure under the Public Information Act; and (5) make an offense under (1), above a third-degree felony if the defendant has been previously convicted for the same offense. (Companion bill is **S.B. 2226** by **Menendez**)

H.B. 4939 **(Hefner) – Camping Ban Enforcement**: would, among other things: (1) prohibit a city from adopting or enforcing policies that discourage the enforcement of public camping bans; (2) prohibit a city from using property for homeless individuals to camp unless they submit and have an approved plan as required by other law; (3) require a city to develop a process for filing complaints related to public camping, and to report information about those complaints, citations, and other relevant information to the attorney general; (4) require a city to take action on complaints received within 90 days or else be deemed a "violating local entity" by the attorney general; (5) authorize the attorney general or the Department of Public Safety to enforce public camping regulations in the jurisdiction of a violating local entity; and (6) allow the comptroller to withhold a violating local entity's sales and use taxes collected by the comptroller and deduct from those funds the amount spent by the attorney general or DPS on enforcement. (Companion bill is **S.B. 2018** by **Flores**.)

H.B. 4975 **(Klick) – Missing Persons**: would provide, among other things, that:

1. a law enforcement agency, on receiving a report of a missing child, shall: (a) immediately start an investigation to determine the present location of a child; (b) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse, the National Missing and Unidentified Persons System (NamUs), and the national crime information center missing person file if the child meets the center's criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; (c) immediately, but not later than two hours after the agency receives the

report, enter the applicable information into the Texas Law Enforcement Telecommunication System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety; and (d) inform the person who filed the report of the missing child that the information will be entered into the clearinghouse, the national crime information center missing person file, and NamUs;

2. a local law enforcement agency, on receiving a report of a child missing under the circumstances described in this bill for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child;

3. on determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect, the agency shall notify the Department of Family and Protective Services (DFPS) and may take possession of the child;

4. DFPS, on receiving notice under Number 3, above, may initiate an investigation into the allegation of abuse or neglect and take possession of the child;

5. information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and NamUs as a supplement to the original entry as soon as possible;

6. if a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria;

7. the local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child;

8. the information shall be cross referenced with the information in the national crime information center wanted person file;

9. immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall: (a) clear the entry in the national crime information center database; and (b) notify NamUs;

10. on determining the location of a child, other than a child who is subject to the continuing jurisdiction of a District Court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child, but if the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to DFPS;
11. as part of the minimum curriculum requirements, TCOLE shall establish a basic education and training program on missing children and missing persons, including instructions on the associated reporting requirements, and an officer shall complete the program not later

than the second anniversary of the date the officer is licensed unless the officer completes the program as part of the officer's basic training course; and

12. TCOLE shall make available to each officer a voluntary advanced education and training program on missing children and missing persons, which must include instruction on the associated reporting requirements under this bill.

(Companion is **S.B. 2429** by **Hancock**.)

H.B. 5061 (Martinez) – Fire Alarms: would require that the owner of a commercial building shall ensure that working fire alarms are installed and maintained in accordance with the fire alarm-related building code requirements in effect in the city where the building is located, including performance, location, and power source requirements.

H.B. 5088 (Moody) – Mental Health: would, among other things, provide that: (1) a peace officer who has probable cause to arrest, without a warrant, a person with a mental illness for conduct constituting an offense committed at an applicable mental health facility shall defer the arrest of the person until the person has completed the emergency mental health services, unless exigent circumstances require an immediate arrest; (2) a peace officer who defers the arrest of a person under (1), above, may not subsequently arrest the person for the same conduct unless a warrant has been issued; (3) the facility in which the conduct constituting the offense occurred shall notify the law enforcement agency that sought the arrest of the person at least 12 hours before releasing the person and shall provide the address where the person will be released; (4) the provisions in (1)-(3), above, do not apply to a person accused of committing a violent offense or an offense that is punishable as a felony and does not limit the lawful disposition of the criminal charge for the offense for which an arrest was deferred; (5) with regard to emergency detentions, a peace officer who apprehends a person under this bill may immediately seize any firearm found in the person's possession and must comply with applicable disposition requirements; and (6) a peace officer who transports an apprehended person to a facility in accordance with this bill: (a) is not required to remain at the facility while the person is medically screened or treated or while the person's insurance coverage is verified; and (b) may leave the facility immediately after the person is taken into custody by appropriate facility staff and the peace officer provides to the facility the required documentation. (Companion is **S.B. 2479** by **Zaffirini**.)

H.B. 5118 (Ramos) – Radio Interoperability and Mass Shooting Training: would provide that: (1) in any county impacted by or adjacent to Operation Lone Star, the Department of Public Safety (DPS) shall ensure that all public safety entities have emergency radio infrastructure that allows inter operable communication between all other public safety entities; (2) DPS shall establish a process to train public safety entities including local law enforcement entities in response to a mass shooting event; and (3) the training in (2), above, must include the following: (a) protection of students in a mass shooting event at a school; (b) emergency medical response training in minimizing gun violence casualties; (c) tactics for denying an intruder entry into a classroom or school facility; and (d) the chain of command during a mass shooting event. (Companion is **S.B. 738** by **Gutierrez**.)

H.B. 5153 (Tinderholt) – Firearms: would, among other things, provide that: (1) no public officer or employee of Texas or of any political subdivision shall enforce or attempt to enforce, or provide material aid to the efforts of another who enforces or attempts to enforce, any of the following federal acts, laws, executive orders, administrative orders, rules, regulations, statutes, or ordinances: (a) any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services and that might reasonably be expected to create a chilling effect on the purchase or ownership of those items; (b) any registration or tracking of firearms, firearm accessories, or ammunition; (c) any registration or tracking of the ownership of firearms, firearm accessories, or ammunition; (d) any act forbidding the possession, ownership, use, or transfer of a firearm, firearm accessory, or ammunition by a person who is not prohibited under state law from possessing a firearm, unless the person is not legally present in the United States or Texas; and (e) any act ordering the confiscation of firearms, firearm accessories, or ammunition from a person who is not prohibited under state law from possessing a firearm, unless the person is not legally present in the United States or Texas; (2) any political subdivision or any state or local law enforcement agency that employs a law enforcement officer who acts knowingly to violate (1), above, shall be liable to the injured party in an action at law, suit in equity, or other proper proceeding for redress, and subject to a civil penalty of $50,000 per occurrence as well as injunctive relief; and (3) in an action under (2), above, the court shall award the prevailing party, other than Texas or any political subdivision, reasonable attorney's fees and costs.

H.B. 5210 (Sherman) – 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; and (2) a person may be taken into custody by a peace officer and placed in a facility, or the person may be detained at a hospital at which the person presented or was brought to receive medical or mental health care, if the peace officer, physician, medical staff member of the hospital, a physician's assistant, or advanced practice registered nurse practicing in the hospital has reason to believe that the person is gravely disabled due to mental illness or the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm, provided, under no circumstances may the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

H.B. 5219 (Bucy) – Emergency Calls: would provide that emergency medical services personnel who are responding to an emergency call at a location with an inaccessible front door shall check each window and door at the location for access.

S.B. 2018 (Flores) – Camping Ban Enforcement: would, among other things: (1) prohibit a city from adopting or enforcing policies that discourage the enforcement of public camping bans; (2) prohibit a city from using property for homeless individuals to camp unless they submit and have an approved plan as required by other law; (3) require a city to develop a process for filing complaints related to public camping, and to report information about those complaints, citations, and other relevant information to the attorney general; (4) require a city to take action on complaints received within 90 days or else be deemed a "violating local entity" by the attorney general; (5) authorize the attorney general or the Department of Public Safety to enforce public camping regulations in the jurisdiction of a violating local entity; and (6) allow the comptroller to withhold a violating local entity's sales and use taxes collected by the comptroller and deduct from those funds the amount spent by the attorney general or DPS on enforcement. (Companion bill is **H.B. 4939** by **Hefner**.)

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

S.B. 2079 (Menéndez) – Elderly Abuse Reporting: would, among other things, provide that: (1) on receipt of information indicating that an elderly person or a person with a disability has been the victim of abuse, neglect, or exploitation, a peace officer shall immediately report the suspected abuse, neglect, or exploitation to the adult protective services division of the Department of Family and Protective Services (DFPS); (2) a report made under (1), above, shall include, if known by the peace officer, information including: (a) the name, age, and address of the elderly person or person with a disability; (b) the name and address of any person responsible for the care of the elderly person or person with a disability; (c) the nature and extent of the condition of the elderly person or person with a disability; (d) the basis of the reporter's knowledge; and (e) any other relevant information; and (3) a peace officer is not required to report under (1), above, if the information indicating the abuse, neglect, or exploitation was provided to the peace officer by an employee of the adult protective services division of DFPS.

S.B. 2085 (Whitmire) – Crime Victim Notification System: would, among other things, provide that: (1) the governor's criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency for purposes of purchasing or developing a crime victim notification system; (2) a crime victim notification system for which law enforcement agency seeks a grant under this bill must: (a) automatically, and without the requirement to download a software application to opt in to notifications, notify a victim or relative of a deceased victim by e-mail or text message of all of the following regarding a victim's case: (i) the date on which the incident report is created; (ii) the case number; (iii) the name of investigators who are assigned to the case; (iv) the date an arrest is made; (v) the date an affidavit alleging probable cause is presented to the attorney representing the state; (vi) the date the defendant is arraigned; (vii) updates regarding biological evidence, including the results of a sexual assault examination kit, as applicable; (viii) whether the case has been dismissed by the attorney representing the state; and (ix) any other information relevant to the case; (b) interface with the law enforcement agency's system of records; (c) provide configurable triggers to directly send messages; (d) provide the capability: (i) to attach informational brochures or other electronic attachments to the messages; (ii) for a person to check the case status; (iii) to transmit notifications in English or Spanish; and (iv) to respond to questions via artificial intelligence; (e) monitor the number and types of messages sent and enable a user to visualize that data; and (f) provide a survey tool so the law enforcement agency can solicit feedback on victims services; (3) information in the crime victim notification system is confidential and is not subject to disclosure under the Public Information Act; and (4) as a condition of receiving a grant under this bill, a law enforcement agency shall annually report to the criminal justice division the number and types of notifications sent using the crime victim notification system. (Companion is **H.B. 4318** by **Walle**.)

S.B. 2086 (Kolkhorst) – DNA: would, among other things, provide that: (1) an individual has an exclusive property right in the individual's unique DNA, and a person may not, without the informed, written consent of the individual or the individual's legal guardian or authorized representative: (a) collect a DNA sample from an individual; (b) perform a genetic test on an individual's DNA sample; (c) retain an individual's DNA sample; or (d) alter or modify an individual's DNA; (2) the right described in (1), above, does not apply to a DNA sample collected for: (a) the purpose of emergency medical treatment; (b) the purpose of determining paternity; (c) law enforcement purposes, including the identification of a perpetrator, the investigation of a crime, or the identification of a missing, unidentified, or deceased person; or (d) any other similar use under the laws of this state or another jurisdiction; (3) a person who violates (1) or (2), above, is liable to the state for a civil penalty not to exceed the amount of any profits that are attributable to the unauthorized use minus any expenses that the person who committed the unauthorized use may prove; and (4) a person commits an offense if the person, with criminal negligence, violates (1) or (2), above.

S.B. 2092 (West) – City Regulation of Firearms: would: (1) allow a city or county to regulate or prohibit the carrying of a firearm on the premises of a location where activities for children are regularly conducted, including a museum or a child-care or recreational facility; and (2) provide that (1), above, does not authorize a city to regulate or prohibit the carrying of a firearm by a person who is a peace officer or special investigator, who is in the actual discharge of official duties as a member of the armed forces or state military forces or as a guard employed by a penal institution, or by a person who is otherwise authorized to carry a firearm under a license issued for private security.

S.B. 2093 (West) – Peace Officer Audio/Video Recordings: would, among other things, provide that:

1. each law enforcement agency's written policy on racial profiling must include: (a) guidelines for when a peace officer should activate the camera or other equipment or discontinue a recording currently in progress; (b) provisions relating to data retention, including a provision requiring the retention of video and audio recordings for a minimum period of 90 days; (c) provisions relating to storage of video and audio recordings, creation of backup copies of the recordings, and maintenance of data security; (d) guidelines for public access, through open records requests, to recordings that are public information; (e) procedures for supervisory or internal review; and (f) the handling and documenting of equipment and malfunctions of equipment;

2. a policy adopted under Number 1, above, must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence;

3. a peace officer who uses a law enforcement motor vehicle or motorcycle equipped with video or audio equipment shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances the equipment must be activated;

4. a peace officer who does not activate video or audio equipment in response to a call for assistance or on making a motor vehicle stop must include in the officer's incident report or otherwise note in the case file or record the reason for not activating the equipment;

5. any justification for failing to activate the equipment because it is unsafe, unrealistic, or impracticable is based on whether a reasonable officer under the same or similar circumstances would have made the same decision;

6. a video or audio recording documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have finally been adjudicated and all related administrative investigations have concluded;
7. a law enforcement agency may release to the public a recording described in Number 6, above, if the law enforcement agency determines that the release furthers a law enforcement purpose;

8. this bill does not affect the authority of a law enforcement agency to withhold under the law enforcement exception to the Public Information Act (PIA) information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision;

9. a member of the public is required to provide the following information when submitting a written request to a law enforcement agency for a video or audio recording: (a) the date and approximate time of the recording; (b) the specific location where the recording occurred; and (c) the name of one or more persons known to be a subject of the recording;

10. a failure to provide all of the information required by Number 9, above, to be part of a request for a recording does not preclude the requestor from making a future request for the same recording;

11. a recording that is or could be used as evidence in a criminal prosecution is subject to the requirements of the PIA;

12. a law enforcement agency may: (a) seek to withhold a recording subject to Number 11, above, in accordance with procedures provided by the PIA with regard to requesting an attorney general opinion; (b) assert any exceptions to disclosure in the PIA or other law; or (c) release a recording requested after the agency redacts any information made confidential under the PIA or other law;

13. the attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording under this bill, and the fee amount must be sufficient to cover the cost of reviewing and making the recording;

14. a law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest;

15. a recording is confidential and excepted from the requirements of the PIA if the recording was not required to be made under law or under a policy adopted by the appropriate law enforcement agency and does not relate to a law enforcement purpose;

16. a peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording without permission of the applicable law enforcement agency; and

17. a law enforcement agency operating video or audio equipment on the effective date of this bill may submit any existing policy of the agency regarding the use of equipment to the Texas Commission on Law Enforcement to determine whether the policy complies with this bill.

S.B. 2095 (West) – Firearms: would: (1) provide that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon: (a) on the premises of a museum; (b) on the premises of a child-care or recreational facility; or (c) in a public park; and (2) create exceptions to an offense under (1), above, for a person who, among others: (a) is traveling: (b) is in the actual discharge of official duties as a member of the armed forces or state military forces; or (c) is carrying a license to carry a handgun and a handgun in a concealed manner or in a holster.

S.B. 2096 (West) – Police Interactions: would provide that:

1. The Texas Commission on Law Enforcement (TCOLE) shall develop and make available to all law enforcement agencies in this state a model policy and associated training materials regarding the use of force by peace officers and other officer interactions, and such policy must:

    a. contain instructions on conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged offense;

    b. require training on using the minimum amount of force necessary to protect a person who poses a danger only to the person and not to others, as based on the situation;

    c. prohibit a peace officer from discharging a firearm at a moving vehicle, unless: (i) the vehicle is clearly being used as a weapon against the officer or against another person involved in the incident; or (ii) an occupant of the vehicle is using or threatening to use deadly force by means other than by means of the vehicle itself against the officer or another person involved in the incident;

    d. require training on using the minimum amount of force necessary in situations that present a high risk of bodily injury to a bystander against whom the use of force is not justified;

e. require the law enforcement agency to provide training to peace officers of the agency on identifying behavior that indicates a person is not a threat to others but is a person with an intellectual disability or experiencing a mental health crisis, a mental illness, or an extreme reaction to a controlled substance;

f. require that a peace officer who is not in uniform and interacts with a member of the public to make an identification as a peace officer before taking any action within the course and scope of the officer's official duties, unless the identification would render the action impracticable;

g. prohibit the use of deadly force unless the use of deadly force is immediately necessary to prevent serious bodily injury to or the death of the officer or another;

h. require the law enforcement agency that allows peace officers to use lethal weapons to have a policy regarding the use of those weapons and to provide regular training on the use of less lethal weapons to support the use of de-escalation techniques by the officers, especially for officers who regularly interact with members of the public or who are assigned to duties involving regular interaction with persons with a mental illness or an intellectual disability; and

i. provide guidance on best practices in pursuing a suspect fleeing arrest;

2. in developing the model policy in Number 1, above, TCOLE shall consult with and solicit input from:

   a. the Bill Blackwood Law Enforcement Management Institute of Texas located at Sam Houston State University;

   b. the Caruth Police Institute located at the University of North Texas at Dallas;

   c. organizations representing law enforcement administrators, law enforcement officers, prosecutors, criminal defense attorneys, and the public; and

   d. from any other interested person TCOLE determines appropriate;

3. each law enforcement agency shall adopt and implement the model policy developed by the TCOLE under Number 1, above; and

4. on arriving to the residence of a person who is the subject of a call of service requesting a peace officer to inquire into the health and safety of a person at the person's residence (a "welfare check"), the peace officer performing the welfare check shall:

   a. call the telephone number associated with the residence, the person who is the subject of the requested welfare check, or another person who lives at the residence; and

b. document the result of the call.

S.B. 2101 (Miles) – 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 is **H.B. 4216** by **Morales**.)

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 is **H.B. 2356** by **A. Johnson**.)

S.B. 2216 (Blanco) – Homeland Security Funding Assistance: would provide that the governor may allocate available federal and state grants and other funding related to homeland security to a local governmental entity or a nonprofit entity for: (1) expenses incurred by the entity to provide humanitarian assistance to unaccompanied minors and families, including expenses incurred for public safety, medical care, shelter, transportation, and nourishment; and (2) the humane processing of the remains of undocumented migrants.

S.B. 2255 (Blanco) – Social Media Companies: would provide that:

1. a social media company, as a condition of being eligible for economic development incentives authorized by state law, shall: (a) promptly comply with a law enforcement agency's requests relating to imminent threats to public and personal safety; (b) promptly report credible threats to a law enforcement agency; (c) collaborate with law enforcement agencies to identify and prevent violence, including by: (i) designating one or more employees of the company to work with law enforcement personnel; and (ii) providing law enforcement agencies with appropriate contact information to submit requests relating to public safety;

2. a social media company may not disable law enforcement accounts on the company's social media Internet website being used in the course of an ongoing criminal investigation;

3. a social media company must communicate and coordinate with a law enforcement agency before removing or deactivating a law enforcement account;

4. a governmental entity may not enter into an economic development agreement with a social media company unless the social media company meets or agrees to meet the conditions described in Numbers 1 and 2, above;

5. the Department of Public Safety (DPS), in collaboration with the attorney general, shall develop and maintain an Internet website containing the contact information for social media companies to be used by law enforcement personnel to submit a request for information from a social media company;

6. a social media company that violates this bill is liable to this state for a civil penalty in an amount of not more than $1 million;

7. a court may award an amount of not more than $3 million if the court finds the social media company engaged in a pattern or practice of noncompliance with this bill;

8. in lieu of awarding damages, the court may order the forfeiture of any financial grants awarded to the social media company under an economic development agreement as a penalty;
9. the attorney general may bring an action in the name of this state to recover a penalty under this bill; and

10. a penalty collected under this bill shall be deposited in the state treasury to the credit of the compensation to victims of crime fund, except that a penalty collected under Number 8, above, shall be remitted to the governmental entity that awarded the grant.

S.B. 2276 (Zaffirini) – Peace Officer Interviews: would provide that: (1) a peace officer may not conduct an interview or otherwise question a child who is younger than 12 years of age for any purpose unless the peace officer has first obtained the consent of the child's parent or legal guardian; and (2) a statement obtained in violation of (1), above, is not admissible as evidence in any proceeding concerning the matter about which the statement was given.

S.B. 2287 (West) – 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; and (2) a person may be taken into custody by a peace officer and placed in a facility, or the person may be detained at a hospital at which the person presented or was brought to receive medical or mental health care, if the peace officer, physician, medical staff member of the hospital, a physician's assistant, or advanced practice registered nurse practicing in the hospital has reason to believe that the person is gravely disabled due to mental illness or the person's continued liberty poses an imminent danger to that person or others, as evidenced by a threat of substantial physical harm, provided, under no circumstances may the proposed patient be detained in a nonmedical unit used for the detention of individuals charged with or convicted of penal offenses.

S.B. 2343 (Menéndez) – Abandoned Children: would, among other things, provide that: (1) fire departments and law enforcement agencies are added to the list of entities that are designated emergency infant care providers; (2) a designated emergency infant care provider shall, without a court order, take possession of a child who appears to be 90 days old or younger if: (a) the child is voluntarily delivered to the provider by the child's parent by leaving the child with an employee of the provider or placing the child in a newborn safety device located inside the provider's facilities; and (b) the parent did not express an intent to return for the child; (3) if a designated infant care provider has a form for voluntary disclosure of a child's medical facts and history, the provider shall make the form available on the provider's Internet website; (4) a newborn safety device installed by a designated emergency care provider must: (a) be physically located: (i) inside a facility that is staffed 24 hours a day by employees of the provider including at least one employee qualified to provide emergency medical services; (ii) in an area conspicuous and visible to the employees of the provider; and (iii) in an area that allows for direct exterior access to the device; and (b) contain an alarm system that: (i) audibly notifies the employees of the provider that a child has been placed in the device and sounds until the child is removed from the device; (ii) alters a local emergency medical services provider, if the child is not removed by an employee in a reasonable amount of time; and (iii) automatically lock the external access point once a child has been placed in the device; and (5) a designated emergency infant care provider that places a newborn safety device in the provider's facilities shall: (a) develop procedures to verify monthly that the device's alarm system is in working order; (b) provide annual training for all employees on the device's function and operation; and (c) conspicuously label the device with: (i) identifying information for the device; (ii) instructions for using the device; and (iii) a crisis hotline phone number approved by a local governing authority. (Companion bill is **H.B. 4533** by **Martinez-Fischer**.)

S.B. 2429 **(Hancock) – Missing Persons**: would provide, among other things, that:

1. a law enforcement agency, on receiving a report of a missing child, shall: (a) immediately start an investigation in order to determine the present location of a child; (b) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse, the National Missing and Unidentified Persons System (NamUs), and the national crime information center missing person file if the child meets the center's criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; (c) immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunication System or a successor system of telecommunication used by law enforcement agencies and operated by the Department of Public Safety; and (d) inform the person who filed the report of the missing child that the information will be entered into the clearinghouse, the national crime information center missing person file, and NamUs;

2. a local law enforcement agency, on receiving a report of a child missing under the circumstances described in this bill for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child;

3. on determining the location of the child, if the agency has reason to believe that the child is a victim of abuse or neglect, the agency: (a) shall notify the Department of Family and Protective Services (DFPS); and (b) may take possession of the child;

4. DFPS, on receiving notice under Number 3, above, may initiate an investigation into the allegation of abuse or neglect and take possession of the child;

5. information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and NamUs as a supplement to the original entry as soon as possible;

6. if a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria;

7. the local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child;

8. the information shall be cross referenced with the information in the national crime information center wanted person file;

9. immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall: (a) clear the entry in the national crime information center database; and (b) notify NamUs;

10. on determining the location of a child, other than a child who is subject to the continuing jurisdiction of a District Court, an officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to possession of the child, but if the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to DFPS;

11. establish a basic education and training program on missing children and missing persons, including instructions on the associated reporting requirements, and an officer shall complete the program not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of the officer's basic training course; and

12. TCOLE shall make available to each officer a voluntary advanced education and training program on missing children and missing persons, which must include instruction on the associated reporting requirements under this bill.

(Companion is **H.B. 4975** by **Klick**.)

S.B. 2458 (Hughes) – Forfeiture of Contraband: would shift the burden of proof in a contraband forfeiture proceeding to provide that the state has the burden of proving by clear and convincing evidence that certain provisions do not apply to the owner or the interest holder's interest in the property that is subject to seizure and forfeiture. (Companion is **H.B. 69** by **Schaefer**.)

S.B. 2479 (Zaffirini) – Mental Health: would, among other things, provide that: (1) a peace officer who has probable cause to arrest, without a warrant, a person with a mental illness for conduct constituting an offense committed at an applicable mental health facility shall defer the arrest of the person until the person has completed the emergency mental health services, unless exigent circumstances require an immediate arrest; (2) a peace officer who defers the arrest of a person under (1), above, may not subsequently arrest the person for the same conduct unless a warrant has been issued; (3) the facility in which the conduct constituting the offense occurred shall notify the law enforcement agency that sought the arrest of the person at least 12 hours before releasing the person and shall provide the address where the person will be released; (4) the provisions in (1)-(3), above, do not apply to a person accused of committing a violent offense or an offense that is punishable as a felony and does not limit the lawful disposition of the criminal charge for the offense for which an arrest was deferred; (5) with regard to emergency detentions, a peace officer who apprehends a person under this bill may immediately seize any firearm found in the person's possession and must comply with applicable disposition requirements; and (6) a peace officer who transports an apprehended person to a facility in accordance with this bill: (a) is not required to remain at the facility while the person is medically screened or treated or while the person's insurance coverage is verified; and (b) may leave the facility immediately after the person is taken into custody by appropriate facility staff and the peace officer provides to the facility the required documentation. (Companion is **H.B. 5088** by **Moody**.)

S.B. 2480 **(Menéndez) – Peace Officer Training**: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) by rule shall require an officer to complete a one-time training program on investigating criminal offenses in which the victim or intended victim was 65 years of age or older at the time of the offense; (2) TCOLE shall establish the training program required in (1), above, and must include: (a) procedures for reporting suspected abuse, neglect, or exploitation of an elderly person to the adult protective services division of the Department of Family and Protective Services; and (b) material on identifying potential decision-making capacity impairments affecting an elderly victim; (3) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete the training program established in (1) and (2), above; and (4) 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.

Sales Tax

H.B. 4310 **(Turner) – Sales Tax Exemption**: would: (1) exempt from the sales tax any substance, whether in liquid, concentrated, solid, frozen, dried, or dehydrated form, that is sold for ingestion or chewing by humans and is consumed for its taste or nutritional value; (2) include as a tax exempt item in the school sales tax holiday barrettes and similar accessories, alterations to clothing, and briefcases, regardless of the sales price; and (3) exempt from the sales tax the preparation of documents in chancery and admiralty cases.

H.B. 4311 **(Turner) – Sales Tax Exemption**: would add the following item to the energy-efficient products sales tax holiday: a light-emitting diode light bulb, a water heater, a clothes dryer, a freezer, a stove, an attic fan, and a heat pump.

H.B. 4312 **(Turner) – Sales Tax Exemption**: would exempt from the sales tax snack items sold through a vending machine.

H.B. 4425 (Talarico) – Sales Tax Exemption: would exempt from the sales tax the sale of clothing, furniture, linens, china, crockery, kitchenware, medical equipment and supplies, children's toys, baby supplies, tools, pet supplies, and cleaning supplies if the sale takes place during the period beginning at 12:01 a.m. Friday, January 5, 2024, and ending at 11:59 p.m. Sunday, January 7, 2024.

H.B. 4913 (Martinez-Fischer) – State Sales Tax Rate: would temporarily lower the state sales tax rate to 5.25 percent until October 1, 2025.

H.B. 5070 (Button) – Taxable Services: would exclude services provided by a marketplace provider in relation to the processing of a sale or payment for a marketplace seller from the definition of "taxable services" for the purpose of the sales tax.

H.B. 5089 (Meyer) – Sales Tax Sourcing: would provide that for purposes of city sales and use taxes, all sales of taxable items are consummated at the location in the state to which the item is shipped or delivered or at which possession is taken by the purchaser.

H.B. 5141 (Cain) – Sales Tax Sourcing: would, among other things, provide that: (1) "place of business of the retailer" is defined for purposes of city sales and use tax collection as an established outlet office, or location operated by the retailer, or operated by the retailer's agent or employee, for the purpose of receiving orders, regardless of the method by which orders are transmitted or received; and (2) if a retailer has only one place of business in the state, all of the retailer's retail sales of taxable items, regardless of the method by which orders for the taxable items are transmitted or received, are consummated at that place of business.

H.J.R. 168 (Turner) – State Sales Tax Rate: would amend the Texas Constitution to prohibit the rate of the state sales and use tax from exceeding 6.25 percent of the sales price of an item.

S.B. 2187 (Hinojosa) – 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 **H.B. 3622** by **Lozano**.)

S.B. 2280 (Perry) – Taxable Services: would exclude services provided by a marketplace provider in relation to the processing of a sale or payment for a marketplace seller from the definition of "taxable services" for the purpose of the sales tax.

Community and Economic Development

H.B. 4285 (Rogers) – Sign Regulation in Extraterritorial Jurisdiction: would prohibit a city from enforcing its outdoor sign ordinances in its extraterritorial jurisdiction.

H.B. 4294 (Gates) – Building Materials: would, among other things: (1) further limit the ability of Texas cities to regulate building materials, products, or methods in construction by prohibiting a city from requiring a landowner to record a restrictive covenant or enter into an agreement that that prohibits or limits the use or installation of a building product, material, aesthetic method, including any architectural or building design requirements, in construction, renovation, maintenance, or other alteration of a residential or commercial building, except under limited circumstances; (2) apply the prohibition in (1), above, to any architectural or building design requirement; (3) limit the exception for historical buildings to only an existing building or a building located in an existing developments; and (3) extend enforcement authority to any aggrieved party.

H.B. 4295 **(Gates) – Annexation of Agricultural Land**: would, among other things: (1) require written consent from each owner of an area qualified for agricultural or wildlife management use or as timberland before a city may annex that area; and (2) repeal the requirement that a city must offer a development agreement to these landowners before annexation.

H.B. 4298 **(Gates) – Rental Property**: would prohibit a city from adopting or enforcing an ordinance that requires a multiunit complex landlord to: (1) obtain a rental license; (2) pay a change of address fee; or (3) pay annual inspection fees exceeding certain amounts based on the number of dwelling units.

H.B. 4303 **(Gates) – Airport and Development Platting Requirements**: would: (1) create an exception to platting requirements for property that: (a) is located wholly within a city with a population of 65,000 or less; (b) is divided into parts larger than 2.5 acres; and (c) abuts any part of an aircraft runway; and (2) would allow cities to define and classify developments of tracts of land to determine whether a development plat is required by classification.

H.B. 4335 **(Shine) – Chapter 380 Economic Development Agreements**: would: (1) provide that a city may not establish, amend, or renew an economic development program adopted under Chapter 380 of the Local Government Code (380 Agreement) unless the city council first holds a public hearing; (2) prohibit a city from making a loan or grant of public money or provide municipal personnel or services through an economic development program adopted under a 380 Agreement unless the city enters into a written agreement with the business that details the terms and conditions of the loan, grant, or provision of personnel or services; (3) provide that a 380 Agreement with a for-profit entity must require the creation or retention of jobs and the making of a capital investment, and must include a schedule of the jobs to be created or retained and the capital investment to be made; (4) provide that a 380 agreement adopted under (3), above, must include a requirement that the business repay to the city the cost of any benefit received from the city if the business fails to meet each performance requirement; and (5) prohibit a city from making a grant under a 380 Agreement to certain tax exempt entities or development corporations unless the city complies with (1)-(4), above.

H.B. 4419 **(Goldman) – Film and Television Production**: would: (1) add a film or television production to the definition of "event" for purposes of the state event reimbursement program; (2) authorize Texas A&M University at College Station and Texas State University to establish a virtual film production institute; (3) authorize an endorsing city to submit requests for funding under the state event reimbursement program for an event with total incremental increase in tax receipts of up to $2 million; (4) authorize an endorsing city to submit requests for funding under the state event reimbursement program for up to 20 events in a 12-month period, 10 of which may be nonsporting events; (5) repeal the section limiting the number of media production development zones designated in the state; (6) extend the period of time a media production development zone is eligible for a sales tax exemption from two to four years; and (7) extend the period of time a person can receive certain state benefits related to the media production from two to five years.

H.B. 4431 (Wilson) – Structured Sober Living Homes: would, among other things, provide that a city may adopt standards for structured sober living homes which may require the structured sober living homes to: (1) provide written notice to residents and potential residents that includes certain contact information; (2) supervise residents during all hours of operation; and (3) establish and maintain an operation plan. (See also **H.B. 1987** by **Vasut**.)

H.B. 4433 (Anchia) –Tax Increment Financing: would: (1) provide that a city may not designate a tax increment reinvestment zone if more than 40 percent of the property in the proposed zone is used for residential purposes, excluding property that is publicly owned or a residence homestead owned by a legacy homeowner; (2) define "legacy homeowner" as the owner of a residence homestead located in a reinvestment zone who has continuously resided in and received an exemption for the homestead for at least seven years preceding the date the governing body of the county or city designated the zone in which the homestead is located; (3) provide that the project plan prepared and adopted by the board of directors of a reinvestment zone may authorize the board of directors to establish a reinvestment zone stability program, the purpose of which is to ensure that all residents of the zone benefit from its designation and the governing body of the county or city that designated the zone and any affiliated community organizations may participate in the development of the program; (4) provide that as a part of a program established under (3), above, the board may dedicate, pledge, or otherwise provide for the use of money in the tax increment fund established for the zone to prevent homeowner displacement by providing annual payments on behalf of legacy homeowners to offset the increase in ad valorem taxes imposed on the residence homesteads of those homeowners that is attributable to the increase in property values associated with the development or redevelopment of property in the zone; (5) provide that if the project plan for a reinvestment zone authorizes annual payments on behalf of legacy homeowners, the plan must provide that: (a) the amount of an annual payment made under the program to a legacy homeowner may not exceed the amount determined for that homeowner under (6), below; and (b) the period of time for which annual payments may be made on behalf of a legacy homeowner may not exceed ten years; and (6) provide that the maximum amount of an annual payment that may be made on behalf of a legacy homeowner for a tax year is equal to the positive difference, if any, between the following amounts the property taxes due on the homeowner's homestead for that tax year and the property taxes due on the homeowner's homestead for the tax year in which the reinvestment zone in which the homestead is located was designated. (Companion bill is **S.B. 1096** by **Parker**.)

H.B. 4535 (Goldman) – Platting of Golf Courses: would extend current subdivision golf course requirements to apply to areas used as a golf course, country club, or community facility at any time within the last twelve years.

H.B. 4637 (Sherman) – Zoning Protest Threshold: would provide that to be valid, a zoning protest must be written and signed by the owners of at least fifty percent of either: (1) the area of the lots or land covered by the proposed change; or (2) the area of the land immediately adjoining the area covered by the proposed change and extending 200 feet from that area.

H.B. 4667 **(Bumgarner) – Supervised Drug Consumption Site**: would provide that a person commits a second degree felony if the person: (1) knowingly operates a supervised drug consumption site; or (2) either as an owner, lessee, agent, employee, occupant, or mortgagee, knowingly and intentionally opens, leases, rents, profits from, maintains, or makes available for use, with or without compensation, any premises for the purpose of operating a supervised drug consumption site. (Companion bill is **S.B. 1388** by **Parker**.)

H.B. 4749 **(J. Lopez) – Economic Development Corporations**: would provide that: (1) for certain small cities, "project" for purposes of an economic development corporation includes expenditures found by the board of directors to be required or suitable for the development and engineering of plans for infrastructure for the purpose of being ready to begin construction immediately after receiving a state or federal grant that may be spent for infrastructure, notwithstanding any limitation of expenditures in state law; and (2) an expenditure made under (1), above, must prioritize: (a) the economic goals of the community; and (b) the mitigation of flood, storm, or other natural disaster incidents that have increased risks of damage to business, industrial, and affordable housing sites or zones, including by prioritizing projects for: (i) water, sewer, drainage, railroad, or road underground borings or crossing improvements to distressed business, industry, or affordable housing sites or zones where local revenues are unavailable; and (ii) sewer and wastewater disposal facilities required or suitable for infrastructure necessary to promote or develop new, expanded business and industrial area enterprises or affordable housing sites or projects.

H.B. 4751 **(Schofield) – Disannexation**: would: (1) authorize registered voters in a certain area to petition a city for disannexation of the area; and (2) authorize registered voters in a certain area to petition for release of the area from a city's extraterritorial jurisdiction.

H.B. 4760 **(Jones) – Eminent Domain**: would, among other things: (1) modify the definition of "bona fide offer" in eminent domain to include a statement indicating whether the offer includes: (a) a replacement value appraisal of the property; and (b) an appraisal of moving expenses; (2) require the final offer to include amounts to cover replacement value of the property and moving expenses; and (3) grant to a landowner from whom property is acquired through a right of first refusal on partial acquisitions of the property or private transfers.

H.B. 4940 **(Martinez-Fischer) – Incentive Agreements**: would, among other things: (1) prohibit a city from making a loan or grant of public money under a Chapter 380 economic development agreement from the proceeds of property taxes or bonds or other city obligations payable from property taxes; (2) provide that a city may not make a loan or a grant under a Chapter 380 economic development agreement for a period exceeding ten years; (3) require a city to hold a public hearing before making a loan or a grant using a Chapter 380 economic development agreement; (4) require a city with an Internet website to post the current version of the proposed loan or grant under a Chapter 380 economic development agreement on the city's website; (5) provide that the notice of a meeting at which the city council will consider the adoption of a loan or grant under a Chapter 380 economic development agreement must contain: (a) the name of the recipient of the loan or grant; (b) a general description of the public purpose for which the loan or grant is provided; and (c) the amount of and period of time for the loan or grant; (6) require a city to give notice of the meeting at which the city council will consider the adoption of a loan or grant under a Chapter 380 economic development agreement not less than 15 business days but not more than 30 business days before the meeting; (7) require a city to give notice of the meeting at which the city council will consider the adoption of a property tax abatement agreement not less than 15 business days but not more than 30 business days before the meeting; and (8) provide that if a city postpones a meeting described by (6) or (7), above, the city must hold the postponed meeting not more than ten business days after the date for which the meeting was originally schedules, and if the postponement would result in the meeting being held more than 30 business days after the city gave notice, the city must give new notice of the meeting. (Companion bill is **S.B. 1419** by **Birdwell**.)

H.B. 4958 **(Goodwin) – Workforce Housing Grants**: would, among other things, require the Texas Department of Housing and Community Affairs to establish the workforce housing program to provide financial assistance to participating cities to facilitate the construction and rehabilitation of eligible workforce housing developments in those cities. (See **H.J.R. 188**, below.) (Companion bill is **S.B. 1684** by **Johnson**.)

H.B. 4977 **(Klick) – Charter School Land Use Regulation**: would, among other things related to educational and admissions requirements, provide that: (1) cities shall consider an open-enrollment charter school a school district for purposes of, among other things, zoning, permitting, platting, subdivision, and land development regulation; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; and (3) the requirements in (1) and (2), above, apply to property owned or leased by the charter school.

H.B. 4991 **(Oliverson) – Extraterritorial Jurisdiction Platting Authority**: would, among other things: (1) remove the ability of a city to extend the application of ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities in its extraterritorial jurisdiction (ETJ); (2) prohibit cities from regulating, either directly or indirectly, the use of buildings or property for various purposes including, among other things, the bulk, height, or number of buildings on a particular tract of land, the size of a building, and the number of residential units per acre of land within the ETJ; and (3) add a prohibition on regulating minimum lot sizes, lot dimensions, lot frontages, lot setbacks, or other components of lot density in the ETJ. (Companion bill is **S.B. 2037** by **Bettencourt**.)

H.B. 4995 **(Kitzman) – Activities on Homestead**: would, among other things: (1) prohibit cities from adopting or enforcing ordinances that ban certain activities on residence homestead property, including growing fruits and vegetables, raising or keeping limited numbers of domestic fowl or adult rabbits, and installing on-site solar or wind-powered energy devices, underground shelters, rain barrels or rainwater harvesting systems, or standby electric generators; (2) allow cities to impose reasonable regulations on growing fruits and vegetables on residence homestead property, provided they do not prohibit such activities, with conditions related to the maintenance of growing areas and the trimming or removal of trees for utility easement purposes; (3) permit cities to impose reasonable regulations on raising or keeping fowl or rabbits on residence homestead property that control odor, noise, safety, or sanitary conditions without prohibiting such activities, including regulations that include limits on the number of fowl or rabbits, distance between animal shelters and other residential structures, fencing or shelter requirements, and sanitary conditions; and (4) exempt firearms, ammunition, and firearm accessories from sales and use taxes.

H.B. 5080 **(Sherman) – Property Exchange with Private Individuals**: would: (1) allow cities with a population greater than 290,000 to exchange real property with a private person without complying with notice and bidding or other requirements, provided that the property is: (a) municipally-owned; (b) 10 acres or less; and (c) currently used as a park, recreation area, or wildlife refuge; (2) require that in return, the private person must use the exchanged property for affordable housing, a park, or improvements compatible with park use; and (3) provide that if the private person fails to meet the conditions in (2), above, the property transfer is void, and ownership reverts to the city.

H.B. 5092 **(Dutton) – Charter School Land Use Regulation**: would, among other things related to educational and admissions requirements, provide that: (1) cities shall consider an open-enrollment charter school a school district for purposes of, among other things, zoning, permitting, platting, subdivision, and land development regulation; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; and (3) the requirements in (1) and (2), above, apply to property owned or leased by the charter school.

H.B. 5155 **(Toth) – Historical Sites**: would, among other things: (1) direct the county to identify historically significant sites and provide such information to the Texas Historical Commission (THC); (2) allow THC to designate sites identified under (1), above, through existing history programs, including local community landmark programs; and (3) allow THC to seek assistance from local governmental entities under (2), above.

H.B. 5161 **(Cain) – Agriculture Preemption**: would: (1) prohibit a city from adopting or enforcing ordinances, orders, rules, or policies in fields occupied by provisions of the Agriculture Code unless explicitly authorized by statute; and (2) exempt agricultural operations from any city regulation related to the height or maintenance of vegetation.

H.B. 5171 **(Wilson) – Special District Authority Limitations**: would prohibit a special district from exercising any right or power outside the district's boundaries except as necessary to pay or fulfill any outstanding debts, bonds, warrants, or obligations. (Companion bill is **S.B. 1546** by **Bettencourt**.)

H.B. 5217 **(C. Bell) – Extraterritorial Jurisdiction Release**: would, among other things, require a city to release an area from city's extraterritorial jurisdiction (ETJ) if: (1) in an area with a population of less than 200: (a) more than fifty percent of the registered voters of the area sign a petition requesting release; or (b) owners of more than fifty percent of the land in the area by value sign a petition requesting release; or (2) in an area with a population of 200 or more, more than fifty percent of the qualified voters in the area vote for the release of the area from the ETJ in an election called on the question of release following receipt by the city of a qualifying petition. (Companion bill is **S.B. 2038** by **Bettencourt**.)

H.B. 5222 (C. Bell) – Municipal Utility Districts: would make significant changes to the procedures for creating municipal utility districts including, among many other things: (1) cutting the time a city has to consider a written request for the city to consent for the creation of a district in the city's extraterritorial jurisdiction (ETJ) from 90 days to 30 days; (2) that failure to consent within the timeframe in (1), above, constitutes consent by the city for creation of the district; (3) removal of the statutory guarantee that property within the corporate limits of a city cannot be included in a district without the consent of the city; and (4) specifically enumerating conditions a city may place on granting consent as well as enumerating examples of conditions a city cannot place on consent, including, among other things: (a) limits on the amount, timing and maturity of district bonds; (b) connection by the district to city water or wastewater systems; (c) payment to the city for the cost of review of the district's petition and application; or (d) land use controls or zoning. (Companion bill is **S.B. 2349** by **Bettencourt**.)

H.J.R 185 (Walle) – Sporting Goods Sales Tax: would amend the Texas Constitution to provide that an amount equal to five percent of the net revenue received by the state from the sporting goods sales tax is automatically appropriated to the State Park Land Acquisition Trust Fund.

H.J.R 188 (Goodwin) – Workforce Housing Grants: would amend the Texas Constitution to establish the workforce housing fund to be used for grants and low-interest loans to cities for the purposes of facilitating the development of affordable workforce housing. (See **H.B. 4958**, above.) (Companion bill is **S.J.R. 77** by **Johnson**.)

S.B. 2037 (Bettencourt) – Extraterritorial Jurisdiction Platting Authority: would, among other things: (1) remove the ability of a city to extend the application of ordinances relating to access to public roads or the pumping, extraction, and use of groundwater by persons other than retail public utilities in its extraterritorial jurisdiction (ETJ); (2) prohibit cities from regulating, either directly or indirectly, the use of buildings or property for various purposes including, among other things, the bulk, height, or number of buildings on a particular tract of land, the size of a building, and the number of residential units per acre of land within the ETJ; and (3) add a prohibition on regulating minimum lot sizes, lot dimensions, lot frontages, lot setbacks, or other components of lot density in the ETJ. (Companion bill is **H.B. 4991** by **Oliverson**.)

S.B. 2038 (Bettencourt) – Extraterritorial Jurisdiction Release: would, among other things, require a city to release an area from city's extraterritorial jurisdiction (ETJ) if: (1) in an area with a population of less than 200: (a) more than fifty percent of the registered voters of the area sign a petition requesting release; or (b) owners of more than fifty percent of the land in the area by value sign a petition requesting release; or (2) in an area with a population of 200 or more, more than fifty percent of the qualified voters in the area vote for the release of the area from the ETJ in an election called on the question of release following receipt by the city of a qualifying petition. (Companion bill is **H.B. 5217** by **Bell**.)

S.B. 2097 (Birdwell) – Annexation of Property in Water or Sewer District: would allow a city with a population of 3,000 or less to annex an area within a water or sewer district if the governing body of the district consents. (Companion bill is **H.B. 3514** by **Burns**.)

S.B. 2100 (Miles) – Poker Rooms: would provide, among other things, that:

1. a county commissioners court may regulate the operation of poker clubs, including: (a) restricting poker club locations to specified areas of the county, including unincorporated areas; (b) prohibiting a poker club within a specified distance of a school, regular place of worship, or residential neighborhood; or (c) restricting the number of poker clubs that may operate within a specified area of the county;

2. a county may require a poker club owner or operator to obtain or renew a license on a periodic basis to own or operate a poker club in the county, including establishing license qualifications and providing for the denial, suspension, or revocation of a license for violating county regulations adopted under Number 1, above;

3. a county may impose a fee for a poker club license or license renewal based on the cost of processing the application and investigating the applicant;

4. a county may inspect a business within the county that contains one or more poker gaming tables to determine whether the business is complying with county regulations adopted under Number 1, above;

5. a county may seek injunctive relief from a district court to prevent the violation or threatened violation of a county regulation adopted under Number 1, above, as well as civil penalties not to exceed $10,000 per violation per day and reasonable expenses incurred in obtaining injunctive relief, including reasonable attorney's fees, court costs, and investigatory costs;

6. Numbers 1 through 4, above, do not legalize any activity prohibited under state law but do establish a defense to prosecution for violations of state law gambling and keeping a gambling place statutes if the actor is engaged in gambling in: (a) a private residence; (b) a poker club located in a county that regulates poker clubs and operating in accordance with county regulations adopted under Number 1, above; (c) a poker club located in a city that regulates poker clubs and operating in accordance with the city's regulations; or (d) a county or city that does not regulate poker clubs;

7. it is a criminal offense to intentionally or knowingly operate a poker club in violation of a county regulation adopted under Number 1, above, and a person who commits such an offense may be prosecuted under this and/or any other law;

8. the authority granted to the county by the bill is cumulative of all other granted county authority to regulate poker clubs and does not limit that authority; and

9. to the extent that a conflict exists between a county order or regulation and a municipal ordinance, the county order prevails.

(Companion bill is **H.B. 1601** by **Wu**)

S.B. 2239 **(LaMantia) – Housing Study**: would, among other things: (1) establish an advisory committee ("Committee") composed of 15 members, including legislators, academics, and representatives from political subdivisions, the home building industry, and housing advocacy groups to conduct a decennial study and report on housing supply and affordability in Texas; (2) require the Committee to evaluate: (a) data sources on improving housing supply and affordability; and (b) the review processes of political subdivisions, including cities, that permit new housing developments including: (i) the rate at which political subdivisions approve new housing developments; (ii) timelines for approval; and (iii) local impact and permitting fees for new housing developments; and (3) develop methods to identify and award grants to cities with review rates in the top half in the state. (Companion bill is **H.B. 3074** by **Stucky**.)

S.B. 2243 (Johnson) – Clean Energy Projects: would: (1) remove the requirement that an application for a permit for an advanced clean energy project under the Clean Air Act had to be received by the commission before January 1, 2020; (2) add to the list of programs that may be considered for a new technology implementation grant: (a) the installation of a system to reduce or eliminate carbon dioxide emissions; and (b) projects that utilize technology to capture, use, reuse, store, or sequester carbon dioxide emissions for the principal purpose of preventing carbon dioxide from entering the atmosphere and are constructed integral or adjacent to a petrochemical plant or an electric generation facility, including a facility powered by coal, natural gas, hydrogen, or ammonia; and (3) exempt from the sales tax components of tangible personal property used in connection with the capture, use, reuse, storage, or sequestration of carbon dioxide emissions for the principal purpose of preventing carbon dioxide from entering the atmosphere. (Companion bill is **H.B. 1158** by **Darby**.)

S.B. 2311 (Hinojosa) – 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 **H.B. 3601** by **Lozano**.)

S.B. 2326 (Zaffirini) – Public Changing Rooms: would require a person with control over bathrooms and changing facilities in a public building to: (1) ensure that private space for an adult changing station is installed in one or more publicly-accessible restrooms or changing facilities; and (2) post a sign with clear language indicating the location of each changing facility.

S.B. 2349 (Bettencourt) – Municipal Utility Districts: would make significant changes to the procedures for creating municipal utility districts including, among many other things: (1) cutting the time a city has to consider a written request for the city to consent for the creation of a district in the city's extraterritorial jurisdiction (ETJ) from 90 days to 30 days; (2) that failure to consent within the timeframe in (1), above, constitutes consent by the city for creation of the district; (3) removal of the statutory guarantee that property within the corporate limits of a city cannot be included in a district without the consent of the city; and (4) specifically enumerating conditions a city may place on granting consent as well as enumerating examples of conditions a city cannot place on consent, including, among other things: (a) limits on the amount, timing and maturity of district bonds; (b) connection by the district to city water or wastewater systems; (c) payment to the city for the cost of review of the district's petition and application; or (d) land use controls or zoning. (Companion bill is **H.B. 5222** by **Bell**.)

S.B. 2440 (Perry) – Certification of Groundwater Supply: would require certain plats for the subdivision of land to include proof of groundwater supply.

S.B. 2453 (Menendez) – Exceptions to Building Material Preemption: would allow the use or installation of a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if that product, material or method is allowed by: (1) certain energy codes adopted by the State Energy Conservation Office; (2) certain energy and water conservation design standards established by the State Energy Conservation Office; or (3) certain high-performance building standards approved by the board of regents of an institute of higher education. (Companion bill is **H.B. 3312** by **Hernandez**.)

Elections

H.B. 1585 (Geren) – Political Advertising: would provide that a communication supporting or opposing legislation filed by a member of the legislature is considered political advertising if the communication appears to express support or opposition of: (1) the member; or (2) persons who support or oppose the legislation.

H.B. 4314 (Schofield) – Elections: would provide that: (1) the tribunal hearing an election contest shall declare an election void if the tribunal determines the number of illegal votes is equal to or greater than the number of votes necessary to change the outcome of an election; and (2) the tribunal may declare an election void under (1), above, without attempting to determine how individual voters voted.

H.B. 4393 (Hayes) – Mail in Ballots: would, among other things, provide that: (1) the secretary of state shall provide each early voting clerk with an electronic device used to time-stamp: (a) the application for a ballot to be voted by mail when it is received by the early voting clerk; (b) the application for a ballot to be voted by mail when it is accepted by the early voting clerk; (c) the official ballot envelope when the early voting clerk places the balloting materials in the mail; (d) the carrier envelope when the early voting clerk receives the carrier envelope; and (e) the official ballot envelope when the early voting clerk removes the accepted ballot from the official ballot envelope; (2) if a person voting a ballot by mail fails to return the official ballot envelope with an accepted ballot, the early voting clerk shall satisfy the requirements of (1)(e), above, by using the electronic device to time-stamp a blank sheet of paper marked "Accepted" in bold print; (3) after the early voting clerk ensures that the requirements of (1)(a)-(e), above, are satisfied, the clerk shall place the stamped official ballot envelope or stamped sheet, as applicable, in the carrier envelope, and each stamped official ballot envelope or stamped sheet, as applicable, and carrier envelope shall be stored with the other precinct election records and preserved after the election in the same manner as the corresponding precinct election returns; (4) the early voting clerk shall ensure that any blank application or official ballot envelope that is time-stamped but not used on that day is permanently destroyed; and (5) the secretary of state shall provide one electronic device to each county, and any additional electronic devices required must be purchased from an approved vendor list provided by the secretary of state and paid with funds from the county elections office budget.

H.B. 4396 **(Hayes) – Signature Verification Committee**: would, among other things, provide that: (1) in an election other than a primary election or runoff primary election, the early voting clerk is the authority responsible for determining whether a signature verification committee is to be appointed; (2) if the early voting clerk determines under (1), above, that a signature verification committee is to be appointed, the clerk shall issue a written order calling for the appointment not later than the 32nd day before the date of the election; (3) the early voting clerk shall determine the total number of members who are to compose the signature verification committee and shall state that number in the order calling for the committee's appointment; and (4) a signature verification committee must have an odd number of members not fewer than five in number.

H.B. 4399 **(Hayes) – Central Counting Station**: would, among other things, provide that a written plan for the orderly operation of the central counting station established and implemented by a manager of a central counting station must include: (1) information on the process for comparing the number of voters who signed the combination form or electronic poll list with the number of votes cast for the entire election; (2) who will provide information and what information will be provided by each person to the presiding judge of the central counting station on each component of the process for the reconciliation of votes and voters; (3) the date, time, and location of any logic and accuracy test to be conducted at the central counting station or regional tabulating center serving the central counting station; (4) the procedures regarding an unsuccessful logic and accuracy test; (5) the date, time, and place the central counting station will operate on and after election day; (6) a list of each person appointed to the central counting station or regional tabulating center serving the central counting station and the positions in which the persons will serve; (7) the minimum number of licensed peace officers serving at the central counting station and in which rooms a peace officer will be stationed; (8) the procedures regarding ballot security, including ballot storage and chain of custody procedures; (9) information on how, where, and when a poll watcher will be accepted for service at the central counting station and the procedures used to prevent obstruction of the watchers from performing their duties; (10) information regarding the livestream available to the public; and (11) a list with the date of any revision to the plan, the section revised, and the initials of the individual who made the revision.

H.B. 4401 **(Hayes) – Logic and Accuracy Test**: would provide that: (1) the general custodian of election records shall reschedule a logic and accuracy test if the test cannot be conducted within one hour of the time on the notice published to conduct the logic and accuracy test; (2) the test must be rescheduled no sooner than four hours after the time on the notice published to conduct the logic and accuracy test; (3) notice of a rescheduled test must be published at least four hours before the test begins; (4) if a rescheduled test cannot begin within one hour of the time on the most recent notice of the test provided under this subsection, the test must again be rescheduled in the manner described in (2), above; and (5) a logic and accuracy test section may not begin at any time before or later than one hour after the published time on the most recent notice of the test.

H.B. 4465 **(Isaac) – Polling Place**: would provide that a polling place may not be located on a public primary or secondary school campus. (Companion bill is **S.B. 143** by **Springer**.)

H.B. 4519 **(Jetton) – Election Procedures**: would 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) if a person described by (1), above, fails to comply with an order from the secretary of state within the second day following the notice, the secretary of state shall: (a) inform the attorney general that the official may be subject to a civil penalty; and (b) deliver to the attorney general all pertinent documents and information in the secretary's possession; (3) the documents and information submitted under (2), above, are not considered public information until: (a) the secretary of state makes a determination that the information received does not warrant an investigation; or (b) referred to the attorney general, the attorney general has completed the investigation or has made a determination that the information referred does not warrant an investigation; (4) a person is liable for a civil penalty of $1,000 for each day after the second day following the receipt of the written notice 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 (5) the civil penalty referenced in (4), above, shall increase to $5,000 for each day following the seventh 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. (Companion bill is **S.B. 1807** by **Springer**.)

H.B. 4544 **(Toth) – Election Records**: would, among other things, provide that: (1) an election record that is public information shall be made available to the public during the regular business hours of the record's custodian not later than 10 days after the date the custodian receives a request for public inspection; (2) not later than the 60th day after election day, the general custodian of election records shall make available for public inspection election records that are: (a) original voted ballots; or (b) images of voted ballots, if a county maintains images of voted ballots; (3) the custodian of election records shall adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection; and (4) repeal the provision that allows the custodian of elections to adopt reasonable rules limiting public access to election records for the purpose of safeguarding election records or economizing the custodian's time.(Companion bill is **S.B. 1485** by **Hall**.)

H.B. 4547 **(Toth) – Electronic Devices**: would, among other things, provide that: (1) a signature roster in the form of an electronic device that is used for purposes of capturing a voter's signature next to the voter's name at a polling place may not be used in an election; (2) a poll list in the form of an electronic device for purposes entering each accepted voter's name on the list after the voter signs the signature roster may not be used in an election; (3) a combination form in the form of an electronic device for purposes of combining the poll list, the signature roster, or a list of registered voters may not be used in an election; (4) an election officer at a polling place where an electronic voting system is used must provide a paper ballot to each voter who requests one, and the paper ballot must be printed at the time the request is made; (5) after the paper ballot described in (3), above, is voted by the voter, the ballot must be scanned at the polling place with an optical scanner; and (6) a voting system that consists of a ballot marking device may not be used in an election. (Companion bill is **S.B. 512** by **Hall**.)

H.B. 4548 **(Toth) – 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 **S.B. 1642** by **Hall**.)

H.B. 4560 (Bucy) – Mail in Ballot: would, among other things, provide that:

1. if on reviewing an application for a ballot to be voted by mail that was received on or before the prescribed deadline, the early voting clerk determines that the application does not fully comply with the applicable requirements, the clerk shall deliver the notice required under Number 2, below, either by mail or in person, to the applicant and notify the applicant of the defect by at least one of the following additional methods determined by the clerk to provide sufficient time before the prescribed deadline for the applicant to correct the defect: (a) telephonic facsimile machine; (b) telephone; (c) e-mail; or (d) another method reasonably calculated to reach the applicant;

2. the clerk shall include with the notice delivered to the applicant: (a) a brief explanation of each defect in the noncomplying application; (b) a statement informing the voter that the voter is not entitled to vote an early voting ballot unless the application complies with all legal requirements; and (c) instructions for timely submitting: (i) a second application; or (ii) a corrective action form developed and made available by the secretary of state;

3. the clerk shall, if possible, permit an applicant to correct a defect using the online tool developed by the secretary of state;

4. if the clerk receives a timely carrier envelope that does not fully comply with the applicable requirements, the clerk shall deliver the carrier envelope, either in person or by mail, and notify the voter of the defect by at least one of the following methods determined by the clerk to provide sufficient time before the sixth day after election day for the voter to correct the defect: (a) telephonic facsimile machine; (b) telephone; (c) email; or (d) another method reasonably calculated to reach the voter;

5. a voter may cancel the voter's application to vote by mail and vote on election day or, before the sixth day after election day, deliver a corrected carrier envelope to the clerk by mail or in person;

6. a jacket envelope containing an early voting ballot voted by mail shall be delivered to the early voting ballot board not earlier than the 30th day before election day and not later than the time the polls are required to close on election day, or as soon after the polls close as practicable, at the time or times specified by the presiding judge of the board;

7. the early voting clerk shall post at the main early voting polling place and on the clerk's Internet website notice: (a) of each delivery of materials that is to be made before the time for opening the polls on election day, and such notice shall be posted continuously for at least 24 hours immediately preceding the delivery; and (b) of the dates and times that the board is scheduled to review or count ballots, and such notice shall be posted for at least 24 hours immediately preceding the review or count;

8. the central counting station may process early voting ballots in the same manner as the early voting ballot board; and

9. the manager of a central counting station shall notify the early voting clerk of the time and place at which the early voting clerk shall deliver the early voting ballots voted by mail and the early voting ballots voted by personal appearance to the central counting station.

H.B. 4587 **(Toth) – 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 bill is **S.B. 1643** by **Hall**.)

H.B. 4621 **(Bhojani) – Cancellation of Election Measure**: would, among other things, provide that if not earlier than the 90th day before an election, regardless of the outcome of the election, the authority that ordered the election on a measure may remove a measure from the ballot.

H.B. 4650 **(Hayes) – Ballots**: would provide that: (1) if an electronic system ballot is damaged to the extent it cannot be automatically counted, the ballot may be duplicated so it can be automatically counted; (2) a procedure other than duplication may not be used to process a ballot unless the procedure is expressly authorized by the secretary of state; (3) each duplicate ballot must be clearly labeled "Duplicate" and must bear the serial number of the original ballot; and (4) the duplicate shall be substituted for the original ballot in the ballots prepared for automatic counting and the original shall be preserved with the other voted ballots for the same period.

H.B. 4701 **(DeAyala) – 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. (Companion bill is **S.B. 1912** by **Bettencourt**.)

H.B. 4727 **(Toth) – 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 seventh 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 **S.B. 1807** by **Springer**.)

H.B. 4733 **(Toth) – 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 **S.B. 1661** by **Hughes**.)

H.B. 4753 **(Tinderholt) – Mail in Ballot**: would repeal the provision that provides that a political party or a candidate for office may distribute an application form for an early voting ballot to a person who did not request an application.

H.B. 4782 **(Smith) – Exit Polling**: would provide that a person commits an offense if, during the voting period and within 100 feet of an outside door through which a voter may enter the building in which a polling place is located, the person conducts exit polling.

H.B. 5034 **(Toth) – Application for Place on the Ballot**: would provide that an application for a place on the ballot and any accompanying petition shall be made available and shall be posted to the election authority's website not later than five p.m. on the date the application is received.

H.B. 5069 **(Morales Shaw) – Election Contests**: would, among other things, provide that in any contested election in which a contestant alleges that an election official involved in the administration of the election prevented eligible voters from voting, failed to count legal votes or engaged in other fraud or illegal conduct or made a mistake, the county clerk is a necessary party to the proceedings.

H.B. 5143 **(Slaton) – Curbside Voting**: would provide that: (1) for a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health, on the voter's request for assistance in marking the ballot, two election officers shall provide assistance in marking the ballot; and (2) any person accompanying the voter described in (1), above, shall exit the vehicle and remain outside of the vehicle unless the person is selected by the voter to provide the voter assistance.(Companion bill is **S.B. 1294** by **Hall**.)

H.B. 5172 **(Morales) – Early Voting By Mail**: would provide that: (1) if a voter's early voting ballot application is submitted on or after the first day of the period for early voting by personal appearance, the voter is ineligible for early voting by mail unless the nature of the voter's occupation requires frequent and unexpected travel, and the voter will need to be absent from their county of residence on election day and during the period for early voting by personal appearance to prevent causing a disruption in the operations of the voter's employer; and (2) an early voting ballot application must include, for an application for a ballot to be voted by mail on the ground of absence from the county of residence, the address outside the applicant's county of residence to which the ballot is to be mailed unless the applicant will be absent from their county of residence as prescribed by (1), above.

H.B. 5180 **(Wilson) – Voted Ballots**: would provide that on the 61st day after election day, the general custodian of election records shall provide public access to anonymous voted ballots, cast vote records, ballot images, authentication files, ballot reports, and related records.

H.B. 5203 **(Slaton) – Paper Ballots**: would provide that: (1) the authority responsible for procuring election supplies shall provide, unless the number of ballots provided to an election precinct is equal to the total number of registered voters in the precinct, the means to print additional paper ballots at each precinct polling place and early voting polling place; (2) an election officer shall provide a paper ballot to a voter who requests a paper ballot; and (3) the secretary of state may prescribe procedures to implement the provisions of (2), above. (Companion bill is **S.B. 396** by **Hall**.)

H.B. 5231 **(Tinderholt) – Countywide Polling Places**: would, among other things, eliminate the countywide polling place program. (Companion bill is **S.B. 990** by **Hall**.)

H.B. 5234 **(Toth) – Elections**: would, among other things, provide that:

1. each election precinct established for an election shall be served by a single polling place located within the boundary of the precinct or adjoining precinct;

2. more than one precinct may vote at the same location provided the location is large enough to accommodate all required election activities while keeping those activities separate and distinct for each precinct;

3. the room where the election is conducted shall be used solely for that purpose during the election and shall be capable of being locked and secured from unauthorized access at any time an election judge is not present;

4. a polling place may not be located: (a) at the business location of certain persons; or (b) in a movable structure;

5. in addition to any other penalty set forth in the Election Code, failure to comply with the procurement and distribution of supplies and ballots by an election administrator or election officer whether or not intentionally impacting more than one precinct shall result in the removal of the administrator or office and the election shall be reconducted;

6. the authority responsible for procuring the election supplies for an election shall provide for each election precinct a number of ballots equal to at least the number of registered voters in that precinct plus 1 percent of that number;

7. a person commits a state jail felony if the person intentionally obstructs the distribution of elections supplies for an election;

8. in the event of a misprint or other error in printing one or more ballots, such ballots: (a) must be marked “VOID” in large letters across the front of the ballots; and (b) must be accounted for by ballot number, placed in locked containers, with numbered seals marked “VOID MISPRINTED BALLOTS” and placed in a secure, locked location and retained as election records;

9. a ballot: (a) shall be designed for hand marking and shall be printed in black ink, on secure, auditable, counterfeit resistant, non-encrypted paper, on white or light-colored paper; (b) may not contain any QR or bar code or any other code not readable by the human eye; (c) may not contain any open or encrypted means of tracking, tracing or identifying a voter’s ballot; and (d) shall include the voting precinct number and polling location pre-printed on all pages of the ballot;

10. the failure of an election administrator to comply with (9), above, shall be a Class A misdemeanor;

11. ballots shall be numbered sequentially, with no gap in numbering, on the front and back of each ballot, consecutively beginning with number “1” and no ballot in the state shall have a duplicative number;

12. immediately after closing the polls for voting on the final day of voting, the ballots shall be hand-counted by bi-partisan teams;

13. all elections and hand counting of ballots shall be video recorded without interruption;

14. before the election may be certified, the public shall be provided 30 days to examine the video recording for errors;

15. members of the canvassing authority who fail to correct errors that are identified by the public viewing the video recording shall: (a) be subject to recall and removal from their elected office upon petition of 10 registered voters and the recall shall be decided in a special election to be held within 45 days after the filing of the petition; (b) during the interim, shall be suspended from their duties until the results of the recall election;

16. an election shall keep a printed, physical list containing the list of names of the voters duly registered, including their residence address and whether they applied for a mail-in ballot;
17. the countywide polling program is repealed; and

18. early voting by personal appearance is repealed.

S.B. 2071 (Bettencourt) – Automatic Recounts: would, among other things, provide that: (1) automatic recount procedures apply to an election that results in: (a) a candidate defeated or eliminated by one-half of one percent or less of the votes cast for that office; or (b) a measure submitted to voters for the approval of bonds approved or defeated by one-half of one percent or less of the votes cast on that measure; (2) the method of counting votes in an automatic recount consists of using a generally accepted sampling technique to sample the following for discrepancies: (a) 100 percent of electronic ballots; (b) five percent of early voting ballots voted by mail; (c) five percent of the polling place locations established for early voting; and (d) five percent of the polling place locations established for election day; and (3) if the authority to whom a petition for an initial recount is submitted determines there are discrepancies of one percent or greater of any of the four categories described in (2), above, based on the statistical sample, the authority shall order a recount.

S.B. 2331 (Bettencourt) – Optical Ballot Scan System: would provide that: (1) an authority operating a central counting station shall purchase and use a centrally counted optical ballot scan system; (2) the system described in (1), above, must use a data storage device on which information, once written: (a) is not capable of being modified; or (b) becomes unreadable if a person attempts to modify it; and (3) the provision that allows an authority that purchases system components in order to comply with (1) and (2), above, to be reimbursed 100 percent of the costs of those systems is repealed.

S.B. 2393 (Creighton) – Ballot Board: would, among other things, provide that: (1) not later than the seventh day before election day the jacket envelopes containing early voting ballots voted by mail shall be delivered to the board; (2) any jacket envelopes of early voting ballots voted by mail returned after delivery of the ballots under (1), above, may be delivered to the presiding judge of the early voting ballot board between the end of the seventh day before election day and the closing of the polls on election day, or as soon after closing as practicable, at the time or times specified by the presiding judge; (3) the early voting clerk shall post notice of each delivery of balloting materials under (1) and (2), above, that is to be made before the time for opening the polls on election day; and (4) the provision that prohibits a ballot board from counting early voting ballots until the polls open on election day or at the end of the period for early voting by personal appearance in certain elections conducted by an authority of a county or conducted jointly with such county or through an election services contract shall be repealed.

S.B. 2463 **(Hall) – Early Voting**: would, among other things: (1) provide that immediately after closing the polls for voting on election day and on the last day of early voting by personal appearance, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine; (2) provide that the period for early voting by personal appearance begins on the eighth day before election day and continues through the day before election day; and (3) repeal the provision that provides that for an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

S.B. 2464 **(Hall) – Elections**: would provide that: (1) the county clerk or commissioners court, as applicable, shall determine the number of polling places needed during an election period and cause that number of polling places to be open during the election period; (2) the authority responsible for procuring the election supplies for an election shall provide for each election precinct a number of secure paper ballots equal to at least the number of qualified voters in that precinct plus ten percent of that number; (3) a signature roster in the form of an electronic device may not be used in an election and a paper poll list for each precinct shall be printed 30 days prior to the start of voting by personal appearance; (4) on the voter's request for assistance in marking the ballot, two election officers aligned with different political parties shall provide assistance in marking the ballot; (5) immediately after closing the polls for voting, each presiding precinct judge shall conduct by hand a partial count of voted ballots for a selected number of cases that must include a selectin of at least two ballot races and 10 percent of the precincts in the county; (6) the canvassing authority shall compare the precinct returns with the corresponding tally list; (7) the countywide polling program is repealed; and (8) the provision that allows for early voting to begin on the 12th day before election day and continue through the fourth day before election day for an election held on the uniform election date in May and any resulting runoff election is repealed.

S.B. 2475 **(Miles) – Voter Identification**: would provide, among other things, that the following documents are an acceptable form of photo identification for purposes of voting at an election: (1) an official Native American identification card or tribal document that: (a) contains the voter's photograph and address; and (b) is issued by a tribal organization or by a tribe that is federally recognized and located in the state; (2) an identification card issued by a Texas public or private institution of higher education that contains the voter's photograph; or (3) an identification card issued by a Texas state agency that contains the voter's photograph. (Companion bill is **H.B. 354** by **Bucy**.)

S.B. 2499 **(Middleton) – Mail Ballot Applications**: would, among other things, provide that:

1. an early voting by mail ballot application must be submitted not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 15th day before election day;

2. a carrier envelope containing a marked ballot voted by mail must: (a) arrive at the address on the carrier envelope not later than 5 p.m. on the day before election day; (b) be placed for delivery by mail or common or contract carrier on or before the fourth day before election day; and (c) bear a cancellation mark of a common or contract carrier indicating placement for delivery on or before the fourth day before election day;

3. a marked ballot voted by mail that arrives after the prescribed time in Number 2, above, shall be counted if: (a) the ballot was cast from an address outside the United States; (b) the carrier envelope was placed for delivery before the time the polls are required to be closed on election day; and (c) the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election;
4. the early voting clerk shall post notice of each delivery of balloting materials for ballots voted by personal appearance that is to be made before the time for opening the polls on election day;

5. the notice described in Number 4, above, shall: (a) be posted at the main early voting polling place and on the internet website of the entity conducting the election for at least 24 hours immediately preceding the delivery; and (b) include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice;

6. at least 24 hours before each delivery, the early voting clerk shall notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made, and such notice must be in writing, by email, or by telephone;

7. the jacket envelopes containing early voting ballots voted by mail may be delivered to the ballot voting board between the end of the 20th day before the last period for early voting by personal appearance and the closing of the polls on election day, or as soon as practicable, at the time or times specified by the presiding judge of the board;

8. the jacket envelopes of early voting ballots voted by mail that are hand delivered in person on election and received by the early voting clerk at or before 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board as soon as practicable on election day;

9. the jacket envelopes of early voting ballots voted by mail that are hand delivered in person on election day and received by the early voting clerk after 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board at the time overseas mail in ballots are delivered to the presiding judge;

10. the early voting clerk shall post notice of each delivery of ballot materials described in Number 7, above, that is made before the time for opening the polls on election day, on the main early voting polling place and on the internet website of the entity conduction the election continuously for 24 hours immediately preceding the delivery;

11. the notice described in Number 10, above, must include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice;

12. at least 24 hours before each delivery described in Number 7, above, the early voting clerk shall notify, in writing, by email, or by telephone, the county chair of each political party having a nominee on the ballot of the time the delivery is made; and

13. not later than 72 hours before the initial date and time that the central counting station begins operations in an election, the central counting station manager shall post notice of the dates and times that the station will operate in the election in the place used for posting notice of meetings of the governing body of and on the internet website of the entity conducting the elections.

(Companion bill is **H.B. 1180** by **Paul**.)

Emergency Management

H.B. 4440 (Hunter) – Texas Pandemic Response Act: would, among other things:

1. establish the Pandemic Disaster Legislative Oversight Committee (PDLOC) to consider the impact of a pandemic disaster on residents of the state and provide legislative oversight of pandemic disaster declarations;

2. authorize the governor, by executive order or proclamation, to declare a state of pandemic disaster if the governor determines that a state of pandemic disaster is occurring in the state or that the occurrence or threat of a pandemic disaster is imminent;

3. provide that a state of pandemic disaster declaration may not continue for more than 30 days unless renewed by the governor;

4. provide that the legislature, if convened in regular or special session, may terminate a declared state of pandemic disaster at any time;

5. provide that the PDLOC, if the legislature is not in session, may terminate: (a) a state of pandemic disaster in effect for more than 30 days following the governor's renewal; or (b) provisions of proclamations, orders, or rules issued or adopted by the governor or of orders issued by a political subdivision for the pandemic disaster;

6. provide that the presiding officer of a city council is designated as the pandemic emergency management director for the city;

7. authorize a pandemic emergency management director to serve as the governor's designated agent for the administration and supervision of duties under the Texas Disaster Pandemic Act;

8. authorize a pandemic emergency management director to designate a person to serve as pandemic emergency management coordinator, who serves as an assistant to the pandemic emergency management director;

9. provide that any local order or rule issued in response to a state or local state of pandemic disaster is superseded and void to the extent that it is inconsistent with orders, declarations, or proclamations issued by the governor, Department of State Health Services, or the county judge of the county in which the city is located;

10. provide that if the governor issues a written determination finding that the presiding officer of a city council issued an order requiring the closure of a private business in response to a pandemic, that city council may not adopt a property tax rate for the current tax year that exceeds the lesser of the city's no-new-revenue tax rate or voter-approval tax rate for that tax year;

11. provide that, for a tax year in which Number 10, above applies, the difference between the city's actual tax rate and voter-approval tax rate for purposes of calculating the city's unused increment rate is considered to be zero;

12. provide that a city is no longer subject to Number 10, above, in the first tax year in which the governor written determination is rescinded; and

13. provide that a person commits an offense if they violate a state, local, or interjurisdictional emergency management plan, or a rule, order, or ordinance adopted under such plan, punishable by a fine only in an amount not to exceed $1000.

H.B. 4841 **(Hunter) – COVID-19 Restrictions:** would, among other things: (1) prohibit a city from implementing, ordering, or otherwise imposing a mandate requiring an individual to be vaccinated against COVID-19; (2) prohibit a city or its presiding officer from issuing an order, enacting an ordinance, or taking any other action having the force and effect of law that would limit or prohibit any business or school activity or services in response to the COVID-19 pandemic; (3) prohibit a city from adopting or enforcing an ordinance, order, or other measure that requires a person to wear a face covering in response to the COVID-19 pandemic, subject to certain exceptions for locations operating under authorized governmental directives, including a state supported living center, government-owned hospital, or municipal or county jail, or a Texas Department of Criminal Justice or Texas Juvenile Justice Department-operated facility; and (4) allow a city-owned or operated facility subject to the Centers for Medicare & Medicaid Services vaccine requirement to require an employee or an employment applicant to provide documentation certifying their COVID-19 vaccination status.

H.B. 5027 **(Toth) – COVID-19 Preventative Measures**: would provide that a governmental entity may not implement, order, or otherwise impose a mandate requiring: (1) a person to wear a mask or other face covering to prevent the spread of COVID-19; (2) a person to be vaccinated against COVID-19; or (3) the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19. (Companion is **S.B. 29** by **Birdwell**.)

S.B. 29 **(Birdwell) – COVID-19 Preventative Measures**: would provide that a governmental entity may not implement, order, or otherwise impose a mandate requiring: (1) a person to wear a mask or other face covering to prevent the spread of COVID-19; (2) a person to be vaccinated against COVID-19; or (3) the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19. (Companion is **H.B. 5027** by **Toth**.)

Municipal Courts

H.B. 4271 **(Leach) – Hypnotically Induced Testimony**: would provide that testimony obtained by hypnosis is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial.

H.B. 4382 **(Guillen) – Criminal Case Reporting**: would require a clerk of a court to report the disposition of certain criminal cases to the Department of Public Safety not later than the fifth business day after the date of disposition, including cases involving a felony, a misdemeanor for which a term of confinement may be imposed, or a misdemeanor punishable by fine only that involves family violence. (Companion bill is **S.B. 171** by **Blanco**.)

H.B. 4622 **(Leach) – Videoconference Court Hearings**: would, among other things: (1) allow a court to conduct videoconference proceedings with the defendant's consent, subject to specific technical requirements, including allowing for interactive image and sound communication between the parties, and allowing a defendant and their attorney to communicate privately without being recorded or heard by the judge or prosecutor; (2) require all parties' written consent for videoconference proceeding, if the proceeding is contested and involves witness testimony; and (3) allow a defendant to enter a plea in open court by videoconference. (Companion bill is **S.B. 2041** by **King**.)

H.B. 4630 **(J. Jones) – Protective Order Registry**: would, among other things: (1) provide access to the state protective order registry to: (a) court with jurisdiction over a case involving a person subject to a protective order relating to a civil violation of the protective order, or a criminal offense; (b) the attorney general, or a district attorney, criminal district attorney, civil attorney, county attorney, municipal attorney, or victim pro se who is prosecuting a person who is subject to a protective order; and (c) a peace officer who is investigating a person subject to a protective order; and (2) provide access to certain information in the state protective order registry to a court in a different county involving a protective order relating to a case described in (1)(a), above.

H.B. 5007 **(Plesa) – Expunction Orders**: would, among other things, provide that: (1) a trial court must enter an order of expunction for a person entitled to an expunction under the Texas Code of Criminal Procedure; and (2) if the trial court is a municipal court, but not a court of record, the court must forward the proposed order, and all information required for a petition for expunction to a district court in the county to provide an expunction under (1), above.

H.B. 5277 **(Bucy) – Public Criminal Proceedings**: would: (1) require that all criminal court proceedings, including magistration, be made public; (2) require that a court publish the defendant's name, the purpose, time, and location of the proceeding, and the manner in which the public may access the proceeding; (3) allow a court, on a party's motion, to order some or all of a proceeding closed to the public for certain cause shown; (4) require a court, if granting an order under (3), above, to provide written findings of fact and conclusions of law stating that the evidence of potential harm or prejudice to a party clearly outweighs the public interest in the proceeding being open to the public; (5) provide that if a court does not have the physical capacity to provide sufficient in-person public access to a proceeding, it must provide access to the proceeding by videoconference, subject to specific technological requirements; (6) allow a person, including a member of the media, or the attorney general to file a petition for a writ of mandamus or other appropriate relief to enforce the right of the public to access a proceeding, plus reasonable attorney's fees and costs; and (7) apply only to criminal proceedings commencing on or after January 1, 2024.

H.B. 5283 (Cain) – Pre-Trial Justification Hearing: would, among other things: (1) require a court to hold a pre-trial hearing upon receipt of a defendant's written motion requesting a determination of justification as a defense to prosecution of a criminal offense; (2) establish that if a defendant provides prima facie evidence that their conduct was justified in a motion under (1), above, the state must rebut such a showing by clear and convincing evidence; (3) require the court, if denying a defendant's motion under (1), above, to issue written findings of fact and conclusions of law; (4) require the court to dismiss the criminal charge with prejudice if the state does not meet its burden under (2), above; (5) deem the outcome of a hearing under (1), above, inadmissible at trial; and (6) allow a defendant to raise justification as a defense to prosecution at trial, even if the court denies the defendant's motion under (1) above, which the state must rebut beyond a reasonable doubt.

S.B. 2041 (King) – Videoconference Court Hearings: would, among other things: (1) allow a court to conduct videoconference proceedings with the defendant's consent, subject to specific technical requirements, including allowing for interactive image and sound communication between the parties, and allowing a defendant and their attorney to communicate privately without being recorded or heard by the judge or prosecutor; (2) require all parties' written consent for videoconference proceeding, if the proceeding is contested and involves witness testimony; and (3) allow a defendant to enter a plea in open court by videoconference. (Companion bill is **H.B. 4622** by **Leach**.)

S.B. 2155 (Eckhardt) – Videoconference Hearings: would permit a municipal court judge to allow a defendant to appear for an in-person hearing by telephone or videoconference.

S.B. 2226 (Menendez) – Dangerous Dogs: would: (1) allow an animal control authority to determine that a dog is a dangerous dog after receiving a sworn witness statement or observing and documenting aggressive behavior by the dog; and (2) allow a witness who submits a sworn statement under (1), above, to elect to have their personal information excepted from disclosure under the Public Information Act.

S.B. 2400 (West) – Traffic Fine Reduction Programs: would, among other things, provide that:

1. each justice and municipal court must establish three programs allowing for the reduction of unpaid traffic offenses: (a) Amnesty Program; (b) Indigency Program; and (c) Incentive Program;

2. a person is eligible for the Amnesty Program if they owe more than $200 in unpaid traffic offense fines received on or before September 1, 2021, that remain unpaid on or after September 1, 2023;

3. a court may reduce a person's total unpaid fines under the Amnesty Program to $200, subject to a $100 administrative fee to be credited to the reduced fine amount;

4. a person is eligible for the Indigency Program if: (a) they have fines for traffic offenses that remains unpaid on or after two years from issuance; and (b) the person establishes they are indigent by providing the court with certain documentation confirming their income or household income does not exceed 125% of the applicable federal poverty income level guidelines,

5. a court may reduce a person's total unpaid fines under the Indigency Program to the lesser of: (a) 50% of the total fine amount for two or fewer unpaid fines; (b) $100 per fine for three or more unpaid fines; or (c) an amount to be determined by the court;

6. a person is eligible for the Incentive Program if: (a) the fines for traffic offenses that remain unpaid on or after two years from issuance; and (b) the person establishes that their income or household income is less than 300% of the applicable federal poverty income guidelines by providing the court certain information confirming their income;

7. a court may reduce a person's total unpaid fines under the Incentive Program to $200 for two or fewer unpaid fines or not more than $100 per fine for three or more unpaid fines;

8. the deadline to pay the reduced fine amount under the Incentive Program for two or fewer fines is 180 days;

9. the deadline to pay the reduced fine amounts under the Amnesty, Indigency, or Incentive programs for three or more fines is at least one year;

10. a person may no longer participate in the Amnesty, Indigency, or Incentive program if they miss two or more consecutive payments;

11. a court must notify DPS that a person has successfully completed the Amnesty, Indigency, or Incentive programs;

12. a court must publish information about the Amnesty, Indigency, or Incentive programs on its website;

13. a notice to appear for a traffic offense must inform a defendant that they may be eligible for a reduction of the amount of their unpaid traffic fines under the Amnesty, Indigency, or Incentive programs;

14. if a county assessor or the Department of Public Safety (DPS) refuses to register a vehicle solely because the owner has unpaid traffic fines to which the Amnesty, Indigency, or

Incentive programs may apply, the assessor or DPS must notify the owner that they may be eligible for a reduction of the amount of such fines under the above-described programs;

15. a court shall establish the Amnesty, Indigency, and Incentive programs by January 1, 2024; and

16. the Amnesty Program shall expire on September 1, 2024.

S.B. 2418 (Johnson) – Videoconference Hearings: would allow a municipal court judge to permit a defendant to appear for an in-person hearing by telephone or videoconference.

Open Government

H.B. 4357 (Garcia) – Videoconference Meetings: would provide that: (1) a meeting of a governmental body that extends into three or more counties may be held by videoconference call only if the member of the governmental body presiding over the meeting or the presiding member's designee is physically present at one location of the meeting that is open to the public during the open portions of the meeting; (2) the notice of a meeting to be held by videoconference call under (1), above, must specify the location where the member of the governmental body presiding over the meeting or the presiding member's designee will be physically present and the intent to have that person present at that location; and (3) the location described in (2), above, shall be open to the public during the open portions of the meeting.

H.B. 4710 (Kacal) – Public Information Costs: would provide that, for purposes of calculating the costs for producing public information, all requests received in one calendar day from a single individual may be treated as a single request, but that a governmental body may not combine multiple requests from separate individuals who submit requests on behalf of an organization.

H.B. 5005 (Cook) – License Plate Numbers: would provide that: (1) the license plate number of a motor vehicle captured in a video recording maintained by a law enforcement agency is not confidential under the Texas Public Information Act (TPIA) exception for motor vehicle records or the Transportation Code; (2) a law enforcement agency may release a video recording maintained by the law enforcement agency that includes the license plate number of a motor vehicle captured in such video in response to a request for public information; (3) a law enforcement agency described in (2), above, is not required to redact any license plate numbers before releasing the video; and (4) a law enforcement agency is not precluded from asserting other TPIA exceptions to disclosure of the information described in (1), above.

H.B. 5106 (Harrison) – Training: would, among other things, provide that: (1) a member of the governing body of a municipality or school board or an elected county officer is not required to attend or complete any continuing education training; and (2) certain elected public officials who are members of a governmental body, including a city council, shall not be required to complete an Open Meetings Act or Public Information Act training course. (Companion bill is **S.B. 2555** by **Middleton**.)

S.B. 2286 **(Middleton) – Litigation Costs**: would provide that: (1) in a mandamus, declaratory judgment or injunctive relief action brought under the Texas Public Information Act (PIA), a suit by a governmental body to withhold information under the PIA, or a suit brought by an intervening requestor under the PIA, the court shall assess costs of litigation and reasonable attorney fees incurred by a plaintiff: (a) who substantially prevails; or (b) to whom a governmental body voluntarily releases the requested information, unless before suit is filed the governmental body releases the information or certifies a date and hour within a reasonable time when the information will be available for inspection or duplication; and (2) in an action brought by an intervening requestor under (1), above, the court shall assess the requestor's incurred costs of litigation and reasonable attorney fees if the requestor substantially prevails. (Companion bill is **H.B. 2874** by **Smithee**.)

S.B. 2555 **(Middleton) – Training**: would, among other things, provide that: (1) a member of the governing body of a municipality or school board or an elected county officer is not required to attend or complete any continuing education training; and (2) certain elected public officials who are members of a governmental body, including a city council, shall not be required to complete an Open Meetings Act or Public Information Act training course. (Companion bill is **H.B. 5106** by **Harrison**.)

Other Finance and Administration

H.B. 4273 **(Oliverson) – Dialysis Patient Transportation During Disaster**: would: (1) require each emergency medical services provider adopt and implement a procedure to provide alternative transportation for dialysis patients from a patient location directly to an outpatient end-stage renal disease facility if the patient's normal mode of transportation is unavailable during a declared disaster; and (2) provide the plan under (1), above, to the Department of State Health Services. (Companion bill is **S.B. 2133** by **Miles**.)

H.B. 4275 **(Rogers) – Emergency Services Districts**: would, among other things: (1) provide that if a city's annexation service plan for territory in an emergency services district (ESD) is required, that the ESD board shall determine whether the city's service plan is sufficient to ensure that the city services for the annexed area will meet or exceed the ESD's level of service, not later than the 30th day after the date the ESD board receives a notice from the city of its intent to annex the ESD territory; (2) provide that if the ESD board determines that city services to be provided in the annexed area will meet or exceed the level of service provided by the ESD, the ESD board shall adopt an order disannexing the territory and notify the appraisal district; (3) provide that if the ESD board determines that city services to be provided in the annexed area will not meet or exceed the level of services provided by the ESD, the ESD board may not adopt an order disannexing the territory from the district; and (4) require a city to compensate the ESD for the cost of its provided services in an amount determined by the ESD, if after territory is disannexed the city requests that the ESD provide services in the territory, and such services are not part of or exceed that contained in a mutual aid agreement between the city and the ESD.

H.B. 4280 **(Vasut) – Pet Shops**: would prohibit a city from adopting or enforcing an ordinance or regulation prohibiting the sale of a dog or cat by a for-profit business that is otherwise in compliance with state law.

H.B. 4441 **(Meyer) – Hotel Occupancy Tax Reporting**: would, among other things: (1) require a city that imposes a hotel occupancy tax to submit its annual hotel occupancy tax report to the comptroller not later than March 1 each year; (2) require a city that imposes a hotel occupancy tax to report: (a) the amount and percentage of hotel occupancy tax revenue allocated by the city to each authorized use for which the city used the revenue during the city's preceding fiscal year, stated separately as an amount and percentage for each applicable use; and (b) the total amount of hotel occupancy tax revenue collected in any preceding fiscal year that has not been spent by the city and the amount of unexpended revenue, if any, that is spent in the city's budget for the fiscal year in which the report is due; (3) repeal a city's ability to satisfy its annual hotel occupancy tax reporting requirement by providing the comptroller a direct link to, or a clear statement describing the location of, the information required to be reported that is posted on the city's website; and (4) authorize a city to use a portion of hotel occupancy tax revenue for the city's incurred costs making and submitting its hotel occupancy tax report in the following amounts: (a) up to $1,000 if the city has a population of less than 10,000; or (b) $2,500 if the city has a population of 10,000 or more.

H.B. 4442 **(Longoria) – Biometric Identifiers**: would prohibit a city and its contractors, subcontractors or agents who capture biometric identifiers to prevent safety or security concerns from selling such information to a third party. (Companion bill is **S.B. 1917** by **Parker**)

H.B. 4492 **(Caroline Harris) – Emergency Services Districts**: would: (1) require an emergency services district (ESD) to receive the written consent of a city council if it seeks to expand the district to include territory within a city's limits or its extraterritorial jurisdiction; (2) provide that, if the city council does not consent to such expansion within 60 days, a majority of the qualified voters and owners of at least 50 percent of the territory within the city limits or extraterritorial jurisdiction that would have been included in the ESD may petition the city council to make fire control and emergency medical and ambulance services available in the territory; (3) provide that if a city council refuses or fails to act on a petition under (2), above, the city council's refusal or inaction serves as consent for the territory that is subject of the petition to be included in the ESD; (4) require an ESD to receive the written consent of a city council if it seeks to expand the district to include territory designated an industrial district by a city; (5) provide that if a city council consents to the expansion of an ESD within its city limits or extraterritorial jurisdiction, then the expansion may take place in the same manner as other territory under state law; (6) provide that a city council's consent to expansion of an ESD expires six months after the date consent is given; and (7) provide that this bill does not apply if an ESD proposes to expand into the unincorporated area of a county with a population of 3.3 million or more. (Companion bill is **S.B. 659** by **Eckhardt**.)

H.B. 4559 **(Darby) – Population Brackets**: would modify the population brackets for political subdivisions throughout the statutes to conform to the most recent census data.

H.B. 4572 **(Oliverson) – Religious Freedom Commission**: would, among other things: (1) establish the Religious Freedom Commission (RFC) to make local and state policy recommendations to advance religious freedom to the office of the governor; and (2) provide for the RFC's composition, member qualifications, terms, meeting rules, duties, funding, and staffing.

H.B. 4585 **(Hernandez) – Release of Personal Affiliation Information**: would, among other things,: (1) define "personal affiliation information" means a record or any data that directly or indirectly identifies a person as a member, supporter, or volunteer of, or a donor to, a nonprofit organization; (2) subject to certain exceptions, prohibit a city from: (a) requiring an individual to provide or compel the release of personal affiliation information; (b) requiring a nonprofit organization to provide personal affiliation information; (c) releasing, publicizing, or otherwise publicly disclosing personal affiliation information; or (d) requesting or requiring a current or prospective contractor of the city to provide a list of nonprofit organizations to which the contractor has provided support; (3) exempt personal affiliation information from release under the Public Information Act; (4) create a cause of action for injunctive relief and money damages against a person who violates (2), above; (5) waive sovereign and governmental immunity for a claim under (4), above; and (6) subject a person who violates (2), above to certain criminal penalties. (Companion bill is **S.B. 958** by **Campbell**.)

H.B. 4643 **(Longoria) – Online Global Marketplaces**: would prohibit a city from regulating the operation of an online global marketplace (OGM) that directly or indirectly provides an internet platform for goods and services that is not directly regulated by the state, including prohibiting a city from requiring an OGM to provide personally identifiable user information without an administrative subpoena or court order. (Companion bill is **S.B. 1461** by **Springer**.)

H.B. 4705 **(Cain) – Biometric Identifiers**: would, among other things: (1) prohibit a person, including a governmental entity, from capturing a person's biometric information for a commercial purpose unless the capturing person or entity first informs the person that their biometric information is being collected or stored, the specific purpose for the collection and storage, and receives a written release from the person; (2) prohibit a person, including a governmental entity, from selling, trading, leasing, disclosing, redisclosing, or otherwise disseminating a person's biometric information unless first meeting the conditions in (1), above; (3) allow for disclosure of a person's biometric information made by or to a law enforcement agency for a law enforcement purpose in response to a warrant or subpoena issued by a court of competent jurisdiction; (4) require that a person permanently destroy biometric information not later than one year from collection, unless otherwise provided by law, or necessary as part of a continuing employer-employee relationship; and (5) provide for civil fines for violating (1), (2) and (4), above.

H.B. 4771 **(Bhojani) – Tenant Legal Services Office**: would, among other things, allow: (1) local governments in Texas, including cities, to create a tenant legal services office (TLSO) to provide legal assistance to low-income residential tenants in eviction cases and cases involving discrimination based on the tenants' disabilities; (2) TLSO's to provide brief legal assistance or full legal representation to tenants depending on their income and the nature of their case; and (3) a local government to establish a TLSO office department or designate a nonprofit corporation to serve as its TLSO.

H.B. 4808 **(Tepper) – 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 protesting 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 such 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 for which it is necessary to act promptly; (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 after the issuer has been officially notified of noncompliance with the law, rule, or regulation; and (3) prohibit the governing body of an issuer 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. (Companion bill is **S.B. 1810** by **Sparks**.)

H.B. 4878 (Rogers) – Emergency Services Districts: would provide that an emergency services district (ESD) has exclusive authority to determine whether another person may provide services within the district that the ESD is authorized to provide, including when the ESD's territory overlaps with the territory of another political subdivision authorized to provide emergency services.

H.B. 4815 (Slawson) – Evictions: would prohibit a city from adopting or enforcing an ordinance, order, or other measure that: (1) prohibits or restricts delivery of a notice to vacate, or the filing of an eviction suit; or (2) prohibits delivery of a notice to vacate to a tenant before the period provided to respond to the eviction notice has expired.

H.B. 4930 (Craddick) – Climate 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 **S.B. 1860** by **Hughes**.)

H.B. 4934 (Caroline Harris) – Elimination of Fees for New Businesses: would, among other things, require the secretary of state to work with cities to work to eliminate all licensing and registration fees required to be paid during a business entity's first year in business.

H.B. 4938 (Caroline Harris) – Elimination of Fees for New Businesses: would require the secretary of state to work with cities to work to eliminate all licensing and registration fees required to be paid during a business entity's first year in business.

H.B. 5047 (Wilson) – Emergency Services Districts: would, among other things, provide that when a city annexes for full purposes part of an emergency services district (ESD) that imposes a sales tax, the annexed area is not removed from the ESD, and the city intends to be the sole provider of emergency services to the area, the city receives its full share of sales tax revenue from the annexed area.

H.B. 5115 **(Thierry) – Hotel Occupancy Tax**: would, among other things: (1) define "accommodations intermediary" as a person that: (a) facilitates the rental of a room or space in a hotel to a person; and (b) performs any of the following actions: (i) charging the person renting the room or space in the hotel any amount required to secure the rental; (ii) collecting from the person the amount charged to rent the room or space in the hotel; or (iii) charging the person renting the room or space in the hotel a fee for the service in (1)(a), above; (2) authorize an accommodations intermediary to: (a) collect the appropriate amount of the city hotel occupancy tax on each hotel booking charge; and (b) report and remit all hotel occupancy taxes collected by the accommodations intermediary in the manner required of a person owning, operating, managing, or controlling a hotel; (3) consider an accommodations intermediary the person owning, operating, managing, or controlling the hotel for purposes of hotel occupancy tax collection and enforcement on a booking charge for a rental made through an accommodations intermediary; (4) provide that the hotel may not collect and is not liable for city hotel occupancy taxes on a booking charge for a rental made through an accommodations intermediary; (4) require an accommodations intermediary to report and remit all city hotel occupancy taxes collected under (2), above, to the comptroller according to a schedule determined by the comptroller; (5) require the comptroller to deposit the taxes remitted to the comptroller under (4), above, in trust in the separate city suspense account; (6) require the comptroller to send the city's share of the taxes remitted to the comptroller under (4), above, to the city treasurer or person who performs the office of the city treasurer, at least 12 times during each state fiscal year; (7) authorize the comptroller to deduct and deposit to the credit of the general revenue fund an amount equal to one percent of the amount of the taxes collected from booking charges for hotels located in the city during the period for which a distribution is made as the state's charge for services under (4) through (7), above; and (8) provide that the tax collection requirements above do not apply to an accommodations intermediary that has entered into an agreement with a city to collect and remit hotel occupancy taxes for the rental of a room or space in a hotel in the city and has provided written notice of the agreement to the comptroller. (Companion bill is **S.B. 2356** by **Alvarado**.)

H.B. 5130 **(Leo-Wilson) – Managed Retreat**: would prohibit a city from adopting or enforcing a policy that: (1) mandates the removal of population, buildings, infrastructure, or other assets from land adjacent to the Gulf of Mexico (Managed Retreat); or (2) provide financial support to a nonprofit organization advocating for Managed Retreat, subject to certain beach renourishment and natural disaster regulations. (Companion bill is **S.B. 2551** by **Middleton**.)

H.B. 5140 **(Cain) – Race Considerations**: would, among other things, provide that: (1) a political subdivision may not consider the race or ethnicity of: (a) an applicant for employment as a factor in making hiring decisions; (b) a contractor or vendor responding to a contract solicitation as a factor in awarding the contract; and (c) any other person with regard to whom the political subdivision makes a decision that affects the person as a factor in making that decision; (2) a person is not considered an economically disadvantaged person because of the person's race for purposes of historical underutilized business in contracting; and (3) the comptroller may not approve a local government certification program that certify minority business enterprises or disadvantaged business enterprises for contracting purposes.

H.B. 5173 **(Gervin-Hawkins) – Small Municipal Revenue Recovery Grant Program**: would, among other things: (1) direct the comptroller to establish and administer the Small Municipal

Revenue Recovery Grant Program to provide financial assistance for economic development to municipalities with a population of 10,000 or less that experienced at least a 15% decrease in total revenue over the preceding fiscal year due to reduced or terminated private sector contracts; (2) direct the comptroller to adopt program rules, application procedures, timelines, grant fund disbursement, fund use monitoring, and return of unused funds; (3) establish grant eligibility for economic development programs and projects; (4) provide allowed uses of grant funding under (1), above, including the purchase of real and personal property and the construction or improvement of new buildings, facilities, or infrastructure; and (5) establish grant amounts for economic development programs (not more than $7 million) and economic development projects (not less than $100,000 or more than $7 million).

H.B. 5194 (Bernal) – No Fees on Certain Facilities: would prohibit a city from requiring a person or organization to pay fees related to: (1) building, zoning, or operating a licensed child-care facility or day-care center; or (2) zoning or operating a family home or group day-care home.

H.B. 5249 (Klick) – Abortion: would, among other things, provide that: (1) a public entity, including a city, shall not make a taxpayer resource transaction with any funds under its control to prescribe, provide, perform, or induce an abortion, assist in the prescription, provision, or performance of an abortion, refer for an abortion, or provide facilities for an abortion or for training to prescribe, provide, or perform an abortion; (2) a public entity shall not enter into a taxpayer resource transaction with an abortion prescriber or provider or an affiliate of an abortion provider, including pharmacies; (3) a public entity shall not assist in the training of staff or students, or conduct training for any health care entity, on abortion; (4) the attorney general may bring an action in the name of the state to enjoin a violation of (1)-(3), above; (5) a person may bring a civil action to enjoin a violation of (1)-(3), above, for the person and for the state; and (6) an entity that violates the bill is subject to a civil penalty of up to $50,000 for each violation and a loss of funding from the applicable public entity. (Companion bill is **S.B. 2378** by **Campbell**.)

H.B. 5255 (R. Lopez) – Data on Affordable Housing: would provide, among other things, that: (1) a city with a population of 100,000 or more must conduct an annual survey of all affordable housing units within their jurisdiction; (2) the survey described in (1), above, must include information about rent, utilities, tenant eligibility requirements, waiting lists, distances to essential services and community spaces, social services provided for tenants, and property manager contact information; and (3) a city must create or use existing publicly accessible web and mobile applications to make the collected information available to prospective tenants and state agencies in a manner that allows users to search and sort affordable housing units based on the characteristics recorded in the survey.

H.B. 5271 (Zwiener) – White-Tailed Deer: would, among other things: (1) provide that a political subdivision, state agency, federal agency, institution of higher education, or property owners' association that desires to control the white-tailed deer population by lethal means shall give written notice to the Texas Parks and Wildlife Department (TPWD) if it has evidence that: (a) it is necessary to prevent damage to habitat for federal or state listed species; or (b) there is an overpopulation of white-tailed deer on property owned by the applicable entity where recreational hunting for controlling deer populations is not feasible; (2) provide that on receiving notice from a political subdivision, state agency, federal agency, institution of higher education, or property owners' association under (1), above, the TPWD may inspect the property to: (a) assess deer management plans for state or federal listed species; or (b) to determine if there is an overpopulation of deer and that recreational hunting for controlling deer populations is not feasible; and (3) require a permit and fee.

H.B. 5278 (Caroline Harris) – Study of Stopped Trains of Excessive Length: would require the Texas Department of Transportation to conduct a study on the impact of stopped trains of excessive length that occupy railroad grade crossings for extended periods and the potential impact of regulating the maximum length of trains and the period of time for which a stopped train may occupy a railroad grade crossing.

H.J.R. 174 (Dean) – Operating a Motor Vehicle: would, among other things, amend the Texas Constitution to give a person the right to purchase, own, and operate a motor vehicle that is powered by an internal-combustion engine, subject to: (1) laws or regulations relating to who is authorized to operate a vehicle or mental or physical competency required to operate a vehicle; (2) laws or regulations that impose or are subject to a criminal penalty; and (3) restrictions on the use of a vehicle resulting from the commission of a criminal offense or other violation of a law or regulation.

S.B. 12 (Hughes) – Sexually-Oriented Performances: would, among other things: (1) define "sexually oriented performance" as a visual performance that: (a) features a nude performer, or a male performer exhibiting as a female, or a female performer exhibiting as a male, who uses clothing, makeup, or other similar physical markers and who sings, lip syncs, dances, or otherwise performs; and (b) appeals to the prurient interest in sex; (2) authorize a city to regulate sexually oriented performances as it considers necessary to promote public health, safety, or welfare; (3) prohibit a city from authorizing a sexually oriented performance on public property or in the presence of an individual younger than 18 years of age; and (4) create a criminal offense for a person who violates (3), above.

S.B. 2035 (Bettencourt) – 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 bond proposition to authorize bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved; (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. 2050 (Miles) – Medical Cannabis: would, among other things: (1) authorize the possession, use, cultivation, distribution, delivery, sale, and research of cannabis for medical use by patients with certain medical conditions; (2) provide for the issuance of a medical cannabis research license; (3) authorize fees for a license under (2), above; (4) direct the Department of Public Safety to establish a cannabis testing and quality control fund for the purpose of assisting law enforcement and purchase instruments, establish methods, and obtain resources needed to conduct forensic analysis necessary for enforcement and protecting the public's and medical cannabis patients' health and safety; and (5) prohibit a city from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation prohibiting the cultivation, production, dispensing, researching, testing, or possession of medical cannabis. (Companion bill is **H.B. 4074** by **Bernal**.)

S.B. 2053 **(Hancock) – Cemeteries**: would, among other things, allow a city to: (1) make additional burial spaces available in a city cemetery if: (a) the city has had possession and control of the cemetery for at least 25 years; (b) the city holds a public hearing; (c) the cemetery has been consistently maintained in accordance with other law; and (d) selling of additional spaces will not endanger public health, safety, comfort, and welfare; and (2) establish a process to determine whether a burial plot has been abandoned. (Companion bill is **H.B. 2371** by **Turner**.)

S.B. 2133 **(Miles)** – **Dialysis Patient Transportation During Disaster**: would: (1) require an emergency medical services provider to adopt and implement a procedure to provide alternative transportation for dialysis patients from a patient location directly to an outpatient end-stage renal disease facility if the patient normal mode of transportation is unavailable during a declared disaster; and (2) provide the plan under (1), above, to Texas Department of State Health Services. (Companion bill is **H.B. 4273** by **Oliverson**.)

S.B. 2170 **(Alvarado) – Alcohol Consumption in Public**: would, for purposes of the offense for consumption of alcohol in a public place during certain hours, clarify that a public place includes an unlicensed or unpermitted premises. (Companion bill is **H.B. 115** by **Ortega**.)

S.B. 2330 **(Bettencourt) – Community Advocacy**: would:

1. provide that a political subdivision or other entity, including a city, may spend money to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature only if the expenditure is authorized by a majority vote of the governing body of the political subdivision or entity in an open meeting of the governing body;

2. require an expenditure under Number 1, above, to be voted on by the governing body as a stand-alone item on the agenda at the meeting;

3. require a political subdivision or other entity to report to the Texas Ethics Commission (TEC) and publish on the political subdivision's or entity's website: (a) the amount of money authorized for the purpose of directly or indirectly influencing or attempting to influence the outcome of any legislation pending before the legislature; (b) the name of any person required to register as a lobbyist under state law who is retained or employed by, or on behalf of, the political subdivision or entity for the purpose described by (a), above; and (c) an electronic copy of any contract for services for the purpose described by

(a), above, that is entered into by the political subdivision or entity, or by a person on behalf of the political subdivision or entity, with each person listed under (b), above;

4. require a political subdivision or other entity to report to the TEC and publish on the political subdivision or entity's website the amount of public money spent for membership fees and dues of any nonprofit state association or organization of similarly situated political subdivisions or entities that directly or indirectly influences or attempts to influence the outcome of legislation pending before the legislature;

5. require the TEC to make available to the public an easily searchable database on its website containing the reports submitted under Number 3, above;

6. authorize an interested party to seek appropriate injunctive relief if a political subdivision or other entity does not comply with Numbers 1 through 4, above; and

7. provide that an officer or employee of a political subdivision or other entity to which the provisions above apply is not prevented from advocating for or against or otherwise influencing or attempting to influence the outcome of legislation pending before the legislature.

S.B. 2337 **(Middleton) – Debt Elections**: would: (1) provide that an election held by a political subdivision to authorize the issuance of bonds or other debt does not authorize such issuance unless at least two-thirds of the voters voting on the proposition vote in favor of authorizing the issuance of bonds or other debt; and (2) require a proposition for approval of the issuance of bonds or other debt to be submitted to the voters in an election held on the November uniform election date.

S.B. 2356 **(Alvarado) – Hotel Occupancy Tax**: would, among other things: (1) define "accommodations intermediary" as a person that: (a) facilitates the rental of a room or space in a hotel to a person; and (b) performs any of the following actions: (i) charging the person renting the room or space in the hotel any amount required to secure the rental; (ii) collecting from the person the amount charged to rent the room or space in the hotel; or (iii) charging the person renting the room or space in the hotel a fee for the service in (1)(a), above; (2) authorize an accommodations intermediary to: (a) collect the appropriate amount of the city hotel occupancy tax on each hotel booking charge; and (b) report and remit all hotel occupancy taxes collected by the accommodations intermediary in the manner required of a person owning, operating, managing, or controlling a hotel; (3) consider an accommodations intermediary the person owning, operating, managing, or controlling the hotel for purposes of hotel occupancy tax collection and enforcement on a booking charge for a rental made through an accommodations intermediary; (4) provide that the hotel may not collect and is not liable for city hotel occupancy taxes on a booking charge for a rental made through an accommodations intermediary; (4) require an accommodations intermediary to report and remit all city hotel occupancy taxes collected under (2), above, to the comptroller according to a schedule determined by the comptroller; (5) require the comptroller to deposit the taxes remitted to the comptroller under (4), above, in trust in the separate city suspense account; (6) require the comptroller to send the city's share of the taxes remitted to the comptroller under (4), above, to the city treasurer or person who performs the office of the city treasurer, at least 12 times during each state fiscal year; (7) authorize the comptroller to deduct and deposit to the credit of the general revenue fund an amount equal to one percent of the amount of the taxes collected from booking charges for hotels located in the city during the period for which a distribution is made as the state's charge for services under (4) through (7), above; and (8) provide that the tax collection requirements above do not apply to an accommodations intermediary that has entered into an agreement with a city to collect and remit hotel occupancy taxes for the rental of a room or space in a hotel in the city and has provided written notice of the agreement to the comptroller. (Companion bill is **H.B. 5115** by **Thierry**.)

S.B. 2371 (Campbell) – Debt Elections: would provide that a ballot proposition to approve city-issued bonds that would add or increase taxes must include the statement "THIS IS A TAX INCREASE." (Companion bill is **H.B. 3103** by **Dorazio**.)

S.B. 2435 (Schwertner) – Emergency Services Districts: would, among other things, provide that when a city annexes for full purposes part of an emergency services district (ESD) that imposes a sales tax, the annexed area is not removed from the ESD, and the city intends to be the sole provider of emergency services to the area, the city receives its full share of sales tax revenue from the annexed area.

S.B. 2446 (Paxton) – Plumbing License: would provide that a person is not required to be licensed as a plumber to perform plumbing work consisting of installing, servicing, or repairing service mains, service lines, appurtenances, equipment, or appliances that provide water, sewer, or storm drainage services on private property in an area that extends from a public right-of-way or public easement to not less than five feet from a building or structure. (Companion bill is **H.B. 2334** by **Burns**.)

S.B. 2470 (Springer) – Emergency Services Districts: would, among other things: (1) require a city to send written notice of completion of all procedures necessary to annex territory located in an emergency services district (ESD) within 30 days of the date that the necessary procedures are completed; (2) provide that an ESD, within 30 days of receipt of the notice in (1), above, shall adopt an order disannexing the property and notify the appraisal district to change its records to show the territory has been disannexed from the district; and (3) provide that until the city is able to provide full municipal services to the area, if the ESD is dispatched or requested to provide services to residents of the annexed territory, the city shall compensate the ESD for costs of such services within 30 days of receipt of a request for payment from the district at an amount established by the district that shall not exceed the cost of providing services, including overhead.

S.B. 2484 (Paxton) – Tax Incentive Agreements: would: (1) prohibit a governmental entity from entering into a contract or other agreement that would result in a company that the governmental entity knows is owned by, controlled by, or headquartered in China, Iran, North Korea, or Russia receiving tax incentives from the governmental entity; and (2) direct the Economic Incentive Oversight Board to provide a governmental entity with information to identify companies with whom it would be prohibited from entering into a contract under (1), above, within 60 days of a request from the governmental entity.

S.B. 2490 (Sparks) – Certificates of Obligation: would, among other things:

1. limit the purposes for which a certificate of obligation may be authorized to only a public work, which would include: (a) streets, roads, highways, bridges, sidewalks, parks, landfills, parking structures, or airports; (b) telecommunications, wireless communications, information technology systems, applications, hardware, or software; (c) cybersecurity; or (d) as part of any utility system, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, or flood control and drainage project;

2. provide that the governing body of an issuer of a certificate of obligation may authorize only the necessary certificates to pay a contractual obligation to be incurred for the construction, renovation, repair, or improvement of a public work: (a) to comply with a state or federal law, rule, or regulation if the political subdivision has been officially notified of noncompliance with the law, rule, or regulation; (b) if the governing body believes the construction, renovation, repair, or improvement of a public work is necessary to mitigate the impact of a public health emergency that poses an imminent danger to a resident's physical health or safety or a natural disaster, and: (i) the governor declares or renews a disaster declaration in that fiscal year, and the governor's designation of the area threatened includes all or part of the geographic territory of the local government; or (ii) the presiding officer of the governing body of a political subdivision declares or renews a declaration of a local state of disaster in that fiscal year, and the presiding officer's designation of the area threatened includes all or part of the geographic territory of the local government; or (c) if a court renders a decision that requires the local government to construct, renovate, repair, or improve a public work;

3. provide that, if necessary because of change orders, the governing body of an issuer may authorize certificates of obligation in an amount not to exceed 15 percent of a contractual obligation incurred for the construction of a public work, but certificates may be delivered only in the amount necessary to discharge contractual obligations;

4. require the governing body of an issuer of a certificate of obligation to enter into a contract or written agreement for the construction, renovation, repair, or improvement of a public work not later than 90 days after the governing body authorizes the certificates;

5. provide that the governing body of an issuer must comply with the requirement to advertise for competitive bids for contractual obligations to be incurred for a purpose for which certificates are to be issued under Number 2, above;

6. provide that a certificate may not mature over a period greater than 30 years from the date of the certificate;

7. prohibit the governing body of an issuer from authorizing a certificate 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; and

8. prohibit a city council from authorizing the issuance of certificates of obligation if the city secretary receives a petition signed by at least two percent of the issuer's qualified voters protesting the issuance of certificates unless the issuance is approved at an election.

(Companion bill is **H.B. 1489** by **Tepper**.)

S.B. 2498 (Middleton) – Universal Basic Income: would prohibit a political subdivision, including a city, from adopting or enforcing an ordinance, order, or other measure that provides for a universal basic income, including basic income, monthly income, or minimum income paid to each individual resident of the political subdivision without regard to the individual's circumstances. (Companion bill is **H.B. 553** by **Troxclair**.)

S.B. 2529 (Parker) – Homeless Services: would allow the Department of Housing and Community Affairs to administer a homeless housing and services program in each city with a population of 200,000 or more, instead of the previous population threshold of 285,500 or more.

S.B. 2551 (Middleton) – Managed Retreat: would prohibit a city from adopting or enforcing a policy that: (1) mandates the removal of population, buildings, infrastructure, or other assets from land adjacent to the Gulf of Mexico (Managed Retreat); or provides financial support to a nonprofit organization advocating for Managed Retreat, subject to certain beach renourishment and natural disaster regulations. (Companion bill is **H.B. 5130** by **Leo-Wilson**.)

Personnel

H.B. 4292 (Schofield) – Public Information: would, among other things, provide that: (1) public information is available to any person whose primary residence is in Texas during the normal business hours of the governmental body; (2) if a governmental body receives a request for information from a person whose primary residence is not in Texas, the governmental body may, but is not required to, respond to the request; (3) a governmental body may ask a requestor to provide the physical address at which the requestor resides in order to establish the requestor's residency; and (4) if, not later than the 10th business day following the date the governmental body's request is sent to the requestor, the requestor fails to provide information establishing residency in Texas, the governmental body may, for purposes of the request, treat the requestor as a person whose primary residence is not in Texas.

H.B. 4309 (Neave Criado) – Employment Agreements: would provide that: (1) any provision of a nondisclosure or confidentiality agreement or other agreement between an employer and an employee is void and unenforceable as against public policy if the provision: (a) prohibits the employee from notifying, or limits the employee's ability to notify, a local or state law enforcement agency or any state or federal regulatory agency of sexual assault or sexual harassment committed by an employee of the employer or at the employee's place of employment; or (b) prohibits an employee from disclosing to any person, including during any related investigation, prosecution, legal proceeding, or dispute resolution, facts surrounding any sexual assault or sexual harassment committed by an employee of the employer or at the employee's place of employment, including the identity of the alleged offender; and (2) the provisions of (1), above, do not apply to a negotiated settlement agreement or administrative action.

H.B. 4395 (Romero) – Training and Education Expenses: would, among other things, provide that: (1) an employer may not, without fully reimbursing the employee, require an employee to pay any expense or cost to attend or complete an education program or training required by the employer that is necessary for the employee to attend or complete as a condition of continuing to perform the employee's duties; (2) a contract for employment that violates (1), above, is void as against public policy; (3) an employer may not discriminate or retaliate against an applicant who refuses to enter into a contract for employment that violates (1), above; (4) an employer who violates (1), above, is liable to an affected employee for: (a) an amount equal to the expense incurred by the employee that was not compensated or reimbursed by the employer; and (b) an additional amount equal to the amount described by (4)(a), above, as liquidated damages; (5) an employer who violates (3), above, is liable to an affected employee or applicant for: (a) equitable relief as appropriate, including employment, reinstatement, and promotion; and (b) damages for wages lost and an additional equal amount as liquidated damages; and (6) the provisions of (1), above, do not apply to an expense or cost: (a) to voluntarily attend an education program or training that is not required by the employer; (b) to obtain a license, registration, or certification necessary to work in the employee's profession, as required by law; or (c) incurred by the employee in knowingly carrying out an illegal act.

H.B. 4673 (Flores) – Heat Illness: would, among other things, provide that: (1) the Texas Workforce Commission (TWC) shall create a heat illness prevention advisory board to develop and recommend heat illness prevention standards designed to protect employees from heat illness in indoor and outdoor work; (2) an employer commits an unlawful employment practice if the employer retaliates or discriminates against an employee that: (a) experiences heat illness; (b) reports heat illness or a violation of applicable standards to their employer; (c) files a complaint with TWC; (d) files a lawsuit regarding heat illness; or (e) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing regarding heat illness; and (3) an employer shall provide training to each of its employees about the heat illness prevention standards adopted under (1), above, as they relate to employees, supervisors, and employers, and the training, including any related written materials, must be provided to each employee in a language that the employee understands.

H.B. 4681 (Bryant) – Labor Union Rights: would provide that: (1) not later than the 30th day after the date an employee begins employment with a public employer, including a city, the public employer shall provide notice to the employee of the employee's right to join a labor organization that has informed the public employer it is representing public employees in the employer's workplace; (2) the notice must include: (a) a link to the internet website maintained by each labor organization that has informed the public employer it is representing public employees in the workplace and that maintains an internet website; (b) if the internet website maintained by a labor organization under (2)(a), above, information on how to join the labor organization, a link to that information; and (c) a link to state laws relating to an individual's right to join a labor organization; and (3) a public employer shall provide the notice under (1), above, by email or any other form of electronic communication that is commonly used by the public employer to communicate with employees.

H.B. 4840 (Gamez) – Settlement Agreements: would provide that: (1) a settlement agreement between a governmental agency and the agency's employee related to a claim filed in a civil action or a complaint filed in an administrative action involving a sexual assault or an unlawful employment practice based on sex may not contain a provision that prevents the disclosure of factual information related to the claim or complaint unless the provision is requested by the employee; (2) a provision in a settlement agreement prohibited by (1), above, is void and unenforceable as against public policy; and (3) the provision under (1), above, does not prohibit the entry or enforcement of a provision in a settlement agreement that prevents the disclosure of the amount paid to settle the claim or complaint.

H.B. 4842 (Holland) – Civil Service: would provide that, in a city that has adopted civil service: (1) letters, memorandum, or documents related to alleged misconduct maintained in the civil service personnel file of each firefighter and police officer are confidential while an investigation is pending; (2) a law enforcement agency hiring a police officer is entitled to view the contents of an investigation file made confidential under (1), above; (3) the employing department may disclose information in the personnel file of a firefighter or police officer for a law enforcement purpose; (4) a local ordinance, executive order, or rule adopted by a political subdivision may not supersede any provision related to contents that may be placed in a peace officer's or firefighter's personnel file; (5) a mutual agreement between a public employer and the bargaining agent supersedes a local ordinance, executive order, or rule adopted by a political subdivision; (6) a person who has been convicted or placed on deferred adjudication for a felony offense, or a person who has been convicted for a crime of moral turpitude is not eligible to serve on a civilian oversight commission that is created or appointed by a political subdivision to practice oversight, monitoring, or investigations of firefighters or law enforcement officers or departments; and (7) an investigation of a firefighter or police officer shall not be performed by a civilian oversight commission.

H.B. 4875 (Flores) – Peace Officer Drug Testing: would provide that each law enforcement agency in this state shall adopt a detailed written policy requiring a peace officer who causes an officer-involved injury or death to submit to the agency, not later than two hours after the officer-involved injury or death, a specimen of the officer's blood, urine, or other bodily substance that assesses the officer's blood alcohol content and whether there is a controlled substance in the officer's body.

H.B. 4966 (K. King) – Police Pre-employment Procedures: would, among other things, provide that:

1. a law enforcement agency shall maintain a personnel file on each person licensed by the Texas Commission on Law Enforcement (TCOLE);

2. the personnel file under Number 1, above, must contain any letter, memorandum, or document relating to: (a) a commendation, congratulation, or honor bestowed on the licensee by a member of the public or by the employing agency for an action, duty, or activity that relates to the person's official duties; (b) any misconduct by the licensee if the letter, memorandum, or document is from the employing agency and if the misconduct resulted in disciplinary action by the employing agency; and (c) the periodic evaluation of the licensee by a supervisor;

3. a letter, memorandum, or document relating to alleged misconduct by the licensee may not be placed in the person's personnel file if the employing agency determines that there is insufficient evidence to sustain the charge of misconduct;

4. a letter, memorandum, or document relating to disciplinary action taken against the licensee or to alleged misconduct by the licensee that is placed in the person's personnel file as provided by Number 2, above, must include a description of the evidence supporting the disciplinary action or charge of alleged misconduct and a reference to the law, rule, or agency policy alleged to have been violated;

5. the chief administrator or their designee shall: (a) remove the letter, memorandum, or document relating to disciplinary action or alleged misconduct if other law requires removal; or (b) within 30 days after the date of the inclusion of the letter, memorandum, or document relating to disciplinary action or alleged misconduct, notify the affected licensee, and the licensee may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation;

6. if a negative letter, memorandum, document, or other notation of negative impact is included in a licensee's personnel file, the chief administrator or their designee shall, within 30 days after the date of the inclusion, notify the affected licensee, and the licensee may, on or before the 15th day after the date of receipt of the notification, file a written response to the negative letter, memorandum, document, or other notation;

7. the chief administrator or their designee may not release any information contained in a licensee's personnel file without first obtaining the person's written permission, unless the release of the information is required by law;

8. a law enforcement agency may maintain a confidential personnel file on a licensee employed by the agency for the agency's use and the agency may not release any information contained in the agency file to any agency or person requesting information relating to a licensee except that with the written consent of a licensee, a law enforcement agency hiring a licensee is entitled to view the contents of the licensee's personnel file;

9. the head of a law enforcement agency or the agency head's designee shall indicate in the report required to be submitted to TCOLE when a licensee separates from the agency, the nature and circumstances under which the license holder separated from the law enforcement agency and the nature of a license holder's separation indicated in the report may be described as "retired," "resigned," "terminated," or "deceased;

10. the circumstances indicated in the report under Number 9, above, must include whether the license holder's separation: (a) occurred during a pending investigation into the license holder's conduct; (b) was the result of a substantiated instance of a violation of the law, other than traffic offenses; (c) was the result of a substantiated instance of a violation of a use of force policy of the law enforcement agency; (d) was the result of a substantiated

instance of misconduct; or (e) was related to a violation of any other TCOLE rule, regulation, or policy;

11. except for the nature of a person's separation under Number 9, above, all information submitted to TCOLE is confidential and is not subject to disclosure under the Texas Public Information Act, unless the person resigned or was terminated due to substantiated incidents of excessive force or violations of the law other than traffic offenses;

12. TCOLE is entitled to access records maintained under Numbers (2)-(4), above, by a law enforcement agency hiring a person to be a peace officer;

13. the provision related to suspending the license of a peace officer licensed by TCOLE on notification that the officer has been dishonorably discharged if previously dishonorably from another law enforcement agency is repealed; and

14. the provisions related to contesting the TCOLE employment termination report, through the administrative process, are repealed.

S.B. 2090 **(West) – Post-Traumatic Stress Disorder**: would provide that: (1) an employer of a first responder, including a peace officer, firefighter and emergency medical services personnel, may not suspend, terminate, or take any other adverse employment action, including a demotion in rank or reduction of pay or benefits, against a first responder solely because the employer knows or believes that the first responder has post-traumatic stress disorder; (2) an employer of a first responder who knows or believes that the first responder has post-traumatic stress disorder may take an appropriate adverse employment action that is necessary to ensure public safety; (3) an aggrieved person may seek compensatory damages, reasonable attorney's fees and court costs, and any other appropriate relief for violation (1), above; and (4) sovereign immunity to suit is waived and abolished to the extent of liability.

S.B. 2161 **(King) – Police Officer Age**: would, among other things, eliminate the provision that prohibits a person who is 45 years of age or older from being certified for a beginning position in a police department. (Companion bill is **H.B. 1661** by **Burns**.)

S.B. 2209 **(Hancock) – Civil Service**: would provide that in a city that has adopted civil service: (1) letters, memorandum, or documents related to alleged misconduct maintained in the civil service personnel file of each firefighter and police officer are confidential while an investigation is pending; (2) a law enforcement agency hiring a police officer is entitled to view the contents of an investigation file made confidential under (1), above; (3) the employing department may disclose information in the personnel file of a firefighter or police officer for a law enforcement purpose; (4) a local ordinance, executive order, or rule adopted by a political subdivision may not supersede any provision related to contents that may be placed in a peace officer's or firefighter's personnel file; (5) a mutual agreement between a public employer and the bargaining agent supersedes a local ordinance, executive order, or rule adopted by a political subdivision; (6) a person who has been convicted or placed on deferred adjudication for a felony offense, or a person who has been convicted for a crime of moral turpitude is not eligible to serve on a civilian oversight commission that is created or appointed by a political subdivision to practice oversight, monitoring, or investigations of firefighters or law enforcement officers or departments; and (7) an investigation of a firefighter or police officer shall not be performed by a civilian oversight commission.

S.B. 2253 **(Blanco) – Abusive Work Environment**: would, among other things, provide that: (1) an employer commits an unlawful employment practice if the employer: (a) subjects an employee, or permits another employee to subject the employee, to an abusive work environment; (b) permits the constructive discharge of an employee; or (c) retaliates in any manner against an employee who: (i) opposes an unlawful employment practice; (ii) makes or files a charge; (iii) files a complaint; or (iv) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing; (2) an employer is liable for an unlawful employment practice under (1), above, and is vicariously liable for the abusive conduct of an employee; (3) on finding that a respondent engaged in an unlawful employment practice or abusive conduct as alleged in a complaint, a court may: (a) prohibit by injunction the respondent from engaging in an unlawful employment practice or abusive conduct; and (b) order additional equitable relief as may be appropriate; (4) it is an affirmative defense to Number 1, above, that: (a) the employer did not take an adverse employment action against the complainant and: (i) the employer exercised reasonable care to prevent and promptly correct abusive conduct; and (ii) the complainant unreasonably failed to take advantage of appropriate preventive or corrective opportunities provided by the employer; or (b) the employer took an adverse employment action against the complainant because of: (i) the complainant's poor performance or misconduct; or (ii) the employer's economic necessity, reasonable performance evaluation of the complainant, or reasonable investigation of the complainant's potentially illegal or unethical activity; (5) an employer who is liable for an unlawful employment practice that does not include an adverse employment action is not liable for emotional distress and/or punitive damages unless the actionable conduct is extreme and outrageous; (6) the provisions under (1), above do not supersede any rights and obligations provided under collective bargaining laws and regulations; and (7) an employee's payments for workers' compensation shall be reimbursed from compensation paid under (3), above, if that employee receives workers' compensation: (a) for medical costs for the same injury or illness; or (b) in cash payments for the same period the employee is not working as a result of the compensable injury or illness or the unlawful employment practice or abusive conduct.

S.B. 2469 **(Eckhardt) – Expression of Breast Milk**: would provide, among other things, that a public employer that engages in or contracts for the construction or renovation of any building in which the public employer is housed shall ensure that the building includes a publicly accessible place, other than a bathroom, that is shielded from view and free from intrusion of any person where a member of the public or an employee can express breast milk.

S.B. 2471 **(Springer) – COVID-19 Presumption**: would extend the COVID-19 disease presumption for firefighters, peace officers, and emergency medical technicians from September 1, 2023, to September 1, 2027.

Purchasing

H.B. 4553 **(Longoria) – Department of Information Resources**: would, among other things, provide that if the executive director of the Department of Information Resources (DIR) determines that participation is in the best interest of the state, cities, volunteer fire departments, and city-owned public hospitals , among other entities, are eligible customers for certain DIR services, including: (1) network security services; (2) regional cybersecurity support and network security services; (3) the availability of commodity items for purchase; and (4) consolidated telecommunication systems. (Companion is **S.B. 1159** by **Johnson**.)

H.B. 4741 **(Manuel) – Employment of Apprentices**: would provide that: (1) a contract for a public works project must include a requirement that at least five percent of the project hours in any apprenticeable trade, as certified by the Office of Apprenticeship of the United States Department of Labor, be designated to be worked by apprentices, unless a waiver has been obtained from the Texas Workforce Commission (TWC); (2) if TWC determines that an insufficient number of registered apprentices is available for a public works project, TWC shall: (a) certify the number of registered apprentices who are available for the project; and (b) issue a waiver for the remaining number of jobs that would otherwise be reserved for registered apprentices in order for the contractor to meet the requirements under this bill; and (3) this bill would not apply to: (a) a public works contract in which the total contract price estimate at the time of the contract's execution is less than $400,000; or (b) a public works contract entered into by the Texas Department of Transportation.

H.B. 4942 **(Bernal) – Competitive Bidding Thresholds**: would, among other things: (1) increase the threshold at which competitive bidding is required for city purchases from $50,000 to $100,000; and (2) increase the threshold at which competitive bidding in relation to historically underutilized businesses is required from expenditures of more than $3,000 but less than $50,000 to more than $10,000 but less than $100,000.

H.B. 5200 **(Bernal) – City Contracts**: would provide that: (1) when purchasing personal property that is not affixed to real property, or services other than professional services, a city that solicits requests for proposals and receives one or more proposals from an offeror whose principal place of business is in the city, the city may consider, as a percentage of the evaluation factors, an offeror's principal place of business unless the contract is for construction services in an amount of $100,000 or more; (2) if a city elects to consider an offeror's principal place of business under (1), above, and scores an offeror's proposal on a 100-point scale, the city shall assign: (a) 10 points to an offeror with a principal place of business in the city; or (b) five points to an offeror who employs: (i) at least 20 percent of the offeror's employees in the city; or (ii) at least 100 employees in the city; (3) this bill does not prohibit a city from rejecting any proposal; and (4) this bill applies only to a that contains more than 75 percent of the population of a county with a population of 1.5 million or more.

H.B. 5237 **(Kitzman) – Conflicts Disclosure Statements**: would provide that:

1. a local government officer of a governmental entity with a population of eight hundred thousand or more or that is located in a county with a population of eight hundred thousand or more shall file a conflicts disclosure statement if: (a) the local governmental entity begins negotiations to enter into a contract with a vendor; and (b) at any time during the period beginning 24 months before the date on which the negotiations begin and ending on the date the negotiations are completed, the officer, a family member of the officer, or an

employee of the local governmental entity accepted contributions or gifts that have an aggregate value of $100 or more from the vendor, a political committee controlled by the vendor, or a person the vendor or political committee solicited to make the contribution or gift;

2. a local government officer shall file the conflicts disclosure statement required in Number 1, above, with the records administrator of the local governmental entity not later than the 30th day after the later of the date: (a) the negotiations described by Number 1, above, began; or (b) a contribution or gift is made that triggers the disclosure requirements under Number 1, above;

3. the Texas Ethics Commission (TEC) shall adopt the conflicts disclosure statement form for a local government officer's use under this bill and must include: (a) a description of each contribution or gift; (b) an acknowledgement from the officer that: (i) the disclosure applies to the officer, each family member of the officer, and each employee of the local governmental entity; and (ii) the statement covers the period described in Number 1, above; and (c) the officer's signature acknowledging that the statement is made under oath under penalty of perjury;

4. a vendor that begins negotiations with a local governmental entity to enter into a contract shall file a conflicts disclosure statement if: (a) the vendor, a political committee controlled by the vendor, or a person the vendor or political committee solicits to make contributions or gifts for the vendor makes a contribution or gift to the local governmental entity or officer described in Number 1, above; or (b) at any time during the period beginning 24 months before the date on which the negotiations for the contract begin and ending on the date the negotiations are completed, a local government officer, the family member of the officer, or an employee of the local governmental entity made expenditures or gifts that have an aggregate value of $50 or more to the vendor or a political committee controlled by the vendor;

5. the vendor shall file the conflicts disclosure statement with the records administrator of the local governmental entity not later than the 30th day after the later of the date: (a) the negotiations described by Number 1, above, began; or (b) a contribution or gift is made that triggers the disclosure requirements under Number 1, above;

6. TEC shall adopt the conflicts disclosure statement form for a vendor's use under this bill and must include: (a) a description of each contribution, expenditure, or gift; and (b) the vendor's signature acknowledging that the statement is made under oath under penalty of perjury;

7. each records administrator shall: (a) maintain a full list of local government officers of the local governmental entity and shall make that list available to the public and any vendor who may be required to file a conflicts disclosure statement under Number 4, above; and (b) maintain the statements that are required to be filed under this bill in accordance with the local governmental entity's records retention schedule;

8. the requirements of this bill, including signature requirements, may be satisfied by electronic filing in a form approved by the TEC;

9. a local governmental entity that maintains an internet website shall provide access to the conflicts disclosure statements required to be filed under this bill on its website;

10. the requirements of this bill are in addition to any other disclosure required by law;

11. if a local government officer or a vendor fails to file a required conflicts disclosure statement under this bill, the local governmental entity and vendor may not enter into a contract before the fifth anniversary of the date the statement was required to be filed.

S.B. 2062 **(Kolkhorst) – Insurance**: would, among other things, provide that regardless of whether the contract is subject to competitive bidding requirements, a city may not enter into an insurance or risk pool contract unless the city receives at least two bids or proposals from different persons for the contract, and the city files the contract with the Texas Department of Insurance.

Transportation

H.B. 4435 **(Schatzline) – Human Driver Protection Act**: would: (1) prohibit an owner of a motor vehicle equipped with remote vehicle disabling technology from registering the vehicle for use on a public highway; and (2) protect a person's ability to drive motor vehicles powered by internal combustion engines or operated using human decision making. (Companion bill is **S.B. 2024** by **Middleton**.)

H.B. 4770 **(Gervin-Hawkins) – Grants for Pedestrian Infrastructure**: would create a grant program administered by the Texas Department of Housing and Community Affairs that would provide financial assistance to cities for the construction of pedestrian infrastructure related to sidewalks, curbs, and pedestrian lighting funded through appropriations by the legislature, donations, grants, and interest earned on the investment of money in the grant fund, with the department being responsible for making grant awards and program administration.

H.B. 5090 **(Davis) – Transportation-Related Broadband Infrastructure**: would provide that the Texas Department of Transportation (TxDOT) adopt a policy outlining TxDOT's strategy to implement statewide broadband infrastructure to support new transportation technology and broadband access throughout the state.

H.B. 5154 **(Morales Shaw) – Design Considerations for Transportation Projects**: would require the Texas Department of Transportation to consider several factors when developing transportation projects, including alternative designs approved by the governing body of an affected city, unless the department determines that the approved alternative design is frivolous, unreasonable, or intended to delay a transportation project.

H.B. 5191 **(Davis) – Transportation-Related Broadband Infrastructure**: would provide that the Legislature appropriate $30 million in American Rescue Plan Act of 2021 (ARPA) funds to the Texas Department of Transportation over the next two years to develop and implement statewide broadband infrastructure to support new transportation technology and broadband access throughout the state.

H.B. 5215 (Bucy) – Transportation Funding: would expand the allowable uses for a portion of the state's gasoline tax revenue and automobile registration fees, to include acquiring rights-of-way, policing public roadways, and certain administration costs pertaining to the supervision of traffic and safety on such roads. (See **H.J.R. 204** by **Bucy**, below.)

H.J.R. 204 (Bucy) – Transportation Funding: would amend the Texas Constitution to expand the allowable uses for the state's gasoline tax revenue and automobile registration fees, to include constructing and maintaining transit-oriented projects. (See **H.B. 5215** by **Bucy**, above.)

S.B. 2024 (Middleton) – Human Driver Protection Act: would: (1) prohibit an owner of a motor vehicle equipped with remote vehicle disabling technology from registering the vehicle for use on a public highway; and (2) protect a person's ability to drive motor vehicles powered by internal combustion engines or operated using human decision making. (Companion bill is **H.B. 4435** by **Schatzline**.)

S.B. 2144 (Parker) – Advanced Air Mobility Committee: would, among other things: (1) create an advisory committee including representatives from various industries, local government, and the general public, to assess state law and make recommendations for implementing advanced air mobility technology in Texas; and (2) require the Texas Department of Transportation to: (a) review aviation standards and guidelines to ensure they are applicable to the new technology; (b) develop a statewide plan for vertiports and associated infrastructure; and (c) provide resources and assistance to local governments and industry. (Companion bill is **H.B. 2678** by **Cook**.)

S.B. 2156 (Eckhardt) – Autonomous Vehicles: would provide that a licensed "human operator," is defined as someone who is capable of performing the entire dynamic driving task, to be physically present in an operating automated motor vehicle.

Utilities and Environment

H.B. 4296 (Gates) – Certificates of Convenience and Necessity: would provide that: (1) an owner of a tract of land that is at least 50 acres and is not in a platted subdivision actually receiving water or sewer service who petitions the Public Utility Commission (PUC) for expedited release from a certificate of convenience and necessity (CCN) is entitled to pay off a federal loan, if any, of the CCN holder to facilitate the release process if allowed under federal law; and (2) an owner of a tract of land that is at least 25 acres and is not receiving water or sewer service in certain areas who petitions the PUC for expedited release of the area from a CCN is entitled to pay off a federal loan, if any, of the CCN holder to facilitate the release process if allowed under federal law.

H.B. 4297 (Gates) – Solid Waste: would prohibit a city from: (1) charging a person granted a franchise to provide solid waste management services in the city franchise fees of more than two percent of the gross receipts of the franchisee for the sale of services in the city; and (2) restricting the right of an entity to contract with a person other than the city, or an exclusive franchisee of the city, for solid waste management services for commercial, industrial, or multifamily residential waste.

H.B. 4299 **(J. Lopez) – Economically Distressed Areas Projects**: would: (1) provide that in filling out an application for assistance to economically distressed areas for water supply and sewer service projects, the applicant must include information identifying the median household income for: (a) the census block of the area to be served by the proposed project; and (b) the entire service area of the political subdivision that is the subject of the application; (2) provide that the Texas Water Development Board (TWDB) may not provide the applicant with financial assistance for which repayment is not required in an amount that exceeds 70 percent of the total amount of the financial assistance; and (3) remove the provision from (2), above, that provides "unless the TWDB or the Department of State Health Services determines that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems in the area to be served by the proposed project." (Companion bill is **S.B. 2234** by **LaMantia**.) (See **H.J.R. 167**, below.)

H.B. 4328 **(Bell) – Municipal Rate Discrimination**: would prohibit a city from establishing a higher rate for water or sewer utilities that applies only to entities that qualify for a sales tax or property tax exemption. (Companion bill is **S.B. 1334** by **Creighton**.)

H.B. 4385 **(Guillen) – Sewer Service**: would provide that the Public Utility Commission may by rule allow a city or utility or water supply corporation to render retail sewer service without a certificate of public convenience and necessity if the city has given notice under state law for single certification in incorporated or annexed areas that it intends to provide retail sewer service to an area, or if the utility or water supply corporation has less than 15 potential connections and is not within the certificated area of another retail public utility.

H.B. 4388 **(Flores) – Civil Suits Brought by Local Governments**: would provide that a local government, a person affected, or an authorized agent may institute a claim for certain violations under the Texas Commission on Environmental Quality's (TCEQ) jurisdiction after the attorney general and TCEQ executive director receive the required notice unless TCEQ has commenced a proceeding or the attorney general has commenced a civil suit concerning at least one of the alleged violations set forth in the notice.

H.B. 4445 **(Gerdes) – Water Loss for Certain Municipally Owned Utilities**: would provide that a municipally-owned utility with a Texas Water Development Board (TWDB) 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 TWDB 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 TWDB water loss audit indicates water loss of less than 15 percent. (Companion bill is **S.B. 1988** by **Perry**.)

H.B. 4537 **(Bell) – Concrete Plants**: would: (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt rules requiring as a condition of issuing or approving the use of a permit for concrete batch plants and standard permits under the Clean Air Act that the applicant: (a) submit with its application a plan for: (i) reclaiming the land disturbed by the operation of the facility; (ii) maintaining safe lanes for ingress to and egress from the facility; and (iii) monitoring and mitigating sound created by the operation of the facility; and (b) comply with the plan submitted under (1)(a), above; (2) require TCEQ to establish a system to track complaints received about a facility with a standard permit or standard permit for certain concrete plants; and (3) provide that if TCEQ receives a significant number of complaints about noise or dust emitted from the facility under (2), above, TCEQ may require the operator of the facility to, as applicable: (a) mitigate sound emitted from the facility; or (b) minimize dust emissions by spraying vehicles leaving the facility with water or dust-suppressant chemicals or implementing other dust control measures as necessary. (Companion bill is **S.B. 1398** by **Schwertner**.)

H.B. 4590 (Orr) – Winter Storm Uri Costs: would, among other things: (1) provide that a state agency may provide money appropriated for the purpose 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; and (2) create a "storm cost offset fund" in the state treasury to be used for the benefit of retail electric service customers of electric cooperatives designated to receive a distribution from the fund. (Companion bill is **S.B. 1983** by **Nichols**.)

H.B. 4592 (Guerra) – Utility Assistance: would: (1) require the Texas Workforce Commission (TWC) to establish and administer a program under which the TWC provides employment assistance services, including skills training, job placement, and employment-related services, to an unemployed individual who: (a) is receiving unemployment benefits; and (b) has accrued unpaid bills for electric, gas, or water utility services; and (2) provide that a retail electric provider, power generation company, aggregator, or other entity that provides retail electric service, a natural gas provider, a propane gas provider, and a retail public utility that is required to possess a certificate of public convenience and necessity or a district or affected county that furnishes retail water or sewer utility service: (a) shall provide each residential customer with information about the employment assistance program described by (1), above, and, on request by the customer, a grace period of at least 14 days to allow the customer to enroll in the program, before disconnecting the customer's service for nonpayment; and (b) for a period of 90 days, for a residential customer enrolled in the program described by (1), above: may not disconnect service or impose late fees and shall defer collection of the full payment of bills that are due during that period.

H.B. 4676 (Slaton) – Federal Energy Conservation Regulation Nullification: would, among other things: (1) prohibit a city from adopting or enforcing a regulation which enforces or allows the enforcement of a federal regulation that purports to regulate energy conservation standards applicable to consumer products if the regulation imposes a restriction that does not exist under Texas law; (2) prevent a city, city employee, officer, or agent from having to comply with a federal regulation described in section (1), above; (3) prevent a city that adopts a regulation prohibited by section (1), above, from receiving state grant funds for a certain period of time; and (4) empower the attorney general to enforce these provisions by seeking mandamus or appropriate equitable relief, including the recovery of fees and costs incurred, if the attorney general receives a complaint from a citizen residing in the city containing evidence that the city has violated these provisions.

H.B. 4708 (Bryant) – Gas Supply Information: would provide that the rules adopted by the Railroad Commission must authorize the independent organization for the ERCOT power region to require that a gas utility that owns or controls a facility that is designated as critical or that provides physical gas delivery to an electric cooperative, municipally owned utility, or power generation company provide to the independent organization information in real time about the utility's gas supply, including through telemetry or the use of a hotline.

H.B. 4742 **(J. Lopez) – Flood Infrastructure Fund**: would, among other things: provide that the Texas Water Development Board shall establish a program that prioritizes the provision from the fund of grants or no-interest loans from the flood infrastructure fund to certain districts or authorities for the construction or improvement of an artificial drainage system. (Companion bill is **S.B. 2182** by **LaMantia**.)

H.B. 4748 **(Bernal) – Regional Broadband Advisory Groups**: would: (1) direct the comptroller's broadband development office (BDO) to establish regional broadband advisory groups; (2) provide for at least one political subdivision member per group; (3) direct each advisory group to: (a) gather public suggestions and recommendations regarding the state's broadband access plan; (b) create plans to address regional broadband service needs; (c) provide information to the BDO to use for long-range federal and state broadband development funding forecasts; (d) reach out to regional communities regarding the expansion, adoption, affordability, and use of broadband service; (e) coordinate regional efforts to form broadband development partnerships and joint funding opportunities; and (f) identify the progress of and barriers to broadband development in the region; and (4) provide for funding for (1), above, including authorizing the BDO entering into a contract with a political subdivision to pay all or part of the costs of performing the advisory group's duties.

H.B. 4763 **(S. Thompson) – Purchase of Water and Sewer Systems**: would, among other things, provide that, 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, the Public Utility Commission shall approve such a 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. (Companion bill is **S.B. 1965** by **Alvarado.**)

H.B. 4785 **(Anchia) – Clean Air Act Permits**: would require that the Texas Commission on Environmental Quality (TCEQ) deny an application for a permit or other authorization under the Clean Air Act that is subject to new source review if TCEQ determines that emissions from the facility that is the subject of the application will have a disproportionately adverse effect on the health, property, or environment of a low-income population in the vicinity of the facility as compared to the effects of those emissions on other populations in the area.

H.B. 4811 **(Anchia) – Texas Energy Efficiency Council**: would, among other things: (1) create the Texas Energy Efficiency Council (the Council) to: (a) monitor energy efficiency programs in Texas; (b) make recommendations for improving energy efficiency programs in Texas; (c) monitor and facilitate for coordination and leveraging of federal funding from the United States Department of Energy, United States Department of Housing and Urban Development, and other federal agencies that can be used by state agencies and political subdivisions for the purposes of enhancing energy efficiency; (d) provide a central repository for information on statewide energy efficiency performance, programs, and opportunities in Texas; (e) provide a statewide collaborative approach to promoting energy efficiency; (f) measure, evaluate, and report on energy efficiency performance in Texas; and (g) promote continuous improvement in energy efficiency performance in Texas; (2) define "program administrator" to include, among others, a political subdivision or a municipally owned utility; and (3) provide that a program administrator shall establish measurable performance criteria and share the results with the Council when creating or implementing energy efficiency programs. (Companion bill is **S.B. 2404** by **Schwertner**.)

H.B. 4818 (Martinez) – Texas Water Development Board Financial Assistance: would allow the Texas Water Development Board (TWDB) to provide grants for water supply projects to a political subdivision for the construction, acquisition, or improvement of water supply projects, including projects that contain a flood control component.

H.B. 4819 (Martinez) – Water Quality Permits: would, for certain discharge permits, provide that a permit holder must follow any local ordinances, rules, or other measures applicable to the permitted facility.

H.B. 4832 (Hunter) – ERCOT Reliability: would require: (1) the Public Utility Commission (PUC) to ensure that the independent organization for the ERCOT power region: (a) allocates the cost of providing ancillary services and reliability services procured on an annual basis among dispatchable generation facilities, non-dispatchable generation facilities, and load serving entities in proportion to their contribution to net load variability over the highest 100 hours of net load in the preceding year as follows: (i) for dispatchable generation facilities, the difference between the mean of the highest quartile forced outage rate for the facility and the mean forced outage rate of all dispatchable generation facilities in the ERCOT power region; (ii) for non-dispatchable generation facilities, the difference between the mean of the lowest quartile generation for each non-dispatchable generation facility, divided by the installed capacity of that facility, and the mean generation of all non-dispatchable generation facilities in the ERCOT power region, divided by the total installed capacity of all non-dispatchable generation facilities in the ERCOT power region; and (iii) for load serving entities, the difference between the mean of the highest quartile of each entity's metered load and the mean of each entity's metered load; (2) the PUC to require the independent organization for the ERCOT power region to develop an ancillary services program that requires load serving entities to purchase dispatchable reliability reserve services on a day-ahead basis to account for market uncertainty and require the independent organization to: (a) determine the quantity of services necessary based on historical variations in generation availability for each season based on a targeted reliability standard or goal, including renewable intermittency and forced outage rates; and (b) develop criteria for resource participation that require a resource to: (i) have a runtime of at least four hours; (ii) be available not less than two hours after being called on for deployment; and (iii) have the dispatchable flexibility to address inter-hour operational challenges; and (3) the PUC to file an annual report with the legislature that: (a) includes: (i) the estimated annual costs required to be incurred under state laws on market structure by non-dispatchable generators to guarantee that a firm amount of electric energy will be provided for the ERCOT power grid; and (ii) the cumulative annual transmission costs that have been incurred in the ERCOT market to facilitate the transmission of non-dispatchable electricity to load; (b) documents the status of the implementation of state laws on the market structure, including whether the rules and protocols adopted to implement state laws on market structure have materially improved the reliability, resilience, and transparency of the electricity market; and (c) includes recommendations for any additional legislative measures needed to empower the PUC to implement market reforms to ensure that market signals are adequate to preserve existing dispatchable generation and incentivize the construction of new dispatchable generation sufficient to maintain reliability standards for at least five years after the date of the report. (Companion bill is **S.B. 7** by **Schwertner**.)

H.B. 4834 (Hunter) – Energy Reliability Fund: would, among other things: (1) create the Texas Energy Reliability Fund (Fund) as a special fund in the state treasury outside the general revenue fund to be administered and used, without further appropriation, by the Public Utility Commission (PUC) to provide loans to finance the construction of electric generating facilities in the ERCOT power region; (2) provide that the PUC may use money in the Fund to: (a) make a loan to finance the construction of: (i) a dispatchable facility (output can be controlled primarily by forces within human control) that uses a source of heat to generate electricity; or (ii) additional generating capacity for a dispatchable facility that uses a source of heat to generate electricity; and (b) pay the necessary and reasonable expenses of administering the Fund; and (3) create the advisory committee to (a) provide comments and recommendations to the PUC for the PUC to use in adopting rules regarding the use of the Fund or on any other matter; and (b) review the overall operation, function, and structure of the Fund at least semiannually. (See **H.J.R. 180**, below.)

H.B. 4892 (Raymond) – Utility Security Practices: would, among other things: (1) require the Public Utility Commission (PUC) to establish a program to monitor and support physical security efforts among the utilities in Texas; and (2) provide that the program in (1), above, shall: (a) provide guidance, technical assistance, and training on best practices in physical security and cybersecurity and facilitate the sharing of cybersecurity information between utilities; (b) provide guidance, technical assistance, and training on best practices for physical security and cybersecurity controls for supply chain risk management of cybersecurity systems used by utilities, which may include, as applicable, best practices related to: (i) software integrity and authenticity; (ii) vendor risk management and procurement controls, including notification by vendors of incidents related to the vendor's products and services; and (iii) vendor remote access; (c) develop models, assessments, and auditing procedures for a utility to self-assess physical security and cybersecurity; and (d) provide opportunities for utilities to share with each other best practices for and information on physical security and cybersecurity.

H.B. 4908 (R. Lopez) – Utility Security Practices: would add a municipally owned utility that acts as a retail public utility affected by the realignment of defense worker jobs or facilities to the type of local government entities that are qualified to receive grants.

H.B. 4910 (Darby) – Telecommunications Pole Charges: would, among other things, provide that a city or a municipally owned utility or an electric cooperative may not charge any entity, regardless of the nature of the services provided by that entity, a pole attachment rate or underground conduit rate that exceeds: (1) the existing rate if the attaching entity and the pole owner already have a contract; (2) a mutually agreed rate, if the attaching entity and the pole owner agree to a new rate; (3) the fee that the city or municipally owned utility or the electric cooperative would be permitted to charge under rules adopted by the Federal Communications Commission if the city's or municipally owned utility's or the electric cooperative's rates were regulated under federal law and the rules of the Federal Communications Commission; or (4) a rate determined by the Public Utility Commission in a contested case.

H.B. 4930 (Craddick) – 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 **S.B. 1860** by **Hughes**.)

H.B. 4952 (Slawson) – Electricity Supply Chain Security: would, among other things, require the Public Utility Commission: (1) to require each electric cooperative, municipally owned utility, and transmission and distribution utility to include in the cooperative's or utility's emergency operations plan information about the physical security of the cooperative's or utility's critical substations and contact information for each law enforcement agency with jurisdiction over the critical substations; and (2) to provide the Department of Public Safety with access to the information described by (1), above. (Companion bill is **S.B. 2444** by **Paxton**.)

H.B. 4959 (Wilson) – Concrete Plants: would, among other things: (1) provide that the Texas Commission on Environmental Quality (TCEQ) shall accept written questions about a facility requesting a standard permit for the production of aggregates or the operation of a concrete plant that performs wet batching, dry batching, or central mixing from the public until the 15th day before the date of the hearing or meeting; (2) require TCEQ to, not later than the 14th day before the date of the hearing or meeting in (1), above, notify each city and county in which the facility is located or proposed to be located, among others, of the date, time, and place of the hearing or meeting; (3) provide that a person authorized to use a standard permit for the production of aggregates or the operation of a concrete plant that performs wet batching, dry batching, or central mixing must: (a) install equipment to monitor noise levels from the facility: (i) at the point on the perimeter of the property on which the facility is located that is closest to the nearest building in use as a single-family or multifamily residence, school, place of worship, or commercial enterprise; and (ii) at two other points on the perimeter of the property on which the facility is located equidistant from the point described by (3)(a)(i), above; (b) ensure that outdoor lighting installed at the facility complies with standards adopted by the Illuminating Engineering Society; (c) obtain computer-controlled blasting technology to minimize the effect of seismic forces on adjacent property caused by blasting at the facility; (d) either: (i) use water for the facility only from a metered source or under a permit from a groundwater conservation district; or (ii) implement TCEQ-approved methods of water recirculation to ensure efficient use of groundwater for the facility; (e) provide to TCEQ a plan to ensure that the area on which the facility operates will be safe and useful after operations cease, including a description of how the person will: (i) resolve potential safety and environmental problems; (ii) minimize fugitive dust from areas the person does not plan to revegetate; and (iii) control erosion by revegetating barren areas; and (f) provide to TCEQ a performance bond or other form of financial assurance to ensure payment of the costs of executing the plan required (3)(d), above; and (4) provide that a person authorized to use a standard permit for the production of aggregates or the operation of a concrete that performs wet batching, dry batching, or central mixing plant shall ensure that noise created by the permitted facility does not exceed: (a) 70 decibels at the points at which monitors are installed under (3), above; or (b) 65 decibels at the perimeter of a property that is: (i) used as a residence; and (ii) located within 880 yards of the permitted facility.

H.B. 5009 (Wilson) – Concrete Plants: would: (1) direct the Texas Commission on Environmental Quality (TCEQ) to establish a certification program for operators of facilities that have been issued a permit or an authorization to use a permit for: (a) the production of aggregates; or (b) the operation of a concrete plant that performs wet batching, dry batching, or central mixing; (2) require TCEQ to adopt best management practices for operators of facilities described by (1), above, including practices for air quality monitoring, water use, and blasting at facilities; (3) provide that if TCEQ inspects a facility when determining whether to grant or renew a permit or authorization to use a permit for the facility, TCEQ shall inspect practices at the facility at that time for compliance with such best management practices and shall: (a) certify the operator of the facility as a best practices operator if TCEQ determines that the operator has complied with the best management practices in the operation of the facility; or (b) notify the operator of the facility that the facility cannot be certified at that time if TCEQ determines that the operator has not complied with the best management practices in the operation of the facility; (4) provide that TCEQ may not impose a penalty for a violation of a best management practice adopted under (2), above; and (5) provide that a person who submits a bid or proposal for a public work contract shall include in the bid or proposal a statement that any operator of a facility described (1)(a) or (b), above, supplying goods or services under the contract will hold a certification under (1)-(3), above.

H.B. 5297 (Bryant) – ERCOT Interconnection: would, among other things, provide that: (1) a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (a) access transmission service from outside of the ERCOT power region; and (b) purchase power at wholesale from outside of the ERCOT power region; (2) unless otherwise provided by federal law, the Public Utility Commission (PUC) shall require the independent organization for the ERCOT power region to approve the interconnection of a facility under (1), above, unless the PUC or the independent organization determines that the interconnection poses a significant and imminent risk to public health and safety; (3) unless otherwise provided by federal law, the PUC shall approve an application for a certificate of convenience and necessity submitted under (4), below, by a transmission and distribution utility, municipally owned utility, or electric cooperative for a facility that would synchronously interconnect to a facility outside the ERCOT power region if the application complies with all applicable provisions of state law; and (4) a transmission and distribution utility, municipally owned utility, or electric cooperative may not interconnect a facility described by (1), above, unless the utility or cooperative obtains a certificate from the PUC in the manner provided by state law stating that the interconnection does not pose a significant and imminent risk to public health and safety.

H.J.R. 167 (J. Lopez) – Economically Distressed Areas Projects: would amend the Texas Constitution to provide that the Texas Water Development Board may issue general obligation bonds, at its determination and on a continuing basis, for the economically distressed areas program account of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the board that are outstanding at any time does not exceed $400 million. (See **H.B. 4299**, above.)

H.J.R. 169 (Clardy) – Texas Water Fund: would amend the Texas Constitution to establish the Texas Water Fund to be used for the purpose of making grants or loans for water infrastructure projects and disbursing money to the Texas Water Development Board.

H.J.R. 180 (Hunter) – Energy Reliability Fund: would create the Texas Energy Reliability Fund to finance construction of electric generating facilities. (See **H.B. 4834**, above.)

S.B. 6 (Schwertner) – Texas Energy Insurance Program: would, among other things:

1. create the Texas Energy Insurance Fund as a special fund in the state treasury outside the general revenue fund to be administered and used by the Public Utility Commission (PUC) to provide loans to finance maintenance or modernization of dispatchable electric generating facilities (output can be controlled primarily by forces under human control) operating in the ERCOT power region;
2. provide that the PUC may use any money appropriated to the PUC for the purpose of providing a loan to an entity certified under the Texas Energy Insurance Program (TEIP) to be used to reduce debt associated with constructing or operating a reliability asset;

3. provide that the PUC may use any money appropriated to the PUC for the purpose of providing payments to the independent organization for the ERCOT power region on behalf of customers of retail electric providers, municipally owned utilities, and electric cooperatives to offset amounts owed for rates under Number 9, below;

4. provide that the PUC may certify one or more entities to operate as the TEIP by owning and operating reliability assets;

5. provide that the PUC may certify any number of entities to operate any number of reliability assets, but may not certify a total of more than 10 gigawatts of generating capacity for the entire TEIP;

6. provide that an entity that is not authorized to operate a generation asset may apply to be certified to be part of the TEIP;

7. provide that to be certified as part of the TEIP, an applicant must:

    a. establish financial stability by demonstrating that: (i) the applicant or the applicant's parent company has total assets of at least $10 billion for every gigawatt of generating capacity for which the applicant is applying to be certified; (ii) the applicant or the applicant's parent company has a credit rating that is acceptable to the PUC from a major credit rating agency; (iii) the applicant or the applicant's parent company is able to fund the investment with cash on hand or proof of access to adequate financing; and (iv) the applicant is able to close on any financing not later than the 60th day after the date of securing certification and contract execution;

    b. establish industry expertise by demonstrating that: (i) the applicant is an electric utility, or the applicant or the applicant's parent company owns or operates electric generation assets totaling at least 15,000 megawatts; (ii) the applicant or the applicant's parent company has an Occupational Safety and Health Administration incident rate in the top quartile for electric utilities; and (iii) the certified entity will be International Organization for Standardization 27001 certified;

c. establish project quality standards by demonstrating that: (i) the applicant is able to provide a parent performance guarantee that the independent organization certified for the ERCOT power region or the PUC may draw upon during each season, as defined by the independent organization, if a reliability asset does not perform and performance is not excused under Number 5, above, in the amount of $400 million for every gigawatt of generating capacity for which the applicant is applying to be certified; and (ii) each reliability asset will be in operation not later than the last day of the 42nd month after certification, unless interconnection delays require a later operation date; and

d. establish customer friendly solutions by committing: (i) that any net revenue earned during testing or operating would be for the benefit of the ERCOT power region; (ii) not to sell any reliability asset over the life of the reliability asset while the applicant is certified as part of the TEIP; and (iii) that the siting of reliability assets will maximize the effectiveness of the new generation capacity;

8. provide that each applicant must provide in the application a statement: (a) of the return on equity the applicant will accept while operating as part of the TEIP; (b) agreeing to a return on equity of not more than ten percent and an equal debt-to-equity ratio; (c) of the maximum actual costs described by Number 9, below, for which the applicant will request recovery; and (d) agreeing to a revenue requirement that is the lesser of the actual costs described by Number 10, below, or $1 billion per gigawatt of installed generation capacity in the program;

9. provide that the PUC or the independent organization for the ERCOT power region may not draw upon a parent performance guarantee provided by a certified entity and may not impose a fine or penalty on a certified entity for failure to provide service if the inability to provide service is wholly or partly the result of: (a) the actions of an electric utility or transmission service provider; (b) the actions of the independent organization for the ERCOT power region, including scheduled routine maintenance; or (c) equipment failure beyond the control of the certified entity, when the equipment failure could not reasonably have been predicted or remedied;

10. require the PUC to ensure each entity certified to be part of the TEIP receives a regulated rate that recognizes the critical service the reserve provides to customers in the ERCOT power region;

11. provide that the rate in Number 10, above, must be based on actual costs, including variable costs, allowance for funds used during construction, and all costs of constructing, owning, operating, and maintaining reliability assets;

12. require the PUC to allocate each rate in Number 10, above, to each transmission and distribution utility, municipally owned utility, and electric cooperative in the ERCOT power region, based on the cooperative's or utility's proportionate share of overall annual system load, but the rate may not be based on peak demand;

13. require each retail electric provider, municipally owned utility, and electric cooperative in the ERCOT power region to allocate the rates in Number 12, above, to each retail customer based on the customer's annual system demand, not peak demand;

14. provide that an entity certified under Number 4, above, may be allowed to recover stranded costs under certain circumstances;

15. include any compensation, tariff, charge, fare, toll, rental, or classification that is directly or indirectly demanded, observed, charged, or collected by the TEIP in the definition of "rate" for certain electric utilities; and
16. provide that the governing body of a city does not have jurisdiction over the TEIP.

(See **S.J.R. 1**, below.)

S.B. 7 (Schwertner) – ERCOT Reliability: would require: (1) the Public Utility Commission (PUC) to ensure that the independent organization for the ERCOT power region: (a) allocates the cost of providing ancillary services and reliability services procured on an annual basis among dispatchable generation facilities, non-dispatchable generation facilities, and load serving entities in proportion to their contribution to net load variability over the highest 100 hours of net load in the preceding year as follows: (i) for dispatchable generation facilities, the difference between the mean of the highest quartile forced outage rate for the facility and the mean forced outage rate of all dispatchable generation facilities in the ERCOT power region; (ii) for non-dispatchable generation facilities, the difference between the mean of the lowest quartile generation for each non-dispatchable generation facility, divided by the installed capacity of that facility, and the mean generation of all non-dispatchable generation facilities in the ERCOT power region, divided by the total installed capacity of all non-dispatchable generation facilities in the ERCOT power region; and (iii) for load serving entities, the difference between the mean of the highest quartile of each entity's metered load and the mean of each entity's metered load; (2) the PUC to require the independent organization for the ERCOT power region to develop an ancillary services program that requires load serving entities to purchase dispatchable reliability reserve services on a day-ahead basis to account for market uncertainty and require the independent organization to: (a) determine the quantity of services necessary based on historical variations in generation availability for each season based on a targeted reliability standard or goal, including renewable intermittency and forced outage rates; and (b) develop criteria for resource participation that require a resource to: (i) have a runtime of at least four hours; (ii) be available not less than two hours after being called on for deployment; and (iii) have the dispatchable flexibility to address inter-hour operational challenges; and (3) the PUC to file an annual report with the legislature that: (a) includes: (i) the estimated annual costs required to be incurred under state laws on market structure by non-dispatchable generators to guarantee that a firm amount of electric energy will be provided for the ERCOT power grid; and (ii) the cumulative annual transmission costs that have been incurred in the ERCOT market to facilitate the transmission of non-dispatchable electricity to load; (b) documents the status of the implementation of state laws on the market structure, including whether the rules and protocols adopted to implement state laws on market structure have materially improved the reliability, resilience, and transparency of the electricity market; and (c) includes recommendations for any additional legislative measures needed to empower the PUC to implement market reforms to ensure that market signals are adequate to preserve existing dispatchable generation and incentivize the construction of new dispatchable generation sufficient to maintain reliability standards for at least five years after the date of the report. (Companion bill is **H.B. 4832** by **Hunter**.)

S.B. 2012 (Schwertner) – Electricity: would, among other things:

1. provide that the Public Utility Commission (PUC) may not adopt a reliability program for the ERCOT power region that requires the purchase of credits earned by generators based on generator availability during times of high demand and low supply at a centrally determined clearing price unless the PUC ensures that: (a) the net cost to the ERCOT market of the program does not exceed $500 million; (b) credits are available only for dispatchable generation; (c) the cost of credits is assigned to generation facilities on a cost-causation basis rather than to load serving entities; (d) the program includes appropriate penalties for a failure to provide a required program service; (e) the independent organization for the ERCOT power region implements real time co-optimization of energy and ancillary services in the ERCOT wholesale market before the credit program is implemented; and (f) the entire program is initiated on a single starting date;

2. create the Grid Reliability Legislative Oversight Committee to oversee the PUC's implementation of certain laws, including Number 1, above;

3. provide that a retail electric provider and a corporate parent of the retail electric provider may not, considered together, provide retail market service to more than 20 percent of the customers in the competitive retail market in a power region;

4. provide that each retail electric provider that offers electricity for sale shall report to the PUC its annual retail sales in this state, the annual retail sales in this state by the provider's corporate parent, and any other information the PUC requires to assess compliance with Number 3, above;

5. provide that the PUC shall require a retail electric provider that the commission finds is violating Number 3, above, to submit to the PUC a plan for reducing the provider's market share;

6. provide that not later than January 31, 2027, the PUC shall determine whether at least 5,000 megawatts of dispatchable generation capacity was installed in the ERCOT power region between June 1, 2023, and December 31, 2026;

7. provide that if the PUC determines under Number 6, above, that less than 5,000 megawatts of dispatchable generation capacity was installed in the ERCOT power region between June 1, 2023, and December 31, 2026, the PUC shall require transmission and distribution

utilities to install an amount of dispatchable generation capacity sufficient to ensure that an additional 5,000 megawatts of dispatchable generation capacity is available in the ERCOT power region compared to the amount of installed dispatchable generation capacity on June 1, 2023; and

8. provide that costs incurred by a transmission and distribution utility under Numbers 6 and 7, above, are recoverable in the utility's rates.

S.B. 2044 **(Hancock) – Recycling**: would, among other things, provide that: (1) the Texas Commission on Environmental Quality (TCEQ) or another political subdivision of Texas that establishes goals or requirements for recycling or the use of recycled material must base those goals or requirements on the definitions and principles established as a waste reduction program; and (2) the bill does not apply to a computer equipment recycling program or a television equipment recycling program. (Companion bill is **H.B. 3060** by **E. Thompson**.)

S.B. 2070 **(Bettencourt) – PUC Reliability Projects**: would, among other things: (1) create the Utilities Reliability Fund (URF) as a special fund in the state treasury outside the general revenue fund to be used by the Public Utility Commission that may be used only to: (a) enhance the reliability and resiliency of the power grid in Texas by installing dispatchable generation capacity; (b) pay the necessary and reasonable expenses of the PUC in administering the URF; and (c) transfer funds to other programs or funds; (2) provide that the PUC may provide financial assistance from the URF for: (a) an electric utility project; or (b) a power generation company project; (3) provide that financial assistance under (2), above, may be provided in any form as determined by the PUC, including a market rate, low-interest, or no-interest loan, a loan guarantee, an equity ownership in a public or private entity, a joint venture with a public or private entity, a grant, an interest rebate, or an interest subsidy; (4) provide that the PUC, for the purpose of providing financial assistance under the bill, shall prioritize projects that enhance the reliability and resiliency of the power grid in Texas; (5) create a reliability fund advisory committee; and (6) require the PUC to prepare a report and to the governor, lieutenant governor, speaker of the house of representatives, and members of the legislature regarding the use of the URF on December 1 of each even-numbered year. (See **S.J.R. 80** by **Bettencourt**, below.)

S.B. 2107 **(Nichols) – Carbon Dioxide Sequestration**: would, among many other things: (1) create a framework for geologic carbon dioxide sequestration in Texas; (2) require the Railroad Commission to adopt rules related to the geologic storage and associated injection of carbon dioxide, including geologic site characterization, area of review and corrective action, well construction, operation, monitoring, well plugging, post injection site care, site closure, and long-term stewardship; (3) allow the Railroad Commission to issue a permit for the injection and geologic storage of carbon dioxide only if it finds that: (a) the injection will not endanger or injure any oil, gas, or other mineral formation; (b) both ground and surface fresh water can be adequately protected from carbon dioxide migration or displaced formation fluids; (c) the injection of carbon dioxide will not endanger or injure human health and safety; (d) the reservoir into which the carbon dioxide is injected is suitable for or capable of being made suitable for protecting against the escape or migration of carbon dioxide from the reservoir; and (e) that the applicant for the permit meets all other statutory and regulatory requirements for the issuance of the permit; and (4) require permit applicants to demonstrate financial security to ensure that the costs of proper management of carbon dioxide injection wells or geologic storage facilities are covered. (Companion bill is **H.B. 4484** by **Bonnen**.)

[S.B. 2112](#) **(Johnson) – Continuous Provision of Power**: would, among other things:

1. create the Texas Power Resiliency Fund as a special fund (the Fund) in the state treasury outside the general revenue fund to be administered and used, without further appropriation;

2. provide that the Texas Division of Emergency Management (TDEM) shall contract with a research entity that has experience in microgrid design to analyze critical facility characteristics and requirements in this state and develop for Texas backup power packages: (a) specifications for standard backup power packages of various sizes that can serve most critical facilities in Texas; and (b) specifications for standard interconnection, communications, and controls for Texas backup power packages;

3. provide that a grant or loan made under the bill may be provided only for the operation of a Texas backup power package that: (a) is engineered to minimize operation costs; (b) uses interconnection technology and controls that enable immediate islanding from the power grid and stand-alone operation for the host facility; (c) is capable of operating for at least 48 continuous hours without refueling or connecting to a separate power source; (d) is designed so that one or more Texas backup power packages can be aggregated on-site to serve not more than 2.5 megawatts of load at the host facility; (e) provides power sourced from: (i) a combination of natural gas or propane with photovoltaic panels and battery storage; or (ii) battery storage on an electric school bus; and (f) is not used by the owner or host facility for the sale of energy or ancillary services;

4. provide that TDEM and the State Energy Conservation Office (the Office) shall collaborate to provide grants and loans under the bill;

5. provide that the amount of a grant provided under the bill may not exceed $500 per kilowatt of capacity;

6. provide that the Office may not provide a grant or loan under the bill for: (a) a commercial energy system, a private school, or a for-profit entity that does not directly serve public safety and human health; or (b) a source of backup power that does not follow the design and use standards of a Texas backup power package;

7. provide that TDEM may use money from the Fund to procure and deploy mobile sources of backup power to ensure the health, safety, and well-being of communities;

8. require the Public Utility Commission (PUC) to require transmission and distribution utilities to use good faith efforts to ensure that no distribution feeder is subject to load shedding for more than four consecutive hours in a six-hour period; and

9. require the PUC to adopt rules for procedures to expedite electric cooperative, municipally owned utility, and electric utility interconnection requests for Texas backup power packages. (See **S.J.R. 82**, above.)

S.B. 2119 (Schwertner) – Broadband Service Maps: would direct the comptroller's Broadband Development Office (BDO) and the Public Utility Commission to: (1) jointly create, publish, and annually update a map showing areas that are: (a) eligible for BDO broadband funding; (b) served by an eligible broadband service provider that receives support from the state universal service fund; and (c) qualify under both (a) and (b); and (2) provide an annual report making recommendations for withdrawing support from areas under (1)(c), above, through a reasonable transition period.

S.B. 2128 (Miles) – Task Force on Concrete Plants: would: (1) create the Task Force on Concrete Plants; (2) require the task force to consult with experts on and study the effects of air and noise pollution caused by concrete batch and crushing plants in Texas; (3) require the task force to: (a) develop recommendations for legislation to: (i) reduce air and noise pollution caused by concrete batch and crushing plants; (ii) improve the processes for issuing permits for and inspecting concrete batch and crushing plants; and (iii) improve enforcement of statutes and rules that apply to concrete batch and crushing plants; and (b) identify best practices to reduce air and noise pollution caused by concrete batch and crushing plants; and (4) require the task force to submit a report of its findings to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1, 2024.

S.B. 2180 (LaMantia) – Powers of Public Utility Entities: would, among other things, provide that: (1) each public entity that cooperates with one or more public entities to engage in, among other things, the disposal of sewage may: (a) make an acquisition of land, easements, and property through a purchase from a public or private entity; and (b) for the use and benefit of each participating public entity, acquire by purchase a public utility, other than an affected county; (2) a participating public entity may withdraw from a public utility agency by providing an ordinance or resolution of the governing body of the participating public entity to the agency not later than the 180th day before the proposed date of withdrawal; (3) a participating public entity may not withdraw from a public utility agency under (2), above, if bonds, notes, or other obligations of the agency are secured by the revenues of the participating public entity, unless the agency adopts a resolution approving the withdrawal; (4) upon withdrawal, a participating public entity assumes the outstanding debt attributable to that entity from the agency on a prorated basis equal to that entity's benefit and has, without compensation from the agency, no further rights, duties, or obligations relating to the agency or its ability to receive service from the facilities of the agency; (5) a public utility agency may enter into an interlocal contract; (6) except as limited by a concurrent ordinance under which the public utility agency is created, an agency may exercise any right or power granted by general law to a county or city or a district or authority to accomplish the purposes of the agency, including issuing bonds payable from special assessments but that the bill does not authorize a public utility agency to impose a tax; and (7) liability for the facilities and management of the agency must be transferred to the agency on ownership of the facilities by the agency. (Companion bill is **H.B. 2701** by **Guillen**.)

S.B. 2181 (LaMantia) – Advanced Metering: would, among other things: (1) provide that the surcharge for recovering reasonable and necessary costs incurred in deploying advanced metering and meter information networks to residential customers and nonresidential customers for an electric utility or transmission and distribution utility does not apply to costs incurred in the replacement or upgrading of advanced metering and meter information networks by an electric utility or transmission and distribution utility after initial deployment; (2) provide that an electric utility or transmission and distribution utility may request recovery of reasonable and necessary costs incurred in the replacement or upgrading of advanced metering and meter information networks through a proceeding for periodic rate adjustments or in another ratemaking proceeding; and (3) require the Public Utility Commission (PUC) to adopt rules requiring the independent system operator for the ERCOT power region to maintain an internet portal that allows a customer of a transmission and distribution utility receiving service in the ERCOT power region or the customer's authorized representative to access usage data from the customer's meter, but that the PUC may not require a transmission and distribution utility to maintain an internet portal.

S.B. 2182 (LaMantia) – Flood Infrastructure Fund: would, among other things, provide that the Texas Water Development Board shall establish a program that prioritizes the provision from the fund of grants or no-interest loans from the flood infrastructure fund to certain districts or authorities for the construction or improvement of an artificial drainage system. (Companion bill is **H.B. 4742** by **J. Lopez**.)

S.B. 2202 (Zaffirini) – Conditions of Certain Water Utilities: would, among other things: (1) require the Texas Water Development Board (TWDB), the Texas Commission on Environmental Quality (TCEQ), the Public Utility Commission (PUC), and institutions of higher education to establish: (a) a water access assessment to determine the extent of water access needs among utilities in Texas; and (b) a schedule that ensures that an access assessment is conducted not less than once every 10 years for each utility; (2) provide that the access assessment must identify utilities that are failing or at risk of failing through a ranking system that evaluates and assigns numerical values to factors including: (a) the overall condition of the utility's infrastructure; (b) availability of water to the utility; (c) the quality of the utility's water, including whether the utility has any drinking water quality standard violations; (d) affordability of services the utility provides; and (e) the financial, managerial, and technical capacity of the utility; and (3) provide that for each utility that an access assessment identifies as failing or at risk of failing, the TWDB shall send notice of the identification to: (a) the utility; (b) TCEQ; (c) PUC; and (d) each standing committee of the legislature with primary jurisdiction over the board.

S.B. 2204 (Parker) – Utility Services Contacts: would prohibit a governmental entity from entering into a contract for telecommunications, electric, water, or wastewater utility services with a company that the governmental entity knows is owned by, controlled by, or headquartered in China, Iran, North Korea, or Russia, subject to certain exceptions for contracts in which the governmental entity is providing utility services or necessary infrastructure for such services.

S.B. 2234 (LaMantia) – Economically Distressed Areas Projects: would: (1) provide that in filling out an application for assistance to economically distressed areas for water supply and sewer service projects, the applicant must include information identifying the median household income for: (a) the census block of the area to be served by the proposed project; and (b) the entire service area of the political subdivision that is the subject of the application; (2) provide that the Texas Water Development Board (TWDB) may not provide the applicant with financial assistance for which repayment is not required in an amount that exceeds 70 percent of the total amount of the financial assistance; and (3) remove the provision from (2), above, that provides "unless the TWDB or the Department of State Health Services determines that a nuisance dangerous to the public health and safety exists resulting from water supply and sanitation problems in the area to be served by the proposed project." (Companion bill is **H.B. 4299** by **J. Lopez**.) (See **S.J.R. 85**, below.)

S.B. 2369 **(Campbell) – Grid Resiliency and Reliability**: would, among other things: (1) create the Utilities Reliability Fund (URF) as a special fund in the state treasury outside the general revenue fund to be used by the Public Utility Commission (PUC) only to: (a) enhance the reliability and resiliency of the power grid in Texas by installing dispatchable generation capacity; (b) pay the necessary and reasonable expenses of the PUC in administering the URF; and (c) transfer funds to other programs or funds; or (d) provide financial assistance for (1)(a), above; (2) provide that the PUC may provide financial assistance from the URF for: (a) an electric utility project; or (b) a power generation company project; (3) provide that the PUC shall prioritize projects for the URF and consider the following criteria for prioritizing projects: (a) other funding sources secured by the applicant for the project, including any capital to be provided by the applicant; (b) the financial capacity of the applicant to repay the financial assistance provided; and (c) the ability of the applicant to timely leverage state financing with local, federal, or private funding; (4) create a URF advisory committee to make recommendations to the PUC regarding the use of money in the URF; (6) provide that in providing financial assistance under (1), above, the PUC may: (a) make, enter into, and enforce contracts and agreements, including management agreements, for the management of any of the PUC's property, leases, indentures, mortgages, deeds of trust, security agreements, pledge agreements, credit agreements, overrides or other revenue sharing mechanisms, repurchase agreements, and other instruments with any person, including any lender and any federal, state, or local governmental agency; (b) contract with and provide for the compensation of consultants and agents, including engineers, attorneys, management consultants, financial advisors, indexing agents, and other experts, as the business of the PUC may require; and (c) take other actions to accomplish any of the PUC's purposes; and (7) provide that the PUC may issue revenue bonds for the purpose of providing money for the URF (See **S.J.R. 88**, below.)

S.B. 2404 **(Schwertner) – Texas Energy Efficiency Council**: would, among other things: (1) create the Texas Energy Efficiency Council (the Council) to: (a) monitor energy efficiency programs in Texas; (b) make recommendations for improving energy efficiency programs in Texas; (c) monitor and facilitate for coordination and leveraging of federal funding from the United States Department of Energy, United States Department of Housing and Urban Development, and other federal agencies that can be used by state agencies and political subdivisions for the purposes of enhancing energy efficiency; (d) provide a central repository for information on statewide energy efficiency performance, programs, and opportunities in Texas; (e) provide a statewide collaborative approach to promoting energy efficiency; (f) measure, evaluate, and report on energy efficiency performance in Texas; and (g) promote continuous improvement in energy efficiency performance in Texas; (2) define "program administrator" to include, among others, a political subdivision or a municipally owned utility; and (3) provide that a program administrator shall establish measurable performance criteria and share the results with the Council when creating or implementing energy efficiency programs. (Companion bill is **H.B. 4811** by **Anchia**.)

S.B. 2441 **(Perry) – Water Public Utility Commission**: would, among other things: (1) create the Water Public Utility Commission (WPUC) and the Office of Water Public Utility Counsel (OWPUC); and (2) transfer the functions relating to the economic regulation of water and sewer service from the Public Utility Commission of Texas and the Office of Public Utility Counsel to the WPUC and OWPUC.

S.B. 2472 **(Hinojosa) – Electricity Supply Chain Map**: would provide that the Texas Electricity Supply Chain Security and Mapping Committee shall provide each transmission and distribution utility with access to information maintained in the database identifying critical infrastructure sources with priority electricity needs to be used during an extreme weather event and the portions of the electricity supply chain map where the transmission and distribution utility has an interconnection with critical infrastructure or a critical infrastructure source. (Companion bill is **H.B. 3219** by **Hernandez**.)

S.B. 2485 **(Kolkhorst) – Water Conservation Fund**: would, among other things: (1) create the Land and Water Conservation Board (the Board); (2) create the Land and Water Conservation Fund (the Fund) as a special fund in the state treasury outside the general revenue fund that may be used by the Board only to: (a) award a grant to an entity for a conservation, restoration, or public access project; (b) award a grant to provide matching funds to an entity to participate in a federal program for a conservation, restoration, or public access project; and (c) pay the necessary and reasonable expenses to administer the Fund, not to exceed three percent of money disbursed from the Fund in any given year; (3) provide that projects eligible for a grant awarded from the Fund include: (a) a public parks or natural areas project that benefits, protects, or enhances the local park grant program administered by the Parks and Wildlife Department, a private or public local park, a recreation trail or trail easement, or public access in general; and (b) a natural resource conservation project that benefits, protects, or enhances: (i) farm, ranch, and forest land; (ii) wildlife or a wildlife habitat, including acquisition of a land or conservation easement for protection of a wetland or wildlife habitat; (iii) a nature-based project that uses water resources for water quality and quantity; and (iv) a certain restoration projects; and (4) provide that if the Board receives a sufficient number of applications for eligible projects, the Board shall allocate: (a) not less than 80 percent of the funding in any cycle to public parks and natural area projects as described by (3)(a), above; and (b) not more than 20 percent of the funding in any cycle to natural resource conservation projects as described by (3)(b), above.

S.B. 2503 **(Alvarado) – Infrastructure Resiliency Fund**: would, among other things: (1) define "natural disaster relief project" as a project to mitigate the effects of a natural disaster other than flooding; (2) provide that the natural disaster recovery account is an account in the resiliency fund; (3) provide that to the extent allowed by federal law, the Texas Water Development Board may provide money to the Texas Division of Emergency Management for the division to provide financing for projects related to damage caused by natural disasters; and (4) provide that financing under (3), above, includes making a loan to an eligible political subdivision at or below market interest rates for the political subdivision's planning or design costs, permitting costs, construction costs, or other costs associated with state or federal regulatory activities with respect to a natural disaster relief project.

S.B. 2511 (Menéndez) – Assistance for Residential Electric Customers: would provide that: (1) transmission and distribution utilities and retail electric providers, aggregators, and any other entity that provides retail electric service must report to the Public Utility Commission no less than monthly: (a) the amount of customers by zip code who have been disconnected; and (b) the amount of customers by zip code who have been offered assistance under (2), below; and (2) a retail electric provider, power generation company, aggregator, or other entity that provides retail electric service may not disconnect service to a residential customer until they have offered the customer: (a) assistance from federal weatherization programs, the Low Income Home Energy Assistance Program (LIHEAP), other federal rebates, and any state customer assistance programs that might apply to the affected customer; and (b) an energy assessment to determine opportunities for permanent energy reductions and opportunities to participate in demand response programs.

S.B. 2521 (Creighton) – Water Districts: would amend several sections of the Water Code that pertain to the powers, authorities, duties, and responsibilities of water districts, including: (1) changes related to the qualifications for water district directors; (2) changes related to filling vacancies on appointed boards; (3) authorizing a water district, under certain conditions, to divide itself into one or more new districts by adopting an order dividing the district; and (4) limitating the use of eminent domain by a water district outside the district boundaries to acquire certain types of land.

S.B. 2524 (Creighton) – Flood Infrastructure Fund: would provide that: (1) an eligible political subdivision applying for financial assistance for a proposed flood project may demonstrate compliance with certain requirements by providing written notice of the application, along with a copy of the application, to all potentially affected political subdivisions in the area at least 30 days before submitting the final application to the Texas Water Development Board (TWDB); and (2) the rules adopted by the TWDB for the flood infrastructure fund may not include a requirement to provide a written agreement among political subdivisions or a benefit cost analysis as a condition for approval of an application.

S.B. 2552 (Middleton) – Wastewater Treatment Facilities: would: (1) require the Texas Commission on Environmental Quality (TCEQ) to require testing through an accredited or certified environmental testing laboratory for certain urinary metabolites in the form of glucronytes; (2) provide that for every wastewater treatment facility required to be tested under (1), above, the following shall be tested: (a) wastewater influent before entering a facility for treatment, including influent derived from industrial, cooling, leachate, return flow, surface runoff, and urban runoff sources; (b) grit and debris separated before taken to a landfill; (c) raw sewage; (d) pre-treated sewage; (e) biosolids; (f) sludge produced in wastewater treatment; (g) effluent departing wastewater treatment plant; (h) groundwater; (i) surface water; (j) water upon entering drinking water treatment plant; (k) treated water departing drinking water treatment plant; and (l) public drinking water; (3) provide that the testing in (1) and (2), above, shall occur at: (a) every wastewater treatment plant within ten miles of every city with a population of at least 250,000; (b) ten wastewater treatment plants within ten miles of cities with populations between 100,000 and 250,000; (c) ten wastewater treatment plants within ten miles of cities with populations between

25,000 and 100,000; and (d) ten wastewater treatment plants within ten miles of cities with populations below 25,000; and (4) require TCEQ to post quarterly on its Internet website all reports, tests, and records required under the bill.

S.J.R. 1 **(Schwertner) – Texas Energy Insurance Program**: would amend the Texas Constitution to create the Texas Energy Insurance Fund and authorize other funding mechanisms to support the construction and operation of electric generating facilities. (See **S.B. 6**, above.)

S.J.R. 80 **(Bettencourt) – PUC Reliability Projects**: would amend the Texas Constitution to create the Utilities Reliability Fund and the Utilities Reliability Revenue Fund to provide financial support for projects that enhance the reliability and resiliency of the power grid in Texas. (See **S.B. 2070**, above.)

S.J.R. 82 **(Johnson) – Continuous Provision of Power**: would amend the Texas Constitution to create the Texas Power Resilience Fund to finance the operation of backup power sources. (See **S.B. 2112**, above.)

S.J.R. 85 **(LaMantia) – Economically Distressed Areas Projects**: would amend the Texas Constitution to provide that the Texas Water Development Board may issue general obligation bonds, at its determination and on a continuing basis, for the economically distressed areas program account of the Texas Water Development Fund II in amounts such that the aggregate principal amount of the bonds issued by the board that are outstanding at any time does not exceed $400 million. (See **S.B. 2234**, above.)

S.J.R. 88 **(Campbell) – PUC Reliability Projects**: would amend the Texas Constitution to create the Utilities Reliability Fund and the Utilities Reliability Revenue Fund to provide financial support for projects that enhance the reliability and resiliency of the power grid in Texas. (See **S.B. 2369**, above.)