

TO: Honorable Mayor and Members of the City Council
From: Paul A. Hofmann, City Manager
Date: March 26, 2021
Subject: Weekly Memo, March 26, 2021



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City Holiday

City offices will be closed Friday, April 2, 2021 in observance of Good Friday

LCRA Winter Event 2021 Invoice

Soon after the February storm event, we received word from LCRA that they believed they would be able to absorb the additional costs associated with providing power during the storm. Unfortunately, more information has been brought to our attention.

We have received a statement from LCRA indicating we owe \$928,395.50, which will show up on our April 1 bill. We have the option of paying a portion or all of this at one time, or LCRA will allow us to spread the payments equally over 36 months.

The bulk of the increased charge (\$615,816.60) is associated with additional costs of generating electricity due to higher natural gas costs during the storm.

The remainder (\$312,533.90) is associated with services charged by ERCOT to manage the grid during the storm. These charges are not capped via regulation and are simply passed through to LCRA's customers.

Paying over the 36 months seems to be the option that has the least impact on our ratepayers, as we're told the amount we owe could change as a result of future ERCOT resettlements. It is also true that future LCRA credits could lessen our burden.

We will be working with the LCRA to develop a plan for public messaging.

HB 749

Mayor Schroeder testified this morning at 4:00am in opposition to HB 749. In its current form the bill would prohibit cities from spending public funds to hire lobbyists or join nonprofit associations that represent political subdivisions. In other words, cities would be prohibited from engaging professional advocates or joining organizations like the Texas Municipal League or the Texas Downtown Association. Thank you Mayor Schroeder for being so diligent.

Winter Event impact on City Water/Wastewater Bills

We have adjusted water billing for approximately 40 bills upon request by customers. We have also offered extended payment arrangements. In addition, Utility customer service has been able to put citizens in touch with agencies that offer assistance on utility bills. This has all been very appreciated by our customers.

Communications Update

This week, the Communications team launched Phase 2 of the City of Bastrop Recreation Program, attended a 4-day virtual conference on communications and social media for government, recorded and live-streamed three public meetings, and assisted in the production of Wastewater Treatment Plant #3's groundbreaking ceremony.

Assistant City Manager Rebecca Gleason and Public Information Manager Colin Guerra attended GSMCON2021 (Government Social Media Virtual Conference 2021) - a 4-day virtual conference featuring presentations and workshops led by fellow government communication professionals, social media platform representatives, and other industry leaders. Standout sessions included topics around first amendment rights, emerging trends, social media policies for government, data analytics for the non-math inclined, and a presentation by the staff of Nextdoor, the Police Chief of Mountain View, California, the TSA's social media manager, and many others. It was educational, fun, and inspiring. 2020 was dubbed the 'Year of the Social Media Manager' largely due to the impacts of COVID-19 and the pivoting to virtual gatherings.

Digital Media Specialist Rick Gullikson worked closely with Terry Moore in the launching of Phase 2 of the City of Bastrop Recreation Program. The program now features a customer portal that accepts reoccurring payments for the different payment levels, easy sign up for group classes, and provides many tools for customers, instructors, and program managers to communicate. Visit www.cityofbastrop.org/recreation to sign up for the program today!

Friday marks a new era in growth, development, expansion, and service for the City of Bastrop! Wastewater Treatment Plant #3 is officially being constructed as the City ceremoniously breaks ground at the site off SH 304. The communication team is documenting this project and spreading the word on social media about what is truly a huge milestone for the City of Bastrop.

General Obligation Refunding Bonds Series 2021

The refinancing resulted in a very positive outcome, achieving well over \$1,000,000 in savings:

Current Refunding Series 2021

Par amount	\$3,205,000
True Interest Cost	1.264%
Total savings	\$350,149
NPV Savings	\$319,824 or 9.230%

Taxable Refunding Series [2021A](#)

Par amount	\$10,340,000
True Interest Cost	1.961%
Total savings	\$1,017,695
NPV savings	\$892,541 or 9.211%

Future Agenda Items

April 13, 2021

- Quarterly presentations from community assets, Visit Bastrop, Bastrop EDC
- Receive presentation on the Temporary Disaster Exemption for Disaster Declaration by Faun Cullens, Chief Appraiser with the Bastrop CAD
- Submission of a TxCDBG application to Texas Department of Agriculture
- Consider adoption of a Citizen Participation Plan and Citizen Complain Procedures to be followed during application for and implementation of TxCDBG Grant
- Receive update on Hotel Occupancy Tax Revenue projects, and provide direction as appropriate
- Public hearing and action to approve Resolution granting a variance for sale of alcoholic beverages.
- Receive presentation on the Comprehensive Compensation Study, provide direction as appropriate, including on the number of City Holidays
- Public hearing and consider action to approve Resolution to add a local Historic Landmark designation to the fireplace/chimney structure known as the Mason Chalmers Fireplace
- Consider Resolution No. R-2021-43 confirming appointment by the Mayor to the Fairview Cemetery Board.
- Consider action to approve Resolution R-2021-36 for a Public Improvement Plan Agreement for The Colony MUD 1C Section 2.
- Consider action to approve Resolution R-2021-37 for a Public Improvement Plan Agreement for The Colony MUD 1C Section 3.
- Consider action to approve Resolution R-2021-38 for a Public Improvement Plan Agreement for Bastrop Grove, Phase 1A.
- Consider action to approve Resolution R-2021-40 for a Public Improvement Plan Agreement for The Colony MUD 1C Section 5.
- Consider action to approve Resolution R-2021-41 for a Public Improvement Plan Agreement for The Colony MUD 1B Section 5.

April 27, 2021

- Mid-Year Budget Amendment
- Executive session regarding Smith et.al v. City of Bastrop (Hunters Crossing PID)

May 11, 2021

- Canvass of May 1 Election
- Presentation acknowledging outgoing Council Member Ennis
- Presentation of Quarterly Report
- Presentation of draft capital plan

- River Loop Project contract award

May 14, 2021

- Full Day City Council Pre-Budget Planning Session
- May 25, 2021
- Reappointment of Caroline McClimon as Associate Judge
- Water and Wastewater system financing plan, bond issuance
- Public Hearing and Action on Sign ordinance

Attachments

- TML Legislative Update Number 11
- American Rescue Plan Presentation by National League of Cities



Legislative UPDATE

March 26, 2021
Number 11

TWDB Seeks Public Comment for Regional Flood Planning Technical Guidelines

The Texas Water Development Board (TWDB) is seeking public comment on the [technical guidelines for regional flood planning](#). The period for public comment will end on **April 1, 2021**. TWDB requests interested parties submit their written public comment to floodplanning@twdb.texas.gov with the subject line "Technical Guidelines Public Comment."

Bills on the Move

H.B. 749 (Middleton), relating to community censorship. TML provided [written testimony](#) in opposition to the bill, and several city and county officials testified against it. Left pending in House State Affairs Committee.

H.B. 1869 (Burrows), relating to debt financing. TML testified in opposition the bill. Left pending in House Ways and Means Committee.

H.B. 3 (Burrows), relating to pandemic response. TML provided [written testimony](#). Left pending in House State Affairs.

H.B. 5 (Ashby), relating to broadband. TML registered in support of the bill. Voted favorably from House State Affairs.

H.B. 610 (Swanson), relating to state license holders. TML provided [written testimony](#) in opposition to the bill. Left pending in House Judiciary and Civil Jurisprudence.

H.B. 768 (Patterson), relating to open meetings. TML provided [written testimony](#) in opposition to the bill. Left pending in House County Affairs.

H.B. 1241 (Shine), relating to annexation of rights-of-way. TML testified in support of the bill. Left pending in House Land and Resource Management.

H.B. 1391 (Middleton), relating to property tax rate elections. TML provided [written testimony](#) in opposition to the bill. Left pending in House Ways and Means Committee.

H.B. 1885 (Harris), relating to regulation. TML provided [written testimony](#) in opposition to the bill. Left pending in House Land & Resource Management Committee.

H.B. 1900 (Goldman), relating to law enforcement funding. TML provided [written testimony](#). Left pending in House State Affairs.

S.B. 5 (Nichols), relating to broadband. TML registered in support of the bill. Voted favorably from Senate Transportation.

S.B. 23 (Huffman), relating to law enforcement funding. TML provided [written testimony](#). Left pending in Senate Jurisprudence.

S.B. 374 (Seliger), relating to annexation of rights-of-way. TML testified in support of the bill. Voted favorably from Senate Transportation.

Reminder: Annual Local Debt Reporting

Local Government Code Sec. 140.008 requires political subdivisions, including cities, to annually report debt and other financial information to the comptroller. Under comptroller rule, the reports must be submitted within 180 days of the end of the political subdivision's most recently completed fiscal year. For cities with a fiscal year ending on September 30, the 180-day deadline is March 29.

Cities are encouraged to visit the comptroller's [local debt reporting page](#) to get more information on what is required in the annual report, and to access the electronic submission form.

Stay Engaged During the Legislative Session: Grassroots Involvement Program

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

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

We ask that you complete the survey as soon as possible.

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 attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who are vigilantly representing cities during this session. If we missed your testimony let us know by an email to ford@tml.org, and we will recognize you in next week's edition.

The following officials testified in committee hearings held March 15 through March 19:

- James Smith, Sergeant, San Antonio Police Department
- Michael Berezin, Chief of Police, City of Missouri City
- Jeffrey Boney, Councilmember, City of Missouri City
- Jeffrey Kennedy, Assistant Fire Chief, City of Austin
- Keith Martin, Corporate Counsel, San Antonio Water System
- Maria Irshad, Assistant Parking Director, City of Houston
- Jessica Anderson, Commander, City of Houston Police Department
- Christopher Mosley, Assistant City Attorney, City of Fort Worth
- Scott Oliver, Corporate Counsel, San Antonio Water System
- Fred Garcia, Municipal Court Clerk, City of San Antonio
- Michelle Fischer, City Administrator, City of Dripping Springs

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/2507/City-Related-Bills>.)

Property Tax

H.B. 2100 (Meyer) – Appraisal Process: would make several changes to the property tax appraisal process, including: (1) imposing term limits on appraisal district board of directors members; (2) prohibiting certain former employees of an appraisal district from later serving on an appraisal district board of directors; (3) prohibiting certain former members of the appraisal review board from serving as an employee of the appraisal district; (4) imposing a 90-day time limit on various determinations that a chief appraiser can make on certain exemptions and other appraisal applications; and (5) limiting the ability of a chief appraiser to offer evidence at certain protest and appraisal hearings in support of modifying or denying an application. (Companion bill is **S.B. 63** by Nelson.)

H.B. 3694 (Shaheen) – Appraisal Cap: would: (1) define “rapidly appreciating residence homestead” as real property: (a) that is a residence homestead for which the owner was granted a residence homestead exemption in the 2017 through 2022 tax years; and (b) for which the market value for the 2022 tax year is at least 250 percent higher than the market value of the property for the 2017 tax year; and (2) impose an appraisal cap on a rapidly appreciating residence homestead of the lesser of: (a) the market value of the property for the most recent tax year the market value was determined by the appraisal office; or (b) the sum of the appraised value of the property for the 2017 tax year and the market value of all new improvements to the property.

H.B. 3795 (Button) – Property Tax Exemption: would provide that a person is entitled to an exemption from property taxes of the appraised value of a solar or wind-powered energy device owned by the person that is: (1) installed or constructed on real property; and (2) primarily for production and distribution of energy for on-site use, regardless of whether the person owns the real property on which the device is installed or constructed. (Companion bill is **S.B. 1029** by Huffman.)

H.B. 3811 (Lucio III) – Property Tax Appraisal: would: (1) provide that a person is entitled to an exemption from property taxes of the appraised value of a solar or wind-powered energy device owned by the person that is: (a) installed or constructed on real property; and (b) primarily for production and distribution of energy for on-site use, regardless of whether the person owns the real property on which the device is installed or constructed; and (2) modify the definition of “dealer” for purposes of appraisal of a dealer’s heavy equipment inventory to include a person who leases heavy equipment from another person.

H.B. 3824 (Muñoz) – Delinquent Taxes: would, among other things, modify the delinquent property tax penalty from twelve percent of the amount of the delinquent tax to eight percent of the amount of the delinquent tax.

H.B. 3833 (P. King) – Property Tax Appraisal: would, among other things, provide that if land appraised as recreational, park, and scenic land or public access airport property is diverted to another use, an additional tax is imposed on the land equal to the difference between the taxes imposed on the land for each of the previous three years (down from five years), and interest is calculated at an annual rate of five percent (down from seven percent).

H.B. 3841 (Cole) – Voter-Approval Rate Relief: would: (1) increase the voter-approval tax rate of a taxing unit by the rate that, if applied to the current total value, would impose an amount of taxes equal to the amount the taxing unit will spend out of its maintenance and operations funds to pay for facilities, equipment, or personnel necessary to correct a deficiency in the first response capacity of the fire or police department of the taxing unit; and (2) provide that in order for a taxing unit to receive an adjustment to its voter-approval tax rate under (1), a taxing unit must submit information detailing an existing deficiency in the first response capacity of the fire or police department of the taxing unit to the Texas Commission on Fire Protection or the Texas Commission on Law Enforcement, as applicable, and receive approval from the relevant agency.

H.B. 3910 (Romero) – Property Tax Appraisal: would provide that if the chief appraiser uses the market data comparison method of appraisal to determine the market value of real property, the chief appraiser may not consider a sale to be a comparable sale if: (1) the purchaser at the sale is a governmental unit; and (2) the chief appraiser determines that the governmental unit paid a sales price that exceeded the market value of the property.

H.B. 3939 (Talarico) – Sales Price Disclosure: would, not later than the 10th day after the date the deed is recorded in the county real property records, require the purchaser or grantee of commercial real property under a recorded deed conveying an interest in the real property to file a sales price disclosure report with the chief appraiser of the appraisal district to be used by the chief appraiser in determining the market value of commercial real property, but the report may not be used to increase the market value of the real property described in the report solely on the basis of the information contained in the report.

H.B. 3945 (Herrero) – Waiver of Penalties and Interest in Disaster Area: would authorize the governing body of a taxing unit to waive penalties and interest on a delinquent property tax if, at any time during the tax year for which the taxes were imposed, the property for which the tax is owed was located in an area declared by the governor to be a disaster area following a disaster. (Companion bill is **S.B. 689** by **Lucio**.)

H.B. 3971 (Meyer) – Appraisal of Property in Historic District: would provide that in determining the market value of residential real property located in a designated historic district, the chief appraiser shall consider the effect on the property's value of any restriction placed by the historic district on the property owner's ability to alter, improve, or repair the property.

H.B. 3978 (Crockett) – Property Tax Credit: would provide that a person who owns real property and installs a solar energy device on the property is entitled to a credit against the property taxes imposed on the property by each taxing unit that taxes the property. (See **H.J.R. 144**, below.)

H.B. 3995 (Geren) – Tax Appeals: would provide that: (1) a property owner who prevails in an a judicial appeal of property taxes may be awarded reasonable attorney’s fees; (2) except as provided by (3), the amount of the award under (1) may not exceed the greater of \$25,000 or 50 percent of the total amount by which the property owner’s tax liability is reduced as a result of the appeal; and (3) the amount of an award of attorney’s fees to the prevailing property owner is not subject to the limitation in (2) if: (a) the property owner prevails in an appeal for excessive appraisal or unequal appraisal; and (b) the property owner qualifies the property as the owner’s residence homestead.

H.B. 4024 (Allison) – Appraisal Cap: would reduce the property tax appraisal cap to the appraised value of the property for the year in which the owner acquired the property and apply the lowered appraisal cap to all real property. (See **H.J.R. 145**, below.)

H.B. 4033 (Howard) – Property Tax Exemption: would require a chief appraiser to accept and approve or deny an application for a disabled veteran exemption, but not the surviving spouse of the disabled veteran, after the filing deadline if the application is filed not later than five years after the delinquency date for the taxes on the property.

H.B. 4046 (Collier) – Property Tax Appraisal: would provide that, in determining the market value of a residence homestead that is more than 30 years old and located in a tax increment financing reinvestment zone designated by a city or in the area adjacent to the zone, the chief appraiser may, as the appraiser considers appropriate to fairly appraise the property, exclude from consideration the value of new or substantially remodeled residential properties that are located in the same neighborhood as the residence homestead being appraised and that would otherwise be considered in appraising the residence homestead. (See **H.J.R. 146**, below.)

H.B. 4060 (Meza) – Property Tax Exemption: would provide that, when determining whether to grant an property tax exemption for a historic site, the governing body of a taxing unit may not consider whether the property is owned by an individual, a corporation, or any other type of entity and may not decline to grant an exemption based on whether the property is owned by an individual, a corporation, or any other type of entity.

H.B. 4148 (Sanford) – Property Tax Appraisal: would repeal the additional property taxes imposed as a result of certain changes in the use of certain land. (See **H.J.R. 149**, below.)

H.B. 4151 (Lopez) – Deferred Property Taxes: would, among other things: (1) require the tax collector for each taxing unit to identify each individual whose name appears on the delinquent tax roll in relation to taxes imposed on a property for which the individual receives a local option senior or disabled homestead exemption; (2) require the tax collector, not later than 12 months after the date on which the collector first delivers a delinquency notice, to determine whether the individual remains delinquent in the payment of the tax, and deliver another notice if so; (3) require the tax collector, not later than 18 months after the date on which the collector first delivers a delinquency notice to determine whether the individual remains delinquent in the payment of the tax, and if so require the collector to attempt to contact the individual by telephone or in person to: (a) determine the reason for the delinquency; and (b) inform the individual of the individual’s eligibility for a deferral, the effect of a deferral, and the effect of a mortgage or reverse mortgage

on the individual's ability to defer taxes; and (4) authorize a tax collector who determines that an individual needs assistance in preparing and filing an affidavit establishing the individual's eligibility for a deferral to provide the required assistance or refer the individual to an appropriate service agency for the required assistance.

H.B. 4152 (Spiller) – Property Tax Appraisal: would provide that land qualifies for appraisal as qualified open-space land if the land: (1) is currently devoted principally to agricultural use to the degree of intensity generally accepted in the area; and (2) was acquired by, and is currently owned by, a person who owns other land that is: (a) appraised as qualified open-space land; (b) equal to or larger in area than the land acquired; and (c) adjacent to the land acquired.

H.B. 4170 (Middleton) – Tax Rate Adjustment for Federal Funds: would provide that if a taxing unit's direct federal receipts exceed the amount of those receipts for the preceding tax year, the voter-approval tax rate for the taxing unit is decreased to reflect the receipt of additional federal funds.

H.B. 4253 (Perez) – Pollution Control Property Tax Exemption: would, among other things; (1) require the Texas Commission on Environmental Quality (TCEQ) to adopt by rule a list of property that is used wholly as a facility, device, or method for the control of air, water, or land pollution; (2) require TCEQ, in adopting the list, to consider whether property previously determined by the executive director to be used wholly for the control of air, water, or land pollution continues to be used wholly for that purpose based on changes in use of the property or changes in environmental regulations; (3) require TCEQ to review the list at least once every five years; (4) generally provide that a property tax exemption for pollution control property that is not on the list created under (1), above, expires at the end of the fifth tax year after the year in which the TCEQ executive director issues a letter determining that the facility, device, or method is used wholly or partly to control pollution; and (5) establish a process by which a person seeking to renew an exemption described in (4) may continue to receive a pollution control property tax exemption.

H.B. 4270 (Rodriguez) – Property Tax Refunds: would, among other things, authorize a person to file a written request that a property tax refund owed to the person be sent to a particular address with the appraisal district, and require the appraisal district to deliver the request to the appropriate collector or taxing unit; and (2) provide that the collector or taxing unit: (a) may not require that the written request be notarized; and (b) may require that the written request include a copy of the requestor's driver's license or state-issued personal identification certificate. (Companion bill is **S.B. 1953** by Paxton.)

H.B. 4319 (Shine) – Property Tax Appraisal: would provide that land may qualify for appraisal as open-space land on the basis of its use to raise or keep bees under certain circumstances. (Companion is **S.B. 1994** by Springer.)

H.B. 4320 (Shine) – Property Tax Appraisal: would, among other things, provide that land may qualify for appraisal as open-space land on the basis of its use to raise or keep bees under certain circumstances. (Companion is **S.B. 1995** by Springer.)

H.B. 4455 (Coleman) – Property Tax Exemption: would, for purposes of the pollution control property tax exemption, add to the nonexclusive list of facilities, devices, or methods for the control of air, water, or land pollution land-based approaches to carbon sequestration, including but not limited to reforestation, afforestation, forest conservation, restorative grazing practices, conservation tillage and no-till land preparation methods, use of cover crops, switch grass and other native grasses, and other forms of conservation agriculture with evidence-based carbon sequestration benefits.

H.J.R. 144 (Crockett) – Property Tax Exemption: would amend the Texas Constitution to provide that a person who owns real property and installs a solar energy device on the property is entitled to a credit against the property taxes imposed on the property by each taxing unit that taxes the property. (See **H.B. 3978**, above.)

H.J.R. 145 (Allison) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap to the appraised value of the property for the year in which the owner acquired the property and apply the lowered appraisal cap to all real property. (See **H.B. 4024**, above.)

H.J.R. 146 (Collier) – Property Tax Appraisal: would amend the Texas Constitution to authorize the legislature to provide that in determining the market value of a residence homestead that is more than 30 years old and located in a tax increment financing reinvestment zone designated by a city or in the area adjacent to the zone, the chief appraiser may, as the appraiser considers appropriate to fairly appraise the property, exclude from consideration the value of new or substantially remodeled residential properties that are located in the same neighborhood as the residence homestead being appraised and that would otherwise be considered in appraising the residence homestead. (See **H.B. 4046**, above.)

H.J.R. 149 (Sanford) – Property Tax Appraisal: would amend the Texas Constitution to repeal the provision that subjects land designated for agricultural use to an additional tax when the land is diverted to a purpose other than agricultural use or sold. (See **H.B. 4148**, above.)

H.J.R. 157 (Gates) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to provide a credit against the property taxes imposed on property necessary for and used to operate a business that is required to close by an order, proclamation, or other instrument issued by the governor, another official of the state, or the governing body or an official of a political subdivision of the state in response to a disaster. (See **H.B. 2239**, above.)

S.B. 1586 (Birdwell) – Appraisal Districts: would, among other things, authorize a commissioners court to appoint the appraisal district board of directors based on a list of nominees provided by the governing bodies of the taxing units in the district.

S.B. 1644 (Creighton) – Property Tax Appraisal: would provide that a chief appraiser may not use the income method of appraisal to determine the market value of commercial real property.

S.B. 1840 (Eckhardt) – Property Tax Appraisal: would, among other things: (1) provide that the chief appraiser has the burden of supporting an increase in the appraised value of property from

the preceding tax year; (2) require an appraisal district's plan for the periodic reappraisal of property to provide for the reappraisal of all real and personal property in the district not more often than once every two years; and (3) provide that at any time during a tax year before the date the chief appraiser submits the completed appraisal records to the appraisal review board, an owner of real property is entitled to a reappraisal of the owner's real property for that year on written request delivered to the chief appraiser. (Companion bill is **H.B. 1567** by **Middleton**.)

S.B. 1953 (Paxton) – Property Tax Refunds: would, among other things, authorize a person to file a written request that a property tax refund owed to the person be sent to a particular address with the appraisal district, and require the appraisal district to deliver the request to the appropriate collector or taxing unit; and (2) provide that the collector or taxing unit: (a) may not require that the written request be notarized; and (b) may require that the written request include a copy of the requestor's driver's license or state-issued personal identification certificate. (Companion bill is **H.B. 4270** by **Rodriguez**.)

S.B. 1994 (Springer) – Property Tax Appraisal: would provide that land may qualify for appraisal as open-space land on the basis of its use to raise or keep bees under certain circumstances. (Companion is **H.B. 4319** by **Shine**.)

S.B. 1995 (Springer) – Property Tax Appraisal: would, among other things, provide that land may qualify for appraisal as open-space land on the basis of its use to raise or keep bees under certain circumstances. (Companion is **H.B. 4320** by **Shine**.)

Public Safety

H.B. 1950 (Slawson) – Law Enforcement Funding: would, among other things:

1. characterize a “defunding local government” as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government's preceding fiscal year, reduces: (i) the appropriation to the local government's law enforcement agency; (ii) the number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a “defunding local government” according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding

that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above; and

4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register.

H.B. 3723 (Crockett) – TCOLE Standards of Conduct: would provide that:

1. the chief administrator of a law enforcement agency shall report to the Texas Commission on Law Enforcement (TCOLE) each allegation that a person licensed by TCOLE and employed by the agency engaged in any improper or unlawful acts, including: (a) being convicted of, placed on deferred adjudication for, or entering a plea of guilty or nolo contendere to any offense other than a misdemeanor punishable by fine only; (b) engaging in conduct that would constitute any offense other than a misdemeanor punishable by fine only; (c) falsifying a police report or evidence in a criminal investigation; (d) destroying evidence in a criminal investigation; (e) using excessive force on multiple occasions; (f) accepting a bribe; (g) engaging in fraud; (h) unlawfully using a controlled substance; (i) engaging in an act for which the officer is liable under Section 1983; (j) committing perjury; (k) making, submitting, or filing, or causing to be submitted or filed, a false report to the TCOLE; (k) misusing an official position or misappropriating property; (l) engaging in an unprofessional relationship with an individual arrested or detained, or in the custody of a correctional facility; (m) committing sexual harassment involving physical contact; or (n) misusing criminal history record information;
2. the report required under (1), above, must be in writing in a form prescribed by TCOLE and submitted not later than the 15th day after the date the law enforcement agency is made aware of the allegation;
3. the chief administrator of the law enforcement agency shall update any report submitted under (1), above, after the agency's investigation into the allegation is concluded, and the updated report must include any disciplinary action taken against the license holder, including whether the license holder was terminated or if the license holder resigned, retired, or separated in lieu of termination;
4. on a finding by TCOLE that the chief administrator of a law enforcement agency intentionally failed to submit a report required under (1), above, TCOLE shall begin disciplinary proceedings against the chief administrator;
5. TCOLE shall establish an electronic database for information concerning license holder misconduct to provide for the collection and analysis of information by the TCOLE, and shall: (a) allow law enforcement agencies to electronically access the database for purposes of obtaining information related to the following concerning a license holder: (i) hiring; (ii) disciplinary actions; (iii) resignations or terminations; and (iv) certification and training; (b) adopt policies and procedures under which specified personnel of a law enforcement agency may access the database for a purpose described by (5)(a), including establishing qualifications for access; and (c) distribute the policies and procedures adopted (5)(b) to law enforcement agencies;

6. TCOLE shall include in the database described in (5), above, the reports submitted to TCOLE under (1), above;
7. TCOLE shall prescribe and make available to law enforcement agencies a form to be used for submitting a report of an allegation of misconduct to the database described in (5), above, and the form must require the law enforcement agency to report: (a) the license holder's: (i) date of hire; (ii) position; and (iii) identifying characteristics; and (b) detailed information concerning the nature of the misconduct and the disposition of the allegation;
8. a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for submitting a report to the database if the report is made in good faith;
9. any allegation of misconduct reported to the database is not considered final until all applicable appeals have been exhausted or waived by the license holder named in the allegation;
10. information maintained in the database is confidential and not subject to disclosure under the Texas Public Information Act;
11. TCOLE, by rule, shall prescribe standards of conduct for peace officers, reserve law enforcement officers, county jailers, and school marshals, and such standards must establish best practices with respect to the following as appropriate for the type of license: (a) professionalism; (b) sexual harassment; (c) sexual assault; (d) domestic violence; (e) any criminal offense against a minor; (f) the use of alcohol or controlled substances; (g) the use of force; (h) the use of tactical teams; (i) the use of invasive surveillance techniques; (j) the use of brief, noninvasive stops of persons suspected of committing an offense; (k) arrests; (l) the issuance of citations in lieu of arrest for misdemeanor offenses punishable by fine only; (m) the release of recordings taken by body worn cameras; and (n) conduct of interrogations of persons suspected of committing an offense;
12. before a law enforcement agency may hire a person licensed by TCOLE, the agency head or the agency head's designee must, among other things, review any information regarding the person that is maintained in the database under (5), above and submit to TCOLE, on the form prescribed by TCOLE confirmation that the agency reviewed the information in the database; and
13. each law enforcement agency shall adopt the standards of conduct for peace officers or county jailers, as applicable, developed by TCOLE under (11), above, and a law enforcement agency may tailor the contents of the applicable standards as necessary based on the agency's size, jurisdiction, and resources.

(Companion bill is **S.B. 988** by **Hinojosa**.)

H.B. 3756 (Goldman) – Airport Police Force: would provide that: (1) the governing body of a joint board, or the governing body of a political subdivision, including a city, that operates an airport served by an air carrier certified by the Federal Aviation Administration or the United States Department of Transportation may: (a) establish an airport police force; and (b) commission and employ a peace officer, if the employee takes and files the oath required of peace officers.
(Companion bill is **S.B. 1550** by **Nelson**.)

H.B. 3772 (White) – Marihuana: would, among other things: (1) reduce the criminal penalties for certain drug offenses; (2) provide that records of a person charged with certain drug offenses relating to a complaint may be expunged in certain circumstances; (3) require a court that dismisses a complaint to which (2) applies to provide written notice to the person of the person's right to expunction under the bill as soon as practicable after the date the person becomes eligible for expunction; and (4) provide the justice or municipal judge shall require a person who requests expungement under the bill to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement. (Companion bill is **S.B. 1175** by **Johnson**.)

H.B. 3725 (Gervin-Hawkins) – Passing School Bus: would, among other things: (1) define a "school bus monitoring system" as a camera installed on a school bus for the purpose of detecting passing school bus violations; and (2) provide an exception to the prohibition of using photographic traffic signal enforcement systems, in order for a local authority or a school district to issue a civil or criminal charge or citation, as applicable, for a passing school bus violation based on a recorded image produced by a school bus monitoring system.

H.B. 3832 (Wilson) – Law Enforcement Funding: would:

1. characterize a "defunding local government" as a city or county: (a) that adopts a budget for a fiscal year that, in comparison to the local government's preceding fiscal year, reduces: (i) the appropriation to the local government's law enforcement agency; (ii) the number of peace officers the local government's law enforcement agency is authorized to employ; (iii) funding for peace officer overtime compensation for the local government's law enforcement agency; or (iv) funding for the recruitment and training of new peace officers to fill each vacant peace officer position in the local government's law enforcement agency; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above;
2. provide that in making a determination of whether a local government is a "defunding local government" according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, the criminal justice division of the governor's office shall compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater;
3. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
4. require the criminal justice division of the governor's office to: (a) compute the inflation rate used to make determinations under Number 3, above, each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
5. provide that a home rule city that is characterized as a "defunding municipality" may not annex an area during the period beginning on the date that the criminal justice division of the governor's office issues the written determination that the city is a defunding local government and ending on the 10th anniversary of the date on which the criminal justice

division of the governor's office issues a written determination finding that the defunding municipality has reversed the reductions described in Number 1, above; and

6. provide: (a) that a home rule city that is a defunding local government, on the next available uniform date that occurs after the date on which the criminal justice division of the governor's office issues a written determination that a city is a defunding local government, the city shall hold a separate election in each area annexed in the preceding 30 years by the defunding city on the question of disannexing the area; (b) that if an area is disannexed pursuant to an election under (a), the city may not attempt to annex the area before the 10th anniversary of the date on which the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1, above; and (c) that a city holding a disannexation election under (a) may not use public funds on informational campaigns relating to the election.

H.B. 3935 (Slawson) – Law Enforcement Funding: would:

1. characterize a "defunding local government" as a city: (a) that adopts a budget for a fiscal year that, in comparison to the local government's preceding fiscal year, reduces the total amount of funding for use by the city's law enforcement agency, adjusted for inflation; and (b) for which the criminal justice division of the governor's office issues a written determination finding that the local government has taken an action described by (a), above, and the action creates a public safety hazard that requires the state to intervene and provide additional law enforcement services for the city;
2. provide that a local government is considered a defunding local government until the criminal justice division of the governor's office issues a written determination finding that the local government has reversed the inflation-adjusted reductions described in Number 1(a), above;
3. require the criminal justice division of the governor's office to: (a) compute the inflation rate each fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in this state; and (b) publish the inflation rate in the Texas Register;
4. provide that the comptroller may not, before July 1 of each state fiscal year, send to a defunding city its share of city sales and use taxes collected by the comptroller during the state fiscal year;
5. provide that before sending the defunding city its share of sales and use taxes, the comptroller shall deduct 150 percent of the amount reported to the comptroller for the defunding city under Number 6, below, and credit that deducted amount to the general revenue fund, which must be appropriated only to the Department of Public Safety;
6. provide that not later than August 1 of each state fiscal year, the criminal justice division of the governor's office shall report to the comptroller for each defunding city the amount of money the state spent in that state fiscal year to provide law enforcement services in the defunding city; and
7. provide that a city is no longer considered to be a defunding city for purposes of this section when the criminal justice division of the governor's office issues a written determination finding that the city has reversed the reductions described in Number 1(a).

H.B. 3967 (Cortez) – Regulating Fireworks: would prohibit a municipality from prohibiting or restricting the sale of fireworks.

H.B. 4052 (Jetton) – Public Safety Funding: would, among other things: (1) provide, except for municipal departments that employ 20 or fewer public safety personnel for a public safety service, that – if a city or county adopts a budget in which the amount of money allocated for public safety personnel expenses for a public safety service is less than the amount allocated for those expenses in the preceding fiscal year by more than the sum of the percentage by which the city or county’s total revenue is reduced from the preceding fiscal year and five percent – the registered voters of the city or county, as applicable, must determine whether to approve the amount allocated at an election held for that purpose; and (2) authorize an election under (1) to be held on a date other than a uniform election date.

H.B. 4089 (Talarico) – Cannabis: would, among other things: (1) authorize the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, use, and taxation of cannabis and cannabis products; (2) preempt a political subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits or unreasonably restricts the cultivation, production, processing, dispensing, transportation, or possession of cannabis or cannabis products or the operation of a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility as authorized by the bill; (3) provide that a political subdivision may adopt regulations consistent with the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, or cannabis testing facilities; (4) provide that a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of cannabis or cannabis products on property the person owns, occupies, or manages; (5) establish a cannabis sales tax at the rate of 10 percent of the sales price of cannabis or a cannabis product; (6) create a cannabis establishment regulation and oversight local share account that consists of 20 percent of the cannabis sales tax in (5); (7) provide that money in the cannabis establishment regulation and oversight local share account may be used by the comptroller only to make a cannabis establishment regulation assistance payment to a qualifying local government, which is a municipality or county in which at least one cannabis establishment is located during any portion of the applicable fiscal year; (8) provide that to serve the state purpose of ensuring that local governments in which cannabis establishments are located may effectively participate in the regulation and oversight of those establishments, a qualifying local government is entitled to a cannabis establishment regulation assistance payment from the state equal to the cost incurred by the local government to enforce regulations under the bill for each fiscal year that the local government is a qualifying local government; (9) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility; and (10) create a criminal offense.

H.B. 4141 (White) – Training Requirements: would provide that: (1) as part of the minimum curriculum requirements, TCOLE shall require an officer to complete a four-hour statewide education and training program developed by TCOLE on techniques to facilitate interaction with persons with Alzheimer’s disease and other dementias, including techniques for recognizing symptoms, communicating effectively, employing alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation.

H.B. 4145 (Coleman) – Criminal Justice: would provide, among other things, that: (1) a magistrate shall release on personal bond a defendant who is not charged with and has not been previously convicted of a violent offense unless the magistrate finds good cause to justify not releasing the defendant on personal bond; (2) an officer may not conduct a search based solely on a person's consent to the search unless: (a) the officer verbally and in writing informs the person of the person's right to refuse the search; and (b) the person signs an acknowledgment that the person: (i) received the information described by (2)(a); and (ii) consents to the search; (3) an officer may not make a stop for an alleged violation of a traffic law or ordinance as a pretext for investigating a violation of another penal law; (4) the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing motor vehicle stop reports to ensure that they are complete and accurate; (5) each law enforcement agency shall adopt and implement a detailed written policy regarding the administration of a motor vehicle stop investigation, including the administrative penalties for violations of the policy, or may adopt the model policy promulgated by the Texas A&M System's Institute for Predictive Analytics in Criminal Justice; (6) a peace officer may not: (a) conduct a roadside investigation during a motor vehicle stop for an offense other than the traffic violation, without suspicion based on a preponderance of the evidence that the driver has committed the other offense; (b) continue a roadside investigation during a motor vehicle stop into an offense other than the traffic violation after the driver has refused to consent to be searched unless the peace officer has additional suspicion based on a preponderance of the evidence that the driver has committed the other offense; or (c) arrest a driver during a motor vehicle stop for a traffic violation to conduct a search incident to arrest unless the officer has probable cause to believe that the driver has committed an offense more serious than a Class C misdemeanor; (7) a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by a fine only, other than the offense of public intoxication, Penal Code, an offense of sale, purchase or consumption of alcohol to a minor, or an offense for which the officer reasonably believes it is necessary to take the person before a magistrate to prevent a foreseeable injury or an altercation, shall, instead of taking the person before a magistrate, issue a citation to the person; (8) an officer shall issue a written notice to appear if the offense charged is a traffic misdemeanor offense that is punishable by fine only; and (9) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require an officer to complete a statewide education and training program on tactical communication, and implicit bias training. (Companion bill is **S.B. 1775** by **Whitmire**.)

H.B. 4233 (Raymond) – E-cigarettes: would: (1) not preempt or supersede a local ordinance, rule, or regulation adopted by a political subdivision of this state that prohibits or restricts the use of e-cigarettes to a greater degree; (2) prohibit the use of e-cigarettes in a: (a) bar; (b) restaurant; or (c) place of employment; (3) require an owner, manager, or operator of a bar or restaurant or an employer in a place of employment to conspicuously post a sign in and at each entrance to the bar, restaurant, or place of employment that clearly states the use of an e-cigarette is prohibited in the bar, restaurant, or place of employment, as applicable; (4) require an agency of this state or a political subdivision of this state that issues a license, certificate, registration, or other authority or permit to a bar or restaurant or to an owner, operator, or other person in control of a bar or restaurant, to provide notice to each applicant for the authority or permit of the provisions of these regulations; and (5) create various criminal offenses for a violation under these regulations.

H.B. 4248 (Harris) – Failure to Identify: would provide that: (1) if an officer has lawfully arrested or detained a person, or has good cause to believe that a person is a witness to a criminal offense, the officer may request that the person provide the officer with the person's name, residence address, and date of birth, and the person may not refuse to provide the requested information to the officer; (2) a person who refuses to give to an officer information requested under (1) commits the offense of failure to identify; and (3) each law enforcement agency shall adopt a written policy regarding the collection of information described in (1).

H.B. 4281 (Sherman) – Bonds: would, among other things: (1) provide that a prisoner may not be required to deposit money with the court or provide financial security for purposes of being released on bail; (2) provide that, with limited exceptions, a peace officer who is charging a person, including a child, with committing a misdemeanor offense shall, instead of taking the person before a magistrate, issue a citation to the person; and (3) make numerous changes to the process of releasing defendants on personal bond.

H.B. 4286 (K. King) – Police Reform: would, among other things: (1) provide that a member or annuitant of a public retirement system is not eligible to receive a service retirement annuity under the retirement system if the person is a dishonorably discharged peace officer; (2) provide that a person licensed by TCOLE is considered dishonorably discharged if: (a) the person was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency: (i) after receiving notice from the attorney representing the state that the attorney will no longer accept cases submitted for prosecution by the license holder due to conduct by the license holder that would be required to be disclosed to a defendant; or (ii) for engaging in conduct that would constitute grounds for the attorney representing the state to provide a notice described by (2)(a)(i); (3) provide that the chief of police or his or her designee shall include in the employment termination report provided to TCOLE, a statement on whether the license holder was honorably discharged, generally discharged, or dishonorably discharged and, for a license holder who was generally discharged or dishonorably discharged an explanation of the circumstances under which the person resigned, retired, or was terminated, including a description of any disciplinary or performance issues for which the person was discharged; (4) provide that a person required to submit an employment termination report to TCOLE commits an offense if the person, with respect to a license holder who was generally discharged or dishonorably discharged, knowingly submits a report that does not indicate that the license holder was generally discharged or dishonorably discharged, as applicable, in the required statement, and such offense is a Class B misdemeanor; (5) eliminate the provision that provides that TCOLE may only suspend the license of a peace officer or reserve law enforcement officer if such officer has previously been dishonorably discharged from another law enforcement agency; (6) provide that a law enforcement agency shall maintain a complete and unredacted copy of each report and statement submitted to TCOLE regarding a license holder who was generally discharged or dishonorably discharged, until at least the 20th anniversary of the date of the discharge; and (7) provide that information submitted to TCOLE is not confidential if the person was generally discharged or honorably discharged. (Companion bill is **S.B. 1819** by **Bettencourt**.)

H.B. 4314 (Kacal) – 911 Good Samaritan: would: (1) provide a defense to prosecution for certain drug offenses if the actor: (a) was the first person to request emergency medical assistance in

response to the possible overdose of another person and: (i) made the request for medical assistance during an ongoing medical emergency; (ii) remained on the scene until medical assistance arrived; and (iii) cooperated with medical assistance and law enforcement; or (b) was the victim of a possible overdose for which emergency medical assistance was requested by the actor or by another person during an ongoing medical emergency; (2) provide exceptions to the defense in (1) if: (a) at the time the request for emergency medical assistance was made: (i) a peace officer was in the process of arresting the actor or executing a search warrant describing the actor or the place from which the request for medical assistance was made, or (ii) the actor was committing certain other offenses other than one for which the defense is available; (b) the actor has previously been convicted or placed on deferred adjudication community supervision for certain offenses; or (c) the actor was acquitted in a previous proceeding in which the actor successfully used the defense in (1); and (3) provide that the defense in (1) does not preclude the admission of evidence obtained by law enforcement resulting from the request for emergency assistance if that evidence pertains to an offense for which the defense in (1) is not available.

H.B. 4363 (Spiller) – Alcoholic Beverages: would authorize a board of trustees of a school district to petition the commissioners court of the county in which the district is located or the governing board of an incorporated city or town in which the district is located to adopt a 1,000-foot zone. [Note: current law only allows a board of trustees if a majority of the area of a school district is located in a municipality with a population of 900,000 or more.]

H.B. 4398 (Coleman) – Asset Forfeiture Funds: would, among other things,: (1) reduce the percentage of asset forfeiture proceeds that are allocated to police departments to be used solely for law enforcement purposes from 40 percent to 35 percent; (2) provide that 30 percent of asset forfeiture proceedings shall be allocated to the general revenue fund for the dedicate purpose of community restoration, as defined below; (3) provide that the chief of police may use, as an official purpose of the law enforcement agency, asset forfeiture funds to make a donation to an entity that assists in the provision of services for the purposes of community restoration, as defined below; and (4) define the term “for the purposes of community restoration” as an expenditure that is made for an activity by the state or municipal government that relates to community quality-of-life enhancement and proactive crime reduction following the guidelines for the social determinants of health as specified by the Centers for Disease Control and Prevention, including an expenditure made by the government or by contract with non-governmental agencies to improve: (a) economic stability; (b) education; (c) social and community; (d) neighborhood and environment; or (e) healthcare.

H.B. 4441 (Sanford) – Genetic Material: would: (1) prohibit a person from: (a) obtaining an individual’s genetic material or genetic information; (b) performing a genetic analysis of the individual; (c) retaining the individual’s genetic material or genetic information; or (d) disclosing, including through sale or donation, the individual’s genetic material or genetic information; (2) provide various exceptions to the prohibition in (1), including genetic information or material obtained or otherwise necessary for use for an authorized law enforcement purpose, to identify a deceased individual, and to provide emergency medical services; (3) provide that the use of an individual’s genetic material or genetic information permitted under the bill is, with some exceptions, restricted to only that permitted use and the material or information must be destroyed or returned to the individual or the individual ’s authorized representative immediately on

completion of the permitted use; (4) provide criminal penalties for a violation of the provisions in the bill; (5) authorize the attorney general to seek injunctive relief and civil penalties for a violation of the provisions in the bill; and (6) waive immunity and provide a private right of action to enjoin or restrain a violation of the provisions of the bill. (Companion bill is **S.B. 962** by **Hughes**.)

H.B. 4463 (Deshotel) – Peace Officer Complaints: would provide that: (1) a law enforcement agency shall retain a copy of each written complaint filed against a peace officer until at least the fifth anniversary of the date of the officer's separation from employment with the agency; (2) the head of a law enforcement agency shall report each written complaint filed against a peace officer that alleges the officer engaged in racial profiling or racially discriminatory misconduct to the Texas Commission on Law Enforcement (TCOLE) not later than the 15th day after the date the complaint is filed; (3) TCOLE shall maintain a record of the number of complaints regarding a peace officer that have been reported to TCOLE under (2) in a 12-month period, and shall require a peace officer with respect to whom 10 or more complaints have been reported in a 12-month period to complete the applicable number of hours of racial profiling and cultural diversity training as follows: (a) for an officer who has 10 or more but fewer than 20 complaints, 16 hours; (b) for an officer who has 20 or more but fewer than 30 complaints, the number of hours required under (3)(a) plus an additional 16 hours; and (c) for an officer who has 30 or more complaints, the number of hours required under (3)(b) plus an additional 16 hours; (4) a law enforcement agency that makes a person's employment records available to a hiring law enforcement agency shall provide a copy of the records to the person; (5) a hiring law enforcement agency that reviews a person's employment records from another law enforcement agency must, before the hiring agency makes a determination regarding the person's employment, provide the person an opportunity to comment on the content of the records in the manner prescribed by the hiring agency; and (6) a complaint required to be retained under (1) is an employment record for purposes (4) and (5).

H.B. 4464 (Deshotel) – No-Knock Entries: would prohibit a magistrate, including a municipal judge, from issuing an arrest or search warrant that authorizes a peace officer to enter, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering (a no-knock entry). (Companion bill is **S.B. 175** by **Miles**.)

H.B. 4468 (Deshotel) – Peace Officer License: would provide that: (1) the Texas Commission on Law Enforcement (TCOLE) shall revoke the license of a peace officer if TCOLE determines that the officer: (a) has participated in a riot or an insurrection against the United States or Texas; or (b) has been convicted of the offenses of sedition, sabotage, or rioting; (2) a person whose license has been revoked under (1) is disqualified from receiving any license issued by TCOLE; and (3) TCOLE, by rule, shall establish grounds under which TCOLE shall suspend or revoke a peace officer's license on a determination that the license holder's continued performance of duties as an officer constitutes a threat to the public welfare.

H.B. 4485 (Guillen) – Bonds: would provide that magistrate may release without bond an accused person charged with a misdemeanor punishable by fine only even if the accused person has previously been convicted of a felony or a misdemeanor other than a misdemeanor punishable by fine only.

H.B. 4486 (Guillen) – Mental Illness: would, among other things, provide that not later than 12 hours after the sheriff or municipal jailer having custody of a defendant receives credible information that may establish reasonable cause to believe that the defendant has a mental illness or is a person with an intellectual disability, the sheriff or municipal jailer shall provide written or electronic notice to the magistrate who shall take action in compliance with laws regarding a person who is incompetent to stand trial.

H.B. 4506 (Morales Shaw) – Firefighting Products: would, among other things: (1) prohibit a person from discharging or otherwise using a firefighting foam designed to extinguish flammable liquid fires that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals, including the discharge or use of a firefighting foam during or for the training of firefighters; (2) require the Department of State Health Services to develop and implement a process to provide purchasing assistance to governmental entities to ensure the entities: (a) avoid purchasing firefighting foam designed to extinguish flammable liquid fires that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals; and (b) are encouraged to purchase firefighting personal protective equipment that does not contain those chemicals; and (3) provide civil penalties for a violation of the prohibitions in the bill. (Companion bill is **S.B. 2073** by **Menéndez**.)

H.B. 4516 (White) – Arrests: would provide, among other things, that any person may, without a warrant, arrest an offender for an offense classified as a felony or as an offense against the public peace if the offense is committed in the person's presence or within the person's view.

H.B. 4541 (Cain) – Criminal Warnings: would provide that: (1) a peace officer who takes a person into custody without a warrant shall immediately inform the person orally in simple, nontechnical terms: (a) a warning that: (i) he has the right to remain silent and not make any statement at all and that any statement he makes may be used against him at his trial; (ii) any statement he makes may be used as evidence against him in court; (iii) he has the right to have a lawyer present to advise him prior to and during any questioning; (iv) if he is unable to employ a lawyer, he has the right to have a lawyer appointed to advise him prior to and during any questioning; and (v) he has the right to terminate the interview at any time; and (b) that a staff member of the facility will inform the person of the person's rights at the time the person is admitted to a facility and before questioning, assessing, or examining the person; and (2) a person apprehended, detained, or transported for emergency detention shall be informed of certain rights orally in simple, nontechnical terms, at the time the person is admitted to a facility and before the person is questioned, assessed, or examined, and in writing in the person's primary language if possible.

S.B. 23 (Huffman) – Law Enforcement Funding: would:

1. require a city or county to hold an election if the city or county proposes to adopt a budget for a fiscal year that, compared to the budget adopted by the city or county for the preceding fiscal year: (a) reduces for a law enforcement agency: (i) the appropriation to the agency as a percentage of the total budget; (ii) the number of peace officers the agency is authorized to employ per 1,000 city or county residents, as applicable; (iii) the total amount of funding per peace officer for peace officer overtime compensation; or (iv) the amount of funding per peace officer for the recruitment or training of new peace officers to fill

- vacant and new peace officer positions in the department; or (b) reallocates funding or resources from one law enforcement agency to another;
2. provide that a city or county may not adopt a budget with a proposed reduction or reallocation described by Number 1, above, until the city or county receives voter approval for the proposed reduction or reallocation at an election held for that purpose;
 3. require a city or county holding an election under Number 1, above, to ensure that the ballot proposition for the election includes, as applicable: (a) a detailed explanation of each proposed reduction; (b) the amount of each proposed reduction; (c) the recipient of reallocated funding or resources; (d) the impact on the local tax rate, if any; and (e) the expected length of time that the proposed reduction or reallocation will remain in effect;
 4. prohibit a city or county holding an election under Number 1, above, from using public money on informational campaigns or advocacy related to the proposed reduction or reallocation;
 5. authorize a person to file a complaint with the governor's criminal justice division if the person believes that a city or county has violated Numbers 1-4, above; and
 6. provide if the comptroller determines that a city or county violated Numbers 1-4, above, the city or county may not adopt a tax rate for the subsequent city or county fiscal year that exceeds the city or county's tax rate on the date of the violation.

S.B. 1544 (West) – No Knock Warrants: would provide that: (1) only a district court judge may issue an arrest warrant or a search warrant that authorizes a no-knock entry; (2) an applicant for a no-knock warrant that authorizes a no-knock entry must state in the complaint that: (a) the applicant has personal knowledge of facts that support the necessity of a no-knock entry; and (b) the applicant's supervisor has approved the complaint; (3) a warrant described in (1) that authorizes a no-knock entry must: (a) state the building or other place for which the no-knock entry is authorized; and (b) require each officer executing the warrant to: (i) be equipped with a body worn camera; (ii) activate the camera before executing the warrant; and (iii) not deactivate the camera or allow the camera to be deactivated until execution of the warrant is completed; (4) before a warrant described by (1) that authorizes a no-knock entry may be executed: (a) the law enforcement agency intending to execute the warrant must provide at least 24 hours' notice before execution to the judge who issued the warrant; and (b) the supervisor described by Subsection (2)(b) must confirm: (i) the illegal activity alleged in the complaint is ongoing or has taken place during the preceding 24-hour period at the building or other place stated in the warrant; and (ii) the accused is frequently present at the building or other place and has been identified as being present at that location in the preceding 12-hour period; and (5) a warrant described in (1) that authorizes a no-knock entry does not apply if the accused is alleged to have committed or if the property to be seized is alleged to be related to the commission of, as applicable: (a) an offense punishable as a felony that involves causing or attempting to cause serious bodily injury to a person; or (b) the offense of aggravated kidnapping, aggravated assault, aggravated sexual assault or aggravated robbery.

S.B. 1545 (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) emphasize conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged

offense; (b) require a peace officer to intervene if the use of force by another peace officer: (i) violates state or federal law or a policy of any entity served by the other officer; (ii) puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or another person; or (iii) is not required to apprehend or complete the apprehension of a suspect; (c) require a peace officer to provide aid immediately to any person who needs medical attention, including a person who needs medical attention as a result of the use of force by a peace officer, unless providing the aid puts the officer at risk of bodily injury; (d) prohibit a peace officer from using a choke hold, a carotid artery hold, or any other force against a person in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth, unless the peace officer is engaged in a physical altercation with the person and the use of force is immediately necessary to defend the officer from an imminent threat of bodily injury or death; (e) prohibit a peace officer from discharging a firearm at a moving vehicle, unless: (i) the vehicle is 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; (f) prohibit the use of deadly force or the use of force to a degree greater than is necessary to protect a person who poses a danger only to the person and not to others, as based on the situation; (g) 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 (h) prohibit the use of deadly force that presents a high risk of bodily injury to a bystander against whom the use of force is not justified, unless no lesser degree of force could have eliminated an imminent threat of death or serious bodily injury; (i) require that a peace officer who 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; (j) require that, to the extent practicable, a peace officer issue a warning to a person that force will be used before the officer uses force against the person; (k) 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; (l) require the law enforcement agency to make available and provide regular training on the use of less lethal weapons to the peace officers of the agency 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 (m) provide guidance on best practices in pursuing a suspect fleeing arrest; (2) each law enforcement agency shall adopt and implement the model policy developed by the TCOLE under (1); and (3) 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. 1550 (Nelson) – Airport Police Force: would provide that: (1) the governing body of a joint board, or the governing body of a political subdivision, including a city, that operates an airport served by an air carrier certified by the Federal Aviation Administration or the United States

Department of Transportation may: (a) establish an airport police force; and (b) commission and employ a peace officer, if the employee takes and files the oath required of peace officers. (Companion bill is **H.B. 3756** by **Goldman**.)

S.B. 1573 (Paxton) – Sexual Assault Reports: would provide, among other things, that: (1) if a sexual assault is reported to a law enforcement agency within 120 hours after the assault, the law enforcement agency, with the consent of the victim of the reported assault, a person authorized to act on behalf of the victim, or an employee of the Department of Family and Protective Services, shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (2) if a sexual assault is not reported within the period described by (1) and the victim is a minor, on receiving the required consent, a law enforcement agency shall request a forensic medical examination of the victim for use in the investigation or prosecution of the offense; (3) if a sexual assault is not reported within the period described by (1) or in the manner described in (2), on receiving consent, a law enforcement agency may request a forensic medical examination of a victim of a reported sexual assault for use in the investigation or prosecution of the offense if: (a) based on the circumstances of the reported assault, the agency believes a forensic medical examination would further that investigation or prosecution; or (b) after a medical evaluation by a physician, sexual assault examiner, or sexual assault nurse examiner, the physician or examiner notifies the agency that a forensic medical examination should be conducted; and (4) if a sexual assault is reported to a law enforcement agency as provided by (1), (2), or (3), the law enforcement agency shall document, in the form and manner required by the attorney general, whether the agency requested a forensic medical examination.

S.B. 1600 (Huffman) – Choke Holds: would provide that a peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person.

S.B. 1601 (Huffman) – Duty to Intervene: would provide that a peace officer: (1) has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if the amount of force exceeds that which is reasonable under the circumstances; and (2) who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

S.B. 1626 (Miles) – Cite and Release: would, with respect to issuing citations in lieu of arrest for misdemeanor offenses, provide that: (1) the Texas Southern University, in consultation with other law enforcement organizations, shall publish a model policy related to the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, that includes the procedure for a peace officer, upon a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person; (2) each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, provided that such policy meets the requirements of the model policy described in (1), above; (3) a law enforcement agency may adopt the model policy developed under (1), above; (4) with the exception of certain assault offenses and for the offense of public intoxication, a peace officer or any other person may not, without a warrant,

arrest an offender for a misdemeanor punishable by fine only or arrest a person who commits one or more offenses punishable by fine only; (5) a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by fine only, other than an offense of public intoxication, shall, instead of taking the person before a magistrate, issue a citation to the person; (6) a peace officer who is charging a person, including a child, with committing certain assault offenses that are a misdemeanor, punishable by fine only, may, instead of taking the person before a magistrate, issue a citation to the person; and (7) a peace officer may not arrest, without warrant, a person found only committing one or more misdemeanors related to certain traffic offenses that are punishable by fine only, and in such instances shall issue a written notice to appear to the person. (Companion bill is **H.B. 830** by **S. Thompson**.)

S.B. 1741 (Birdwell) – Criminal Offenses: would provide, among other things, that a person commits an offense if the person explodes or ignites fireworks with the intent to: (1) interfere with the lawful performance of an official duty by a law enforcement officer; or (2) flee from a person the actor knows is a law enforcement officer attempting to lawfully arrest or detain the actor.

S.B. 1742 (Whitmire) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; (d) if the check described in (c) verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c) shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d); and (4) provide that the proceeds from the sale of a firearm in (3) shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **H.B. 2878** by **Goodwin**.)

S.B. 1775 (Whitmire) – Criminal Justice: would provide, among other things, that: (1) a magistrate shall release on personal bond a defendant who is not charged with and has not been previously convicted of a violent offense unless the magistrate finds good cause to justify not releasing the defendant on personal bond; (2) an officer may not conduct a search based solely on a person's consent to the search unless: (a) the officer verbally and in writing informs the person of the person's right to refuse the search; and (b) the person signs an acknowledgment that the person: (i) received the information described by (2)(a); and (ii) consents to the search; (3) an officer may not make a stop for an alleged violation of a traffic law or ordinance as a pretext for

investigating a violation of another penal law; (4) the chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing motor vehicle stop reports to ensure that they are complete and accurate; (5) each law enforcement agency shall adopt and implement a detailed written policy regarding the administration of a motor vehicle stop investigation, including the administrative penalties for violations of the policy, or may adopt the model policy promulgated by the Texas A&M System's Institute for Predictive Analytics in Criminal Justice; (6) a peace officer may not: (a) conduct a roadside investigation during a motor vehicle stop for an offense other than the traffic violation, without suspicion based on a preponderance of the evidence that the driver has committed the other offense; (b) continue a roadside investigation during a motor vehicle stop into an offense other than the traffic violation after the driver has refused to consent to be searched unless the peace officer has additional suspicion based on a preponderance of the evidence that the driver has committed the other offense; or (c) arrest a driver during a motor vehicle stop for a traffic violation to conduct a search incident to arrest unless the officer has probable cause to believe that the driver has committed an offense more serious than a Class C misdemeanor; (7) a peace officer who is charging a person, including a child, with committing an offense that is a misdemeanor punishable by a fine only, other than the offense of public intoxication, Penal Code, an offense of sale, purchase or consumption of alcohol to a minor, or an offense for which the officer reasonably believes it is necessary to take the person before a magistrate to prevent a foreseeable injury or an altercation, shall, instead of taking the person before a magistrate, issue a citation to the person; (8) an officer shall issue a written notice to appear if the offense charged is a traffic misdemeanor offense that is punishable by fine only; and (9) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require an officer to complete a statewide education and training program on tactical communication, and implicit bias training. (Companion bill is **H.B. 4145** by **Coleman**.)

S.B. 1819 (Bettencourt) – Police Reform: would, among other things: (1) provide that a member or annuitant of a public retirement system is not eligible to receive a service retirement annuity under the retirement system if the person is a dishonorably discharged peace officer; (2) provide that a person licensed by TCOLE is considered dishonorably discharged if: (a) the person was terminated by a law enforcement agency or retired or resigned in lieu of termination by the agency: (i) after receiving notice from the attorney representing the state that the attorney will no longer accept cases submitted for prosecution by the license holder due to conduct by the license holder that would be required to be disclosed to a defendant; or (ii) for engaging in conduct that would constitute grounds for the attorney representing the state to provide a notice described by (2)(a)(i); (3) provide that the chief of police or his or her designee shall include in the employment termination report provided to TCOLE, a statement on whether the license holder was honorably discharged, generally discharged, or dishonorably discharged and, for a license holder who was generally discharged or dishonorably discharged an explanation of the circumstances under which the person resigned, retired, or was terminated, including a description of any disciplinary or performance issues for which the person was discharged; (4) provide that a person required to submit an employment termination report to TCOLE commits an offense if the person, with respect to a license holder who was generally discharged or dishonorably discharged, knowingly submits a report that does not indicate that the license holder was generally discharged or dishonorably discharged, as applicable, in the required statement, and such offense is a Class B misdemeanor; (5) eliminate the provision that provides that TCOLE may only suspend the license of a peace

officer or reserve law enforcement officer if such officer has previously been dishonorably discharged from another law enforcement agency; (6) provide that a law enforcement agency shall maintain a complete and unredacted copy of each report and statement submitted to TCOLE regarding a license holder who was generally discharged or dishonorably discharged, until at least the 20th anniversary of the date of the discharge; and (7) provide that information submitted to TCOLE is not confidential if the person was generally discharged or honorably discharged. (Companion bill is **H.B. 4286** by **K. King**.)

S.B. 1844 (Eckhardt) – Arrest Reports: would provide, among other things, that: (1) a peace officer who arrests a person the peace officer has reasonable cause to believe is a person with a mental illness or intellectual disability or detains a person under an emergency detention, shall: (a) report to the officer's law enforcement agency certain information; and (b) provide the report described by (1)(a) to the sheriff or municipal jailer at the time the defendant is transferred into the custody of the sheriff or jailer; (2) the chief administrator of a law enforcement agency shall be responsible for auditing reports under (1)(a) to ensure the agency complies with reporting all the required information; (3) a law enforcement agency shall compile and analyze the information contained in the report described in (1)(a) and provide such report to the Texas Commission on Law Enforcement; (4) the report described in (3) must include a comparative analysis of the information compiled under (1)(a) to: (a) examine the initial reason that a peace officer arrested a person the officer had reasonable cause to believe is a person with a mental illness or intellectual disability; (b) examine discrepancies between attempted diversions of persons with a mental illness or intellectual disability from criminal justice involvement that were not successful and attempted diversions that were successful; and (c) evaluate the peace officer's use of restraints and use of force against persons who the officer has reasonable cause to believe are persons with a mental illness or intellectual disability. (Companion bill is **H.B. 3075** by **Coleman**.)

S.B. 1848 (Powell) – Family Violence: 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 establishing procedures applicable to a peace officer who responds to a report of an offense involving family violence that was committed in the physical presence or within the hearing of a child younger than 18 years of age; (2) the model policy described in (1), above, must require the responding peace officer to: (a) document the child's exposure to the family violence; (b) speak to the child at eye level and explain in an age-appropriate manner the applicable procedures for investigating the offense; (c) validate the child's emotional response to the situation; (d) assist in comforting the child; (e) provide information to the child's parent or other appropriate caregiver regarding: (i) services available to support the child; and (ii) the negative impacts of family violence on a child; and (3) identify and document any other children in the family or household; and (3) each law enforcement agency in this state shall adopt the model policy described in (1) and (2), above, regarding peace officer response to reports of certain offenses involving family violence. (Companion bill is **H.B. 2895** by **Romero**.)

S.B. 1952 (Paxton) – Biometric Identifiers: would, among other things: (1) provide that a peace officer may, by obtaining a warrant or by obtaining the consent of the customer, require certain businesses that collect and analyze genetic information to provide the genetic information of a customer of the business; (2) provide that unless a court issues the warrant in (1) along with an order not to disclose the existence of the warrant, a peace officer who executes a warrant must

notify the customer of the existence of the warrant; (3) prohibit a governmental body from capturing, possessing, or requiring a biometric identifier as a prerequisite for providing a governmental service unless certain requirements are met; (4) require a governmental body to promptly destroy a sample of genetic materials obtained from an individual for a genetic test after the purpose for which the sample was obtained is accomplished, unless certain criteria are met; and (5) provide that, with certain exceptions, a governmental body that holds an individual's genetic information may not disclose or be compelled to disclose that information unless the disclosure is authorized by the individual as provided in the bill.

S.B. 1972 (Gutierrez) – Definition of Marihuana: would provide that: (1) “marihuana” includes edible marihuana products and any compound used in e-cigarettes; and (2) criminal provisions for Penalty Group 2 and Penalty Group 2-A drug offenses do not apply to a substance or material that contains Tetrahydrocannabinol or its synthetic equivalents and is also contained in an edible product or for use in an e-cigarette.

S.B. 1989 (Miles) – Criminal Penalties for Possession of Marihuana: would reduce criminal penalties for the possession of one ounce or less of marihuana. (Companion bill is **H.B. 498** by **Wu**.)

S.B. 2020 (Powell) – Coin-Operated Machines: would, in regard to the comptroller's duty to regulate music and skill or pleasure coin-operated machines, require the comptroller to disclose confidential information, including information included in a license or registration certificate application, to a law enforcement agency that submits to the comptroller a written request for the information in connection with an investigation the agency is conducting. (Companion bill is **H.B. 810** by **Collier**.)

S.B. 2040 (Menéndez) – Medical Cannabis: would, among other things: (1) authorize the possession, use, cultivation, distribution, delivery, sale, and research of medical cannabis for medical use by patients with certain medical conditions; (2) provide for the issuance of a medical cannabis research license; (3) authorize fees for a license under (2); (4) provide that the Department of Public Safety shall use revenue from fees to establish a cannabis testing and quality control fund for the purpose of assisting law enforcement, including accredited crime laboratories, to purchase instruments, establish methods, and obtain resources needed to conduct forensic analysis necessary to enforce the bill and to protect the health and safety of medical cannabis patients and the public; and (5) preempt a municipality, county, or other political subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, researching, testing, or possession of medical cannabis.

S.B. 2055 (Menéndez) – Misconduct: would provide that: (1) the Texas Commission on Law Enforcement on Law Enforcement (TCOLE) shall establish a database for information concerning peace officers who have been disciplined by a law enforcement agency for misconduct; (2) a law enforcement agency that takes disciplinary action against a peace officer for misconduct shall promptly report the misconduct and disciplinary action taken to TCOLE for inclusion in the database described in (1); and (3) before a law enforcement agency may hire a person licensed by TCOLE, the agency head or the agency head's designee must review any information regarding the person that is maintained in the database.

S.B. 2073 (Menéndez) – Firefighting Products: would, among other things: (1) prohibit a person from discharging or otherwise using a firefighting foam designed to extinguish flammable liquid fires that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals, including the discharge or use of a firefighting foam during or for the training of firefighters; (2) require the Department of State Health Services to develop and implement a process to provide purchasing assistance to governmental entities to ensure the entities: (a) avoid purchasing firefighting foam designed to extinguish flammable liquid fires that contains intentionally added perfluoroalkyl and polyfluoroalkyl chemicals; and (b) are encouraged to purchase firefighting personal protective equipment that does not contain those chemicals; and (3) provide civil penalties for a violation of the prohibitions in the bill. (Companion bill is **H.B. 4506** by **Morales Shaw**.)

S.B. 2086 (Lucio) - Uninsured Vehicle Enforcement Program: would provide that: (1) the Texas Department of Public Safety (department) by rule shall, in consultation with law enforcement agencies, establish the Texas Uninsured Vehicle Enforcement Program to use automatic license plate reader (ALPR) systems to help law enforcement agencies identify uninsured motor vehicles; (2) the department may: (a) install an ALPR system on appropriate infrastructure owned by this state or a political subdivision of this state, including traffic signals, highway signs, bridges, and overpasses; and (b) use infrastructure described in (2)(a), above, as necessary to ensure that an ALPR system has access to the necessary power to operate; (3) the department and law enforcement agencies may use ALPRs to collect captured plate data so as to enforce the financial responsibility requirements under state law; (4) the captured plate data may be accessed only by law enforcement agencies and individuals authorized by the department; (5) a peace officer may: (a) verify by sworn affidavit that a photograph generated by an ALPR system identifies a particular vehicle operating on a public roadway that was uninsured at the time the vehicle was being operated; and (b) issue a citation, based on the affidavit, to a person for operating a motor vehicle without meeting the financial responsibility requirements; (6) captured plate data collected or retained under this program through the use of an ALPR system must be retained by a law enforcement agency if the data is being used as evidence of a violation of the financial responsibility requirements, and if no longer needed as evidence of a violation, must be deleted or otherwise destroyed; and (7) captured plate data collected or retained by the department or a law enforcement agency through the use of the ALPR system may not be used for a purpose other than enforcing the motor vehicle financial responsibility requirement. (Companion bill is **H.B. 1119** by **Lucio III**.)

S.B. 2141 (Blanco) – Motorcycle Profiling: would provide that: (1) a peace officer may not engage in a law enforcement-initiated action based, in whole or in part, on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity; (2) an individual against whom a peace officer has engaged in motorcycle profiling may bring an action against the peace officer or the governmental unit employing the peace officer to recover damages arising from the motorcycle profiling and for an injunction against future violations; (3) an individual who establishes that a peace officer engaged in motorcycle profiling against the individual is entitled to recover reasonable attorney's fees and litigation costs; (4) a governmental unit is vicariously liable under the doctrine of respondeat superior for damages arising from motorcycle profiling engaged in by a peace officer employed

by the governmental unit; (5) a governmental unit's sovereign or governmental immunity to suit and from liability is waived to the extent of liability created; and (6) a peace officer may not assert official immunity as a defense to liability. (Companion bill is **H.B. 1837** by **M. González**.)

Sales Tax

H.B. 3779 (Holland) – Sales Tax Exemption: would exempt firearms and hunting supplies from sales taxes during the last full weekend in August. (Companion bill is **S.B. 934** by **Creighton**.)

H.B. 3799 (Metcalf) – Sales Tax Exemption: would exempt items sold by a nonprofit organization at a county fair from sales taxes.

H.B. 4013 (Rodriguez) – Sales Tax Reduction: would authorize a taxpayer to deduct and withhold 1.25 percent of the amount of sales and use tax liability for a quarter or month in which a payment is made if: (1) at least half of the taxpayer's employees are tipped employees; and (2) the taxpayer pays each tipped employee a cash wage in an amount that is not less than the federal minimum wage for an employee who is not a tipped employee.

H.B. 4032 (Herrero) – Sales Tax Reallocations: would authorize a local governmental entity, including a city, to access the comptroller's audit reports and audit working papers in the comptroller's possession filed by not more than five individual taxpayers doing business in the city or local governmental entity that are included and identified by the city or local governmental entity relating to a sales tax reallocation or refund. (Companion bill is **S.B. 778** by **Hinojosa**.)

H.B. 4072 (Meyer) – Sales Tax Sourcing: would, among other things, generally 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. 4098 (Talarico) – Sales Tax Exemption: would exempt from sales and use taxes certain educational materials purchased by a teacher.

H.B. 4114 (Burrows) – Sales Tax Exemption: would: (1) provide that certain qualifying businesses that at any time in 2020 were required to cease operations as a result of an order, proclamation, or other instrument issued by the governor or an official of a political subdivision in response to a disaster, are authorized to retain the sales and use taxes imposed by the state on sales made during the period beginning September 1, 2021 and ending August 31, 2023; and (2) provide that a qualifying retailer must continue to remit to the comptroller sales taxes imposed by a political subdivision.

H.B. 4199 (Guillen) – Sales Tax Refund Pilot Program: would establish a sales tax refund pilot program for a person who employs at least one apprentice in a qualified apprenticeship position for at least seven months during a calendar year. (Companion bill is **S.B. 1524** by **Hughes**.)

H.B. 4260 (Talarico) – Local Sales Tax Sourcing: would provide that: (1) a location that, under the law in effect on August 31, 2019, was a place of business of the retailer for purposes of certain

economic development agreements, entered into by a retailer and a city on or before August 31, 2019, remains a place of business of the retailer for the term of the agreement; and (2) during the term of the agreement, the sale of a taxable item is consummated at that place of business if the sale would have been consummated at that place of business under the law in effect on August 31, 2019. (Companion bill is **S.B. 1417** by **Schwertner**.)

H.B. 4261 (Talarico) – Local Sales Tax Sourcing: would provide that, for purposes of the city sales and use tax, a sale is consummated regardless of the method the purchaser uses to communicate the order to the retailer.

H.B. 4263 (Talarico) – Place of Business of a Retailer: would: (1) modify the definition of “place of business of the retailer” for city sales tax sourcing purposes to mean an established outlet, office, or location operated by the retailer or the retailer’s agent or employee for the purpose of receiving orders for taxable items and including any location at which three or more orders are received by the retailer during a calendar year and at which at least four primary selling activities occur; and (2) define “primary selling activity” as: (a) any of the following actions, if performed by a retailer or the agent of a retailer: (i) exercising discretion and independent authority to solicit customers on behalf of the retailer and to bind the retailer to a sale; (ii) taking an action that binds the retailer to a sale, including accepting a purchase order or submitting an offer to a buyer that is subject to the buyer’s unilateral acceptance; (iii) receiving a payment or issuing an invoice; (iv) engaging in marketing and solicitation activities on behalf of the retailer; (v) procuring goods for sale by the retailer; (vi) receiving and accepting purchase orders or, if the retailer’s purchase orders are accepted, processed, or fulfilled in another location, receiving and accepting contracts and other documents; (vii) transferring title to an item to a buyer; or (viii) displaying goods for sale to prospective customers; or (b) the use of a structure owned or leased by a retailer to: (i) store or otherwise hold the retailer’s inventory; (ii) house the retailer’s business headquarters, meaning the location from which the retailer directs or manages the retailer’s business; or (iii) provide office space for the retailer’s officers, executives, or other employees who have authority to set prices and determine the terms of a sale. (Companion bill is **S.B. 1038** by **Schwertner**.)

H.B. 4357 (Schaefer) – Sales Tax Exemption: would subject internet technology consulting and technical support services to sales taxes.

H.B. 4457 (Schofield) – Local Sales Tax Sourcing: would generally provide that a sale of a taxable item is consummated at the location in the state where the item was stored immediately before shipment, deliver, or transfer of possession to the customer.

S.B. 1513 (Zaffirini) – Sales Tax Collection: would, among other things, authorize a taxpayer to deduct and withhold 2.5 percent of the amount of sales taxes due for purchases made by credit card as reimbursement for the cost of collecting sales taxes. (Companion bill is **H.B. 1389** by **Guillen**.)

S.B. 1524 (Hughes) – Sales Tax Refund Pilot Program: would establish a sales tax refund pilot program for a person who employs at least one apprentice in a qualified apprenticeship position for at least seven months during a calendar year. (Companion bill is **H.B. 4199** by **Guillen**.)

S.B. 1803 (Johnson) – Street Maintenance Sales Tax: would, in addition to authorizing certain cities that are members of a subregion of a specific transportation authority to adopt the street maintenance sales tax up to a maximum local sales tax rate of 2.25 percent at any location in the city, generally authorize any city to use the street maintenance sales tax to maintain and repair a city: (1) street or sidewalk; or (2) water, wastewater, or stormwater system located in the width of a way of a city street. (Companion bill is **H.B. 2088** by **Julie Johnson**.)

S.B. 1853 (Powell) – Sales Tax Exemption: would exempt personal protective equipment from sales and use taxes through January 1, 2022.

Community and Economic Development

H.B. 3798 (Minjarez) – Housing Authority: would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code.

H.B. 3853 (Anderson) – Middle Mile Broadband Service: would: (1) define “middle mile broadband service” as the provision of broadband service to an Internet service provider on a wholesale basis, and provide that the term does not include the provision of Internet service to end-use customers on a retail basis; (2) authorize certain electric utilities, not including a municipally owned utility, to own, construct, maintain, and operate fiber optic cables and other facilities for providing middle mile broadband service; and (3) establish a system by which an electric utility that plans a project to deploy middle mile broadband must submit a written plan to the Public Utility Commission (PUC) for PUC approval. (Companion bill is **S.B. 1650** by **Perry**.)

H.B. 4005 (Romero) – Zoning Change: would provide that, if a proposed change in zoning classification is a city-initiated zoning change, the notice of the public hearing required under certain state law must be: (1) sent to each owner of real property within 500 feet of the properties for which the change in classification is proposed; and (2) delivered by telephone call, text message, e-mail, or mail unless the notice is required to be made in a specific manner provided by certain other law.

H.B. 4086 (C. Turner) – Certificate of Occupancy: would, among other things, provide that a city may withhold a certificate of occupancy for a dwelling or for the installation or alteration of “equipment” (defined to mean an elevator, escalator, chairlift, platform lift, automated people mover operated by cables, or moving sidewalk, or related equipment) until the owner provides a copy of the inspection report required under state law.

H.B. 4119 (Guillen) – Small and Rural Community Success Fund: would establish the Texas small and rural community success fund to make loans to economic development corporations (EDCs) for eligible EDC projects. (Companion bill is **S.B. 1465** by **Hinojosa**.)

H.B. 4121 (Guillen) – Land Development Applications: would, among other things: (1) require a political subdivision to approve, approve with conditions, or disapprove a land development application within 30 days after the date the land development application is filed; (2) define the

term “land development application” broadly to include an application for a subdivision development plan, subdivision development, construction of subdivision improvements, site plan development, development of on-site or off-site improvements, and any endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor; and (3) provide various circumstances in which a court could award a person court costs and attorney’s fees against a city and a city officer.

H.B. 4242 (Meyer) – School Property Tax Limitations: would extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2026.

H.B. 4328 (Campos) – Mobile Showers: would require: (1) a municipality with a population of 250,000 or more to provide to homeless individuals residing in the municipality access to mobile showers; (2) a sufficient number of showers to allow daily shower access by each homeless individual residing in the municipality; and (3) the municipality to ensure that the access is sufficient to address the hygienic needs of and the prevention of a hygiene-related illnesses in the municipality's homeless population.

H.B. 4370 (Rodriguez) – Broadband: would, among other things: (1) expand the definition of “basic local telecommunications service” to include access to facilities with data transmission capability; and (2) provide that the universal service fund is funded by a statewide uniform charge payable by each telecommunications provider and provider of Voice over Internet Protocol as a service that has access to the customer base.

H.B. 4373 (Rodriguez) – Broadband: would, among other things, provide that the first \$200 million of the proceeds received in a state fiscal year from the collection of state sales taxes on telecommunications services shall be deposited to the credit of the universal service fund sales tax receipts account in the state’s general revenue fund.

H.B. 4375 (Rodriguez) – Broadband Development Office: would, among other things:

1. require the governor’s broadband development council to: (a) research the progress of deployment of broadband statewide and the purchase of broadband by residential and commercial customers; and (b) study industry and technology trends in broadband;
2. establish a broadband development office within the governor’s office;
3. for purposes of the broadband development office, define “broadband service” as internet service with the capability of providing: (a) a download speed of 25 megabits per second or faster; and (b) an upload speed of three megabits per second or faster;
4. authorize the governor by rule to adjust the threshold speeds for broadband services defined in Number 3, above, if the Federal Communications Commission adopts upload or download threshold speeds for advanced telecommunications capability that are different from those listed in Number 3, above;
5. require the broadband development office to: (a) serve as a resource for information regarding broadband service in the state; (b) engage in outreach to communities regarding the expansion and adoption of broadband service and the programs administered by the

office; and (c) serve as an information clearinghouse in relation to federal programs providing assistance to local entities with respect to broadband service;

6. require the broadband development office to create, update annually, and publish on the governor's website a map classifying each designated area in the state as: (a) an eligible area, if fewer than 80 percent of the addresses in the designated area have access to broadband service; or (b) an ineligible area, if 80 percent or more of the addresses in the designated area have access to broadband service;
7. require the map described in Number 6, above, to display: (a) the number of broadband service providers that serve each designated area; (b) for each eligible area, an indication of whether the area has access to Internet service that is not broadband service, regardless of the technology used to provide the service; and (c) each public school in the state and an indication of whether the area has access to broadband service;
8. provide that if information available from the Federal Communications Commission is not sufficient for the broadband development office to create or update the map, the office may request the necessary information from a political subdivision or broadband service provider, and the subdivision or provider may report the information to the office;
9. establish a petition process, under which a political subdivision or broadband service provider may petition the broadband development office to re-designate designated area on the map as an eligible area or ineligible area;
10. require the broadband development office to establish a program to award grants, low-interest loans, and other financial incentives to applicants for the purpose of expanding access to, and adoption of, broadband service in designated areas determined to be eligible areas;
11. require the broadband development office to establish and publish eligibility criteria for award recipients under Number 10, above, limiting grants, loans, and other financial incentives awarded to the program for use on capital expenses, purchase or lease of property, and other expenses, including backhaul and transport that will facilitate the provision or adoption of broadband service;
12. require the broadband development office to prepare, update, and publish on the governor's Internet website a state broadband plan that establishes long-term goals for greater access to and the adoption of broadband service in Texas;
13. require the broadband development office, in developing the state broadband plan, to: (a) to the extent possible, collaborate with state agencies, political subdivisions, broadband industry stakeholders and representatives, and community organizations that focus on broadband services; (b) consider the policy recommendations of the governor's broadband development council; (c) favor policies that are technology-neutral and protect all members of the public; and (d) explore state and regional approaches to broadband development; and
14. establish the broadband development account in the state's general revenue fund consisting of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; and (c) interest earned on the investment of the money in the account.

H.B. 4412 (Wilson) – Recreational Vehicle Parks: would provide that a recreational vehicle park is not a subdivision subject to county subdivision regulations and, among other things, provide that a city may not provide utility services to a recreational vehicle park that is subject to a county infrastructure development plan unless the owner provides the utility a certificate of compliance.

H.B. 4423 (Cyrier) – Public Improvement Districts: would provide that a public improvement project may include: (1) expenses related to the operation and maintenance of a geothermal water conveyance facility or improvement; and (2) the acquisition, by purchase or otherwise of a right-of-way or easement in connection with an authorized improvement.

H.B. 4447 (Oliverson) – Land Development Applications: would: (1) prohibit a municipal planning commission or the governing body of the municipality from requiring a person to submit or obtain approval of a required planning document or fulfill any other prerequisites or conditions before the person files a copy of the plan or plat with the municipal planning commission or governing body; (2) except from the prohibition in (1) certain subdivision plats for which the source of the water supply intended for the subdivision is groundwater; (3) allow a municipal planning commission or the governing body of the municipality to approve a plan or plat on the condition that the applicant must also submit or obtain approval of certain required planning documents after the plat application is filed; (4) require that, if the municipal planning commission or the governing body of the municipality conditionally approves a plan or plat as described in (3), the municipality's approval process for each individual required planning document shall be subject to the same procedures and timelines as those prescribed for certain other plans or plats (except that an individual required planning document may not be conditionally approved); and (5) in certain circumstances, require a city to establish a bifurcated approval procedure, including a phased approach to the approval of a preliminary plan or plat and a final plan or plat, and allow an applicant to opt-in to the bifurcated approval procedure. (Companion bill is **S.B. 1667** by **Hughes**.)

H.B. 4448 (Israel) – Public Improvement Districts: would provide that a public improvement project may include: (1) expenses related to the operation and maintenance of a geothermal water conveyance facility or improvement; and (2) the acquisition, by purchase or otherwise of a right-of-way or easement in connection with an authorized improvement.

H.B. 4496 (Hinojosa) – Building Codes: would, among other things, provide that: (1) on January 1, 2022, the energy efficiency chapter of the International Residential Code, as it existed on May 1, 2021, is adopted as the energy code in this state for single-family residential construction and all other residential, commercial, and industrial construction; (2) the International Residential Code, as it existed on May 1, 2021, is adopted as a municipal residential building code in this state; (3) the National Electrical Code, as it existed on May 1, 2021, is adopted as the municipal electrical construction code in this state and applies to all residential and commercial electrical construction applications; and (4) the Internal Building Code, as it existed on May 1, 2021, is adopted as a municipal commercial building code in this state.

H.B. 4503 (Cain) – Natural Gas: would prohibit a city from adopting or enforcing an ordinance, order, or other regulation that prohibits the use of natural gas utility service in a building as a condition to receive a permit or other approval required to construct or improve the building.

S.B. 4 (Buckingham) – National Anthem: would provide that a governmental entity, including a city, may not enter into an agreement with a professional sports team that requires a financial commitment by the state or any governmental entity unless the agreement includes: (1) a written verification that the professional sports team will play the United States national anthem at the beginning of each team sporting event held at the team’s home venue or other facility controlled by the team for the event; (2) a provision providing that failure to comply with the written verification requirement for any team sporting event at the team’s home venue or other facility: (a) constitutes a default of the agreement; (b) immediately subjects the team to any penalty the agreement authorizes for default; and (c) may subject the team to debarment from contracting with the state.

S.B. 28 (Bettencourt) – Schools: would, among things, provide that: (1) a city must consider an open-enrollment charter school a school district for purposes of zoning, permitting, plat approvals, fees or other assessments, construction or site development work, code compliance, development, and approve in the same manner and following the same timelines as if a charter school were a school district or state-owned facility; (2) in territory annexed for limited purposes and on request of an open-enrollment charter school, a city shall enter an agreement with the governing body of the open-enrollment charter school to establish review fees, review periods, and land development standards ordinances, and to provide alternative water pollution control methodologies for school buildings constructed by the open-enrollment charter school; (3) the definition of the term “land development standards” in (2) includes, among other things, building heights, traffic impact analyses, vehicle queuing, parking requirements, and signage requirements; (4) a local governmental entity may not enact or enforce an ordinance, order, regulation, resolution, rule, or policy or take action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, or administrative office in the entity’s jurisdiction or on any specific property in the jurisdiction of the local governmental entity; and (5) an open-enrollment charter school is not required to pay impact fees unless the governing body of the charter school consents to the payment. (Companion bill is **H.B. 3279** by **Dutton**.)

S.B. 1500 (Buckingham) – Disannexation: would: (1) authorize registered voters in a certain area to petition for release of the area from a city’s extraterritorial jurisdiction; and (2) authorize registered voters in a certain area to petition a city for disannexation of the area. (Companion bill is **H.B. 2776** by **Deshotel**.)

S.B. 1557 (Hall) – Condominiums: would provide that a condominium declaration is not a subdivision of land for purposes of county subdivision regulations. (Companion bill is **H.B. 2948** by **Cyrier**.)

S.B. 1565 (Lucio) – Low Income Housing Tax Credit Program: would eliminate: (1) the requirement for a city council to hold a public hearing and adopt a resolution in order for the Texas Department of Housing and Community Affairs (TDHCA) to approve an application for housing tax credits for developments financed through the private activity bond program; (2) the requirement that TDHCA score and rank applications using a point system that prioritizes criteria in a particular order; and (3) the ability of TDHCA to provide incentives through the qualified allocation plan to reward applicants for low income housing tax credits for locating a housing

development in a census tract in which there are no other existing developments supported by housing tax credits. (Companion bill is **H.B. 2027** by **Cortez**.)

S.B. 1585 (Hughes) – Historic Landmark: would provide that a city that has more than one zoning, planning, or historical commission shall designate one of those commissions as the entity with the exclusive authority to approve the designations of properties as local historic landmarks. (Companion bill is **H.B. 1474** by **Cyrrier**.)

S.B. 1650 (Perry) – Middle Mile Broadband Service: would: (1) define “middle mile broadband service” as the provision of broadband service to an Internet service provider on a wholesale basis, and provide that the term does not include the provision of Internet service to end-use customers on a retail basis; (2) authorize certain electric utilities, not including a municipally owned utility, to own, construct, maintain, and operate fiber optic cables and other facilities for providing middle mile broadband service; and (3) establish a system by which an electric utility that plans a project to deploy middle mile broadband must submit a written plan to the Public Utility Commission (PUC) for PUC approval. (Companion bill is **H.B. 3853** by **Anderson**.)

S.B. 1657 (Bettencourt) – Zoning: would: (1) require a zoning commission to give written notice of a public hearing on a proposed zoning change to each real property owner wholly or partly located in an unincorporated area of the county if the nearest property line is located not more than two miles from the nearest boundary of the area for which the zoning change is proposed; and (2) require the notice in (1) be provided by U.S. mail to the property owner, as indicated on the most recently approved county tax roll, not later than the 10th day before the date of the hearing.

S.B. 1658 (Bettencourt) – Annexation: would: (1) remove strategic partnership agreements from the list of annexations that may take place outside of the consent process; (2) provide that if a strategic partnership agreement for the annexation of certain special districts provides for limited-purpose annexation, the governing body of the district must order an election (preceded by hearings) submitting to the voters of the district the question of approving the proposed strategic partnership agreement; (3) provide that a city may not annex a district for limited purposes until has adopted a strategic partnership agreement that is approved by a majority of the voters in the district; (4) provide that a strategic partnership agreement that provides for limited-purpose annexation must be for a term not to exceed six years, that the extension of the agreement must be approved by the qualified voters of the district, and that the number of extensions is capped; (5) in relation to strategic partnership agreements entered into before September 1, 2021, provide that if a strategic partnership agreement provides for limited-purpose annexation, the governing body of the district must order an election to submit to the qualified voters of the district the question of ratifying the continuation of the agreement; and (6) provide that the qualified voters of a district annexed for limited purposes under a strategic partnership agreement are entitled to vote in municipal elections, but are not eligible to be a candidate for or elected to a municipal office.

S.B. 1659 (Bettencourt) – Limited Purpose Annexations: would provide that the qualified voters of an area in a district annexed for limited purposes under a strategic partnership agreement are entitled to vote in municipal elections in the same manner as qualified voters of any other area annexed for limited purposes, but are not eligible to be a candidate for or to be elected to a municipal office.

S.B. 1666 (Hughes) – Energy Efficiency Building Standards: would provide that the following accredited energy efficiency programs are in compliance with certain state law: (1) Standard 301 of the American National Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index, commonly cited as ANSI/RESNET/ICC 301; and (2) Standard 380 of the American National Standard for Testing Airtightness of Building, Dwelling Unit, and Sleeping Unit Enclosures, Airtightness of Heating and Cooling Air Distribution Systems, and Airflow of Mechanical Ventilation Systems, commonly cited as ANSI/RESNET/ICC 380. (Companion bill is **H.B. 3215** by **Geren**.)

S.B. 1667 (Hughes) – Land Development Applications: would: (1) prohibit a municipal planning commission or the governing body of the municipality from requiring a person to submit or obtain approval of a required planning document or fulfill any other prerequisites or conditions before the person files a copy of the plan or plat with the municipal planning commission or governing body; (2) except from the prohibition in (1) certain subdivision plats for which the source of the water supply intended for the subdivision is groundwater; (3) allow a municipal planning commission or the governing body of the municipality to approve a plan or plat on the condition that the applicant must also submit or obtain approval of certain required planning documents after the plat application is filed; (4) require that, if the municipal planning commission or the governing body of the municipality conditionally approves a plan or plat as described in (3), the municipality's approval process for each individual required planning document shall be subject to the same procedures and timelines as those prescribed for certain other plans or plats (except that an individual required planning document may not be conditionally approved); and (5) in certain circumstances, require a city to establish a bifurcated approval procedure, including a phased approach to the approval of a preliminary plan or plat and a final plan or plat, and allow an applicant to opt-in to the bifurcated approval procedure. (Companion bill is **H.B. 4447** by **Oliverson**.)

S.B. 1721 (Eckhardt) – Wildlife Habitat: would: (1) authorize a home-rule municipality to impose on the developer of a development project located within the corporate boundaries of the municipality or the extraterritorial jurisdiction of the municipality a fee not to exceed \$100 for each acre or portion of an acre on which natural vegetation is removed as part of the project; and (2) provide that a municipality may spend money collected from the fee authorized in (1) only to: (a) support the rehabilitation of wildlife by an animal rescue nonprofit organization that provides services in the municipality; or (b) mitigate the damage done to wildlife by a development project's temporary or permanent removal of wildlife habitat.

S.B. 1733 (Hall) – Recreational Vehicle Parks: would provide that a recreational vehicle park is not a subdivision of land for purposes of county subdivision regulations.

S.B. 1799 (West) – Broadband: would establish a broadband Internet access grant program to provide grants to school districts for the purpose of incentivizing districts to develop unique or inventive methods for increasing broadband Internet access to facilitate instruction and learning for district students.

S.B. 1813 (Springer) – Broadband: would, among other things: (1) provide that the first \$200 million of the proceeds received in a state fiscal year from the collection of state sales taxes on telecommunications services shall be deposited to the credit of the universal service fund sales tax receipts account in the state's general revenue fund; (2) expand the definition of "basic local telecommunications service" to include access to facilities with the capability of carrying data or broadband signals; (3) provide that the universal service fund is funded by a statewide uniform charge payable by each telecommunications provider, which includes a provider of Voice over Internet Protocol service that has access to the customer base, and may be in the form of a fee or an assessment on revenues; and (4) prohibit the commission from assessing the statewide uniform charge in a manner that is not technology neutral or grants an unreasonable preference based on technology.

S.B. 1871 (Miles) – Boarding Home Facilities: would, in a city that requires a person to obtain a permit to operate a boarding home facility, provide civil penalties and criminal offenses for violations of the city's boarding home facility regulations.

S.B. 1873 (Creighton) – Municipal Management Districts: would provide that: (1) the board of a municipal management district may declare that a position on the board is a civil office of emolument for purposes of the constitutional dual office holding prohibition if the city council of the city in which the district is located consents by resolution or ordinance; and (2) a director of a municipal management district whose position is made a civil office of emolument under (1) is entitled to receive fees of office and reimbursement of eligible expenses in the manner available to other districts in state law. (Companion bill is **H.B. 1968** by **Reynolds**.)

S.B. 1881 (Buckingham) – Building Materials: would allow a governmental entity to impose a regulation regarding the use of a building production, material or standard in relation to a building located in an area designated as an entry corridor for development, restoration, or preservation.

S.B. 1947 (Springer) – Building Permits: would: (1) repeal the statute giving a city the ability to reach a written agreement with a building permit applicant providing for an alternative deadline for granting or denying the permit; and (2) prohibit a city from: (a) denying a building permit solely because the city is unable to comply with the 45-day time period for granting or denying a building permit; and (b) requiring a building permit applicant to waive the 45-day time period for granting or denying a building permit. (Companion bill is **H.B. 2590** by **Leach**.)

S.B. 1992 (Bettencourt) – Extraterritorial Jurisdiction: would: (1) allow a resident of an area with a population of less than 200 and in a municipality's extraterritorial jurisdiction (ETJ) to file a petition for the area to be released from the ETJ if the area has been in the ETJ for at least one year; (2) require the petition in (1) be signed by more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date, and if it is valid, require the city to release the area from its ETJ immediately; (3) allow a resident of an area with a population of 200 or more and that has been in a municipality's ETJ for at least one year to request to hold an election on the question of whether to release the area from the municipality's ETJ by filing with the municipality a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date; and (4) require a city that receives a valid petition under (3) to hold and pay for the costs of an

election in the area described by the petition, and to immediately release the area from the ETJ if a majority of voters approve the proposed release. (Companion bill is **H.B. 3519** by **Deshotel**.)

S.B. 1993 (Hughes) – Renewable Energy Tax Preference: would, among other things, impose a state tax on each electric generator in this state that receives a renewable energy tax preference for a state or local tax, including a property tax abatement.

S.B. 2024 (Creighton) – Public Improvement Districts: would, among other things: (1) provide that the resolution adopted by a city council authorizing the creation of a public improvement district (PID) takes effect on the date the resolution is adopted; (2) require a city to file a copy of a PID creation resolution with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council adopts the resolution; (3) require a city council to approve a PID service plan, or amend or update the plan, only by ordinance; (4) require a city to file a copy of the initially-adopted or amended PID service plan with the county clerk of each county in which all or part of the PID is located not later than the seventh day after the date the city council approves the service plan; (5) revise the language of the mandatory notice of obligations related to a PID used in a real estate transaction to include, among other things, additional information about the PID assessment levied against the property; (6) authorize the city or county that created the PID to provide additional information regarding the district in the PID obligation notice described in (5), above, including whether an assessment has been levied, the amount of the assessment, and the payment schedule for assessments; (7) require the PID obligation notice described in (5), above, to be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract; (8) provide that in the event a contract of purchase and sale is entered into without the seller providing the required notice of PID obligations, the purchaser is entitled to terminate the contract; and (9) provide that it shall be conclusively presumed that the purchaser has waived all rights to terminate the contract under (8), above, or recover damages or other remedies or rights, if the seller furnishes the notice of PID obligations at or before closing the purchase and sale contract and the purchaser elects to close even though the notice was not timely furnished before execution of the contract.

S.B. 2030 (Eckhardt) – Public Facility Corporations: would modify the requirements for beneficial tax treatment related to a public facility used to provide affordable housing through a public facility corporation.

S.B. 2137 (Blanco) – Social Media Companies: would: (1) require a social media company, as a condition of being eligible for economic development incentives to: (a) timely comply with a law enforcement agency's requests relating to imminent threats to public and personal safety; (b) timely report credible threats to a law enforcement agency; and (c) collaborate with law enforcement to identify and prevent violence, including by: (i) designating one or more employees to work with law enforcement; and (ii) providing law enforcement with appropriate contact information to submit requests relating to public safety; (2) prohibit a social media company from disabling law enforcement accounts on the company's social media Internet website being used in the course of an ongoing criminal investigation without first communicating and coordinating with a law enforcement agency before removing or deactivating a law enforcement account; (3) prohibit, notwithstanding any other law, 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 comply with these conditions; (4) a social media company that violates these provisions is liable to this state for a civil penalty in an amount of not more than \$1 million, and 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; (5) authorize, in lieu of awarding damages, a court may order the forfeiture of any financial grants awarded to the social media company under an economic development agreement as a penalty; and (6) authorizes a penalty collected to be deposited in the state treasury to the credit of the compensation to victims of crime fund, except a penalty collected shall be remitted to the governmental entity that awarded the grant.

Elections

H.B. 6 (Cain) – Election Integrity: would, among other things: (1) require the local registrar of deaths to file each abstract with the voter registrar of the decedent's county of residence and the secretary of state as soon as possible, but not later than one day after the abstract is prepared (Note: current law authorizes the local registrar to file the abstract with the voter registrar not later than the 10th day after the abstract is prepared); (2) provide that if an electronic voting system uses paper media for recording votes cast, the election officer shall maintain a record of the serial numbers of all ballots issued at that polling place and the serial numbers of any spoiled ballots; (3) authorize the following people to be lawfully present in a polling place during the time the presiding judge arrives there on election day until the precinct returns have been certified and the election records assembled for distribution following the election: (a) an election judge or clerk; (b) a watcher; (c) a state or federal inspector; (d) a person admitted to vote; (e) a child under 18 years of age accompanying a parent who has been admitted to vote; (f) a person providing authorized assistance to a voter; (g) a special peace officer appointed by the presiding judge; (h) the county chair of a political party conducting a primary election; (i) an authorized voting system technician; or (j) a person whose presence has been authorized by the presiding judge; (4) authorize the following people to be lawfully present in the meeting place of an early voting ballot board during the time of the board's operation: (a) a presiding judge or member of the board; (b) a watcher; (c) an authorized voting system technician; or (d) a person whose presence has been authorized by the presiding judge; and (5) authorize the following people to be lawfully present in the central counting station while ballots are being counted: (a) a counting station manager, tabulation supervisor, assistant to the tabulation supervisor, presiding judge, or clerk; (b) a watcher; (c) an authorized voting system technician; or (d) a person whose presence has been authorized by the counting station manager.

H.B. 2075 (Swanson) – Voting System: would, among other things: (1) require a voting system to: (a) perform a self-assessment on starting up to ensure functionality and connectivity; (b) maintain a secure wireless connection that does not transmit or store data on any device or medium located outside the state; and (c) produce in an electronic format capable of updating in real time a reporting of the votes cast; (2) beginning September 1, 2021, require all software and data for the voting system manufactured, stored, and held in the United States and sold by a company whose: (a) headquarters are located in the United States; and (b) parent company's headquarters, if applicable, are located in the United States; (3) require a contract to acquire a voting system from a vendor must identify each person or entity that has a five percent or greater ownership

interest in: (a) the vendor; (b) the vendor's parent company, if applicable; and (c) each subsidiary or affiliate of the vendor, if applicable; (4) prohibit ballots to be arranged in a manner that allows a political party's candidates to be selected in one motion or gesture and such arrangement constitutes a state jail felony; and (5) require a voting machine or ballot marking device to allow a voter the option to cast or complete the voter's ballot prior to voting on all races or measures if the voter affirmatively chooses to do so.

H.B. 3698 (Parker) – Voting System: would: (1) require each electronic system ballot to contain a serial number that must be printed before insertion in a ballot marking device, if any; (2) require the secretary of state to approve printers of paper ballots for use with specific electronic voting systems; (3) require each person who prints ballots for use with electronic voting systems to submit satisfactory evidence to the secretary of state that ballots printed by them are accurately read and tabulated by all electronic voting systems; (4) authorize the secretary of state to revoke approval for a printer of paper ballots for use with a specific electronic voting system on sufficient evidence of that printer's inability to produce paper ballots that are consistently read accurately by the specific electronic voting system; (5) require after installation of the voting system equipment at the polling place, that a report be run on each voting machine to demonstrate that no votes are recorded on the equipment; (6) require, for an electronic voting system that uses paper media for recording votes cast, the election officer to maintain a record of the serial numbers of all ballots issued at that polling place and the serial numbers of any spoiled ballots, if any; and (7) require that an election officer generate a paper record of the number of votes cast for each candidate or measure when using electronic voting system equipment that does not generate a voter-verified paper ballot record, except during early voting.

H.B. 3719 (Crockett) – Illegal Voting: would: (1) require, before an election officer provides a person with an affidavit to be executed for proof of residency, the election officer to orally inform the person of each requirement to be eligible to register as a voter; (2) amend current state law regarding the offense of illegal voting by adopting additional elements for the offense if the person: votes or attempts to vote in an election if the person knows: (a) of particular circumstances that make the person not eligible to vote in the election; and (b) that those circumstances make the person not eligible to vote in the election; and (3) create an exception if the person: (a) voted or attempted to vote a provisional ballot; and (b) did not receive the information required from the election officer as stated above.

H.B. 3873 (Bucy) – Accessible Absentee Mail System: would provide that: (1) a person who has a disability or a person who is a member of the armed forces of the United States, or such member's spouse or dependent, may cast a ballot using an accessible absentee mail system; and (2) such accessible absentee mail system shall be an electronic system, including software, used for the sole purpose of enabling any voter, including a voter who has a disability, to mark the voter's ballot and print and submit the ballot in the manner required by law for a ballot marked by a voter.

H.B. 3874 (Bucy) – Voting by E-mail: would, among other things: (1) provide a disabled person who is eligible to vote may request from the appropriate early voting clerk e-mail transmission of balloting materials; (2) require the early voting clerk to grant a request for the e-mail transmission of balloting materials if: (a) the requestor has submitted a valid application for a ballot to be voted by mail on the ground of disability; (b) the requestor provides an e-mail address with the request;

(c) the request is submitted on or before the seventh day before the date of the election; and (d) a marked ballot for the election from the requestor has not been received by the early voting clerk; (3) make the e-mail address provided confidential and not subject to the Texas Public Information Act; (4) require a voter who receives a ballot by e-mail to return the ballot by mail, common or contract carrier, or courier; and (5) provide that a voter may not return the ballot by electronic transmission except for a member of the armed forces of the United States who is on active duty overseas and eligible for hostile fire pay.

H.B. 3919 (Dean) – Early Voting by Mail: would provide that the following does not constitute sufficient cause to entitle a voter to vote an early voting ballot by mail on the ground of disability: (1) a lack of transportation; (2) a sickness that does not otherwise prevent the voter from leaving the voter's residence; or (3) a requirement to appear at the voter's place of employment on election day.

H.B. 3920 (Dean) – Early Voting by Mail: would: (1) provide that a qualified voter is eligible for early voting by mail if the voter expects to be confined for childbirth on election day; (2) provide that the following does not constitute sufficient cause to entitle a voter to vote an early voting ballot by mail on the ground of disability: (a) a lack of transportation; (b) a sickness that does not otherwise prevent the voter from leaving the voter's residence; or (c) a requirement to appear at the voter's place of employment on election day; and (3) require that an application for a ballot to be voted by mail on the ground of disability must require the applicant to affirmatively indicate that the applicant agrees with the statement "I am physically unable to enter a polling place on election day without needing personal assistance or injuring my health."

H.B. 3970 (Vasut) – Early Voting by Mail: would, among many other things: (1) require the early voting ballot board to inspect and open each jacket envelope and carrier envelope for an early voting ballot voted by mail and determine whether to accept the voter's ballot for counting based on certain specified criteria, including signature verification; (2) require the early voting ballot board to reject and may not open the carrier envelope if the aforementioned criteria is not met; (3) prohibit the early voting ballot board and the signature verification committee from opening the official ballot envelope of an accepted ballot which must be processed separately; and (4) authorize a poll watcher to observe: (a) the acceptance of early voting ballots voted by mail, including the work of the early voting ballot board and any signature verification committee; (b) how the ballots are opened and distributed and how the early voting ballot board and any signature verification committee are making decisions about the acceptance of ballots, if applicable; (c) the work of the central counting station, including the counting of ballots; and (d) how the presiding and alternate judges of the central counting station are making decisions about the acceptance of ballots, if applicable.

H.B. 3974 (Paul) – Residency: would, among other things, modify the definition of "residence" for purposes of elections to provide that: (1) a person may not establish residence for the purpose of influencing the outcome of a certain election; (2) a person may not establish a residence at any place the person has not inhabited; and (3) a person may not designate a previous residence as a home and fixed place of habitation unless the person inhabits the place at the time of designation and intends to remain. (Companion bill is **S.B. 1111** by **Bettencourt**.)

H.B. 3999 (Jetton) – Election Judges: would: (1) require a presiding judge and an alternate presiding judge in each election precinct to appoint the election clerks to assist the presiding judge and alternate presiding judge in the conduct of an election at the polling place served by the presiding judge and alternate presiding judge; (2) require the presiding judge and alternate presiding judge to each appoint the same number of clerks to the extent possible given the total number of clerks to be appointed; (3) authorize an alternate presiding judge to have access to the voting area at all times the polling place is open for voting; (4) prohibit a presiding judge from assigning any duty to an alternate presiding judge that prevents continuous access to that area; (5) authorize the alternate presiding judge to assume the responsibilities of the presiding judge if the presiding judge is not present at the polling place; and (6) repeal any nepotism regulations applicable to the appointment of an election clerk.

H.B. 4019 (Bucy) – Mobility Impaired Voters: would: (1) amend current state law by requiring an election officer to accept a person with a mobility problem that substantially impairs a person's ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person; and (2) provide that if a voter is eligible for early voting by mail on the ground of disability, the balloting materials may be provided by e-mail in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

H.B. 4128 (Schofield) – Uniform Election Date: would authorize a city council to change the date on which it holds its general election for officers from the May uniform election date to the November uniform election date.

H.B. 4177 (Beckley) – Voter Identification: would allow a person whose name has changed not more than two years before the date the person offers to vote to present identification that shows a name of the voter that does not match the name on the precinct list of registered voters if the person also presents certified documentation of the name change that shows: (1) the name of the voter shown on the precinct list of registered voters; (2) the name of the voter shown on the identification presented; or (3) citizenship documentation that shows that the voter recently took a new name as part of the citizenship process.

H.B. 4180 (Beckley) – Voter Identification: would allow a person whose name has changed not more than two years before the date the person offers to vote to present identification that shows a name of the voter that does not match the name on the precinct list of registered voters if the person also presents certified documentation of the name change that shows: (1) the name of the voter shown on the precinct list of registered voters; (2) the name of the voter shown on the identification presented; or (3) a signed statement from a physician on the letterhead of the physician's official stationery that confirms the person's identity constitutes certified documentation.

H.B. 4322 (Jetton) – Polling Place: would: (1) require each polling place to be located inside a building and not a tent or other temporary or movable structure or a parking garage, parking lot, or similar facility; and (2) prohibit a voter from casting a vote from inside a motor vehicle unless the voter meets the requirements for curbside voting.

H.B. 4364 (Jetton) – Poll Watchers: would: (1) provide for a person to be eligible to serve as a watcher, a person must present proof of identification to the election judge at the polling place where the watcher serves; (2) create a Class A misdemeanor for an election officer that intentionally or knowingly refuses to accept a watcher for service when acceptance of the watcher is required; (3) repeal the minimum hours of continuous service a watcher may serve at the polling place; (4) require a watcher free movement within the location the watcher is serving, except as provided by law; and (5) permit the watcher to observe the sealing and transfer of a memory card, flash drive, hard drive, data storage device, or other medium now existing or later developed used by the voting system equipment.

H.B. 4369 (Noble) – Ballot by Mail: would require: (1) the early voting clerk to deliver to the early voting ballot board: (a) copies of the applications for ballots to be voted by mail for each ballot voted by mail received; and (b) copies of the voter's signature from the voter's application for voter registration; (2) before reviewing a carrier envelope certificate, the early voting ballot board to review each application for a ballot to be voted by mail that correlates with the carrier envelope to determine if the signature on the ballot application was executed by a person other than the voter, unless the application was signed by a witness; (3) the early voting clerk to make available for review signatures for each applicant for a ballot to be voted by mail from the previous six years; and (4) the early voting clerk to have software available to display all electronically available signatures together. (Companion bill is **S.B. 1664** by **Bettencourt**.)

H.B. 4402 (Schofield) – Election Dates: would change: (1) the date of the general election for state and county officers from the first Tuesday after the first Monday in November in even-numbered years to odd-numbered years; (2) the general primary election date from the first Tuesday in March in each even numbered year to the first Tuesday in September in each odd-numbered year; and (3) the runoff primary election date from the fourth Tuesday in May to the fourth Tuesday in September following the general primary election.

H.B. 4459 (Swanson) – Voting System: would, among other things: (1) require a voting system to: (a) perform a self-assessment on starting up to ensure functionality and connectivity; (b) maintain a secure wireless connection that does not transmit or store data on any device or medium located outside the state; and (c) produce in an electronic format capable of updating in real time a reporting of the votes cast; (2) beginning September 1, 2021, require all software and data for the voting system manufactured, stored, and held in the United States and sold by a company whose: (a) headquarters are located in the United States; and (b) parent company's headquarters, if applicable, are located in the United States; (3) require a contract to acquire a voting system from a vendor must identify each person or entity that has a five percent or greater ownership interest in: (a) the vendor; (b) the vendor's parent company, if applicable; and (c) each subsidiary or affiliate of the vendor, if applicable; (4) prohibit ballots to be arranged in a manner that allows a political party's candidates to be selected in one motion or gesture and such arrangement constitutes a state jail felony; and (5) require a voting machine or ballot marking device to allow a voter the option to cast or complete the voter's ballot prior to voting on all races or measures if the voter affirmatively chooses to do so.

H.B. 4497 (Thompson) – Postponed Election: would: (1) only during a state of disaster or emergency declared by the president of the United States or governor, authorize the governing

body of a political subdivision, other than a county, that holds an election on a date other than the November uniform election date to postpone the election to the third Saturday in August; (2) require a governing body postponing an election to adjust the terms of office to conform to the new election date; and (3) authorize a change authorized adopted in a resolution by a home-rule city to supersede a city charter provision to the extent of any conflict.

H.B. 4555 (Guillen) – Eligibility for Public Office: would: (1) require a candidate to provide a certified copy of the candidate's pardon or other documentation evidencing removal of the disability to holding public office; and (2) create an offense for a person filing as a candidate that has been convicted of a felony and fails to acknowledge on any election filing form they were convicted of a felony.

S.B. 7 (Hughes) – Elections: would, among many other things: (1) create a civil penalty of \$100 for a voter registrar who fails to correct a violation within 30 days of a notice of noncompliance from the secretary of state on the statewide computerized voter registration list; (2) prohibit an early voting clerk from attempting to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party; (3) prohibit, unless authorized by the Election Code, an officer or employee of this state or of a political subdivision from distributing an application form for an early voting ballot to a person who did not request an application nor use public funds to facilitate the distribution by another person of an application form for an early voting ballot to a person who did not request an application; (4) require signature verification by comparison to a known signature; (5) permit a poll watcher to sit or stand near enough to see and hear certain election activity and create an offense for an action taken to distance or obstruct the view of a watcher in a way that makes observation reasonably ineffective; (6) require each countywide polling place in a county to have approximately the same number of voting machines as each other countywide polling place in the county; (7) permit a watcher to record images and sound as permitted by state law other than capturing or recording any information on a voter's ballot; (8) require that the city secretary's main business office is regularly open for business, except that voting may not be conducted earlier than 7 a.m. or later than 7 p.m.; (9) require the general custodian of election records to post a licensed peace officer rather than a guard to ensure the security of ballot boxes containing voted ballots throughout the period of tabulation at the central counting station; (10) permit the general custodian of election records to implement a video surveillance system that retains a record of all areas containing voted ballots from the time the voted ballots are delivered to the central counting station until the canvass of precinct election returns and must be retained until the end of the calendar year in which an election is held; (11) permit an authority that purchased a voting system other than an auditable voting system after September 1, 2016, and before September 1, 2021, to use available federal funding and, if federal funding is not available, available state funding to retrofit the purchased voting system as an auditable voting system; (12) require a test conducted by general custodian of election records to demonstrate, using a representative sample of voting system equipment, that the source code of the equipment has not been altered; require an automatic recount for a precinct that shows the number of votes cast in an election precinct exceeds the number of registered voters in the precinct; (13) creates a civil penalty for an election official if the official: (a) is employed by or is an officer of this state or a political subdivision of this state; and (b) violates a provision of the Election Code; and (14) create a Class A misdemeanor offense for an election officer that knowingly refuses to accept a watcher for service whose acceptance is required by the Election Code.

S.B. 1508 (Creighton) – Election Integrity: would: (1) require a law enforcement agency to assist the office of the attorney general election integrity division, to investigate reports of election fraud or that a person has committed an offense under the Election Code; and (2) authorize the election integrity division to issue an administrative subpoena to a political subdivision of this state compelling: (a) the production of information or documents; or (b) the attendance and testimony of a witness.

S.B. 1509 (Creighton) – Voter Identification: would, among other things: (1) expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present one form of certain types of identification from an expanded list as proof of identification along with the applicant's last four digits of their social security number; (2) permit the voter to be provided with an official ballot by mail if the voter executes an affidavit declaring the voter cannot obtain identification due to a religious objection or an emergency; and (3) require the early voting clerk to reject the application if it does not include a legible photograph or copy of one form of photo identification, accompanied by a declaration of reasonable impediment, or an affidavit of religious objection or emergency.

S.B. 1535 (Buckingham) – Election Integrity: would: (1) repeal the provision requiring a watcher for a precinct polling place to be a registered voter of the precinct; (2) permit a watcher to observe the signature verification committee; (3) permit a watcher: (a) to observe at any time the early voting ballot board or signature verification committee is processing or counting ballots and until the board or committee completes its duties; and (b) serve during the hours the watcher chooses, except that a watcher serving at the meeting place of an early voting ballot board may not leave during voting hours on election day without the presiding judge's permission if the board has recorded any votes cast on voting machines or counted any ballots, unless the board has completed its duties and has been dismissed by the presiding judge; (4) require that an application for ballot by mail be in writing and not signed electronically or photocopied; (5) prohibit a person, other than a watcher solely recording the counting of ballots, from using any mechanical or electronic means of recording images or sound within 100 feet of a voting station; (6) increase an offense for a violation of these requirements from a Class B misdemeanor to a state jail felony; (7) provide that a qualified voter is eligible for early voting by mail if the voter cannot appear at the polling place during the early voting period and on election day without assistance due to: (a) illness; (b) injury; (c) medical confinement as directed by a health care professional; or (d) mental or physical impairment; (8) permit an application for a ballot to be voted by mail include or be accompanied by a certificate of a licensed physician or chiropractor or accredited Christian Science practitioner in substantially the form provided by state law; (9) prohibit a public official from issuing a communication concerning eligibility for early voting by mail without approval from the secretary of state; (10) require a public official who issues a communication regarding eligibility for early voting without approval from the secretary of state to: (a) retract the communication; and (b) provide an alternative approved communication in the same manner as the unapproved communication was provided; (11) require an early voting clerk who is aware of or is in possession of evidence that an offense has been committed to promptly notify a law enforcement agency and retain the evidence; (12) generally prohibit an officer or employee of this state or of a political subdivision from distributing an official application form for an early voting ballot to be voted by mail to a person; and (13) require the secretary of state to develop a training course and uniform

standards for the process of signature comparison and verification and ensure that the training course is made available to any person who has a duty to examine signatures.

S.B. 1572 (Paxton) – Ballots: would: (1) require the deputy early voting clerk at a polling place to enter the signature or initials of the deputy early voting clerk on each ballot; (2) provide that the signing of ballots need not be completed before the polls open, but an unsigned ballot may not be made available for selection by a voter; (3) provide a waiver request process of the secretary of state's additional standards for voting systems, including operation procedures, for a county or political subdivision to request provided that the county or political subdivision providing the voting system can demonstrate a specific inability to comply and specifies the election and election date to be affected; and (4) require waivers granted to be posted on the Internet website of the requesting county or political subdivision not less than 60 days before the first day of the early voting period and must remain posted during the affected election.

S.B. 1589 (Bettencourt) – Election Marshals: would, among other things, establish election marshals and state inspectors to investigate alleged violations of the Texas Election Code.

S.B. 1591 (Bettencourt) – Poll Watcher: would: (1) repeal the prohibition of a poll watcher from possessing a device capable of recording images or sound; (2) permit a watcher serving at the meeting place of a signature verification committee to be present at any time the committee is processing ballots and until the committee completes its duties; (3) permit the watcher to serve during the hours the watcher chooses when ballots are processed or handled; (4) authorize a watcher to sit or stand near enough to a member of the early voting ballot board or a signature verification committee; (5) provide that a watcher may not be prohibited from making written notes while on duty, including the name and contact information of a voter whose voting process may have involved a violation of election law; (6) increase the offense involving inhibiting a poll watcher from a Class A misdemeanor to a state jail felony; and (7) authorize a peace officer or an appointed special peace officer to ensure that a watcher who is the victim of an offense inhibiting their duties is given access to perform the watcher's duties.

S.B. 1607 (Hall) – Elections: would, among many other things: (1) provide that each election precinct established for an election shall be served by at least one polling place located within the boundary of the precinct; (2) prohibit a polling place from being located in: (a) a tent or other temporary or movable structure; or (b) a parking garage, parking lot, or similar facility primarily designed for motor vehicles; (3) require each early voting ballot voted by mail to include a unique barcode or microchip to ensure that the ballot is only counted once; (4) require video cameras to be posted at a polling place to enable recording of all activity, other than voting, conducted at a polling place; (5) provide that a ballot voted by mail is not valid unless the voter signs the carrier envelope in the presence of a witness or notary public and the witness or notary public signs the carrier envelope; and (6) require the early voting clerk to upload various information to the state election database not later than 24 hours after the early voting clerk receives an application to vote by mail, places an official ballot in the mail, or receives a marked ballot voted by mail.

S.B. 1608 (Hall) – Elections: would, among other things: (1) provide that each election precinct established for an election shall be served by at least one polling place located within the boundary of the precinct; (2) prohibit a polling place from being located in: (a) a tent or other temporary or

movable structure; or (b) a parking garage, parking lot, or similar facility primarily designed for motor vehicles; (3) require each early voting ballot voted by mail to include a unique barcode or microchip to ensure that the ballot is only counted once; (4) require video cameras to be posted at a polling place to enable recording of all activity, other than voting, conducted at a polling place; and (5) provide that a voting system that consists of direct recording electronic voting machines may not be used in an election unless the system is a secure voting system.

S.B. 1611 (Hall) – Poll Watcher: would: (1) provide that a person, other than a watcher, may not use a wireless communication device or any mechanical or electronic means of recording images or sound within 100 feet of the area in which the early voting ballot board disposes of an accepted ballot; (2) prohibit a person, other than a watcher: (a) from using a wireless communication device within 100 feet of a voting station while voting is taking place; and (b) from using any mechanical or electronic means to record images or sound; (3) create an offense that includes an action taken to distance or obstruct the view of a watcher in a way that makes observation reasonably ineffective; and (4) permit a person who has committed an offense to also be: (a) suspended or terminated; or (b) liable to the state for a civil penalty not to exceed \$4,000 for each violation.

S.B. 1612 (Hall) – Voting System Vendors: would: (1) provide that a written letter, e-mail, or other communication, including a communication made confidential by other law, between a public official and a voting systems vendor: (a) is not confidential; (b) is public information for purposes of the Public Information Act (PIA); and (c) is not subject to an exception to disclosure provided by the PIA; and (2) authorize a district court to issue a writ of mandamus to compel the performance of any duty imposed by law in connection with the holding of an election by a city, county, or other political subdivision.

S.B. 1633 (Miles) – Final Convictions: would provide that, in order to be eligible to be a candidate for, or elected or appointed to, a public elective office, a person must have not been finally convicted of a felony, or, if so convicted, has fully discharged the person's sentence, including any term of incarceration, parole, or supervision, or completed a period of probation ordered by any court, or otherwise been pardoned or otherwise released from the resulting disabilities.

S.B. 1661 (Bettencourt) – City Election Date: would require all cities to hold general elections of the city on the November uniform election date in an even-numbered year.

S.B. 1664 (Bettencourt) – Ballot by Mail: would require: (1) the early voting clerk to deliver to the early voting ballot board: (a) copies of the applications for ballots to be voted by mail for each ballot voted by mail received; and (b) copies of the voter's signature from the voter's application for voter registration; (2) before reviewing a carrier envelope certificate, the early voting ballot board to review each application for a ballot to be voted by mail that correlates with the carrier envelope to determine if the signature on the ballot application was executed by a person other than the voter, unless the application was signed by a witness; (3) the early voting clerk to make available for review signatures for each applicant for a ballot to be voted by mail from the previous six years; and (4) the early voting clerk to have software available to display all electronically available signatures together. (Companion bill is **H.B. 4369** by **Noble**.)

S.B. 1675 (Campbell) – Voting by Mail: would provide that: (1) except as specifically permitted by statute, the qualifications may not be amended or suspended for any reason for: (a) early voting by mail and procedures for conducting early voting by mail; and (b) voting by mail and procedures for conducting voting by mail; (2) the governor may not suspend a provision of a statute, an order, or a rule under the governor’s emergency management authority if the provision, order, or rule is related to the qualifications or procedures for early voting by mail and voting by mail; (3) upon declaration of state of disaster, the governor may suspend certain provisions of the Election Code only for the purpose of allowing a voter registered to vote at an address located in a disaster area to deliver a marked ballot voted under certain provisions to the early voting clerk's office on or before election day; and (4) the presiding officer of the governing body of a political subdivision may not suspend a provision of a statute, an order, or a rule under the officer’s disaster authority if the provision, order, or rule is related to the qualifications or procedures for early voting by mail and voting by mail. (See **S.J.R. 61**, below.)

S.B. 1729 (Springer) – Secretary of State: would repeal for a particular political subdivision: (1) the ability of the secretary of state to, at any time, waive or reinstate the requirements of the Election Code for electronic voting systems.

S.B. 1730 (Springer) – Election Moratorium: would: (1) provide that any changes made by an election authority to a practice or procedure related to election administration or voter registration must be finalized not later than the 45th day before election day; (2) provide that during the 45 days preceding election day, deviations from the practices or procedures are presumptively invalid and subject to injunctive relief, unless there is a declared state of disaster or emergency; and (3) authorize the attorney general to obtain injunctive relief to enforce (1) and (2).

S.B. 1731 (Springer) – Election Integrity: would: (1) create an offense for a person that offers or gives a nonmonetary gift to a voter at a polling place or to a person assisting the voter needing assistance; (2) require that an application for ballot by mail be in writing and not signed electronically or photocopied; (3) prohibit the early voting clerk from making attempts to solicit a person to complete an application for an early voting ballot by mail, whether directly or through a third party; (4) increase an offense for a violation of these requirements from a Class B misdemeanor to a state jail felony; (5) require an early voting clerk who is aware of or is in possession of evidence that an offense has been committed must promptly notify a law enforcement agency and retain the evidence; (6) prohibit, unless otherwise authorized by state law, an officer or employee of this state or of a political subdivision from distributing an official application form for an early voting ballot to be voted by mail to a person; (7) require secretary of state to develop a training course and uniform standards for the process of signature comparison and verification and ensure that the training course is made available to any person who has a duty to examine signatures; and (8) provide procedures by which signatures on ballots are verified, voters are notified of any rejected ballots and by which methods the rejected ballots may be cured.

S.B. 1765 (Bettencourt) – Election Procedures: would provide that an election official of the state or of a political subdivision may not create, alter, or suspend any voting standard, practice, or procedure in a manner not expressly authorized by state law.

S.B. 1899 (Zaffirini) – Elections: would, among other things: (1) change the age that a person may begin to apply for voter registration from 17 years and 10 months of age to 16 years of age; (2) require that the voter registration application include a space for an applicant under 18 years of age to acknowledge that they are at least 16 years of age and understand that they cannot vote until they reach the required age of 18 years of age; (3) require a voter registrar to adopt procedures to allow a voter registration agency to deliver a completed voter registration application over the Internet; (4) require a public library to provide to each person of voting age who applies for an original or renewal of a library card an opportunity to complete a voter registration application form, whether or not they are in person; (5) for each person entitled to vote an early voting ballot, require the early voting clerk to follow procedures for accepting a regular voter on election day, with the modifications necessary for the conduct of early voting; (6) require each early voting clerk to update a database, prepared by the secretary of state, with certain required application information: (a) not less frequently than once per week, (b) beginning on the 90th day before the date of an election, the early voting clerk must update the database at least once per day with the required application information relating to that election, (c) and not later than 20 days after the date of the election for which a person submitted an application, the early voting clerk shall update the person's information on the database for each election to which the application applies; and (7) provide that, before deciding whether to accept or reject a ballot, the signature verification committee may: (a) return the carrier envelope to the voter by mail, if the signature verification committee determines that it would be possible to correct the defect and return the carrier envelope before the time the polls are required to close on election day; or (b) notify the voter of the defect by telephone or e-mail and inform the voter that the voter may come to the early voting clerk's office in person to: (i) correct the defect; or (ii) request to have the voter's application to vote by mail canceled.

S.B. 1901 (Zaffirini) – Elections: would authorize the secretary of state to order a person that unduly delays or cancels an election they are legally required to hold without obtaining prior approval from the secretary of state or a court of competent jurisdiction to correct the offending conduct.

S.J.R. 61 (Campbell) – Absentee Voting: would amend the Texas Constitution to provide that: (1) the qualifications for absentee voting and procedures for conducting absentee voting may not be amended or suspended except by specific law passed by the legislature; (2) a law passed by the legislature granting the governor general authority to suspend provisions of statute or rules of a state agency does not grant the governor authority to amend or suspend the qualifications for absentee voting or the procedures for conducting absentee voting unless the law expressly provides otherwise; and (3) a law passed by the legislature granting the presiding officer of the governing body of a political subdivision general authority to declare a local state of disaster does not grant the presiding officer of the governing body of a political subdivision authority to amend or suspend the qualifications for absentee voting or the procedures for conducting absentee voting unless the law expressly provides otherwise. (See **S.B. 1675**, above.)

Emergency Management

H.B. 3747 (Smith) – Liability: would give a health care provider (including a first responder) immunity from civil liability for an act or omission that occurs in, or a health care liability claim that arises out of, giving care, assistance, or advice if the care, assistance, or advice is provided: (1) in relation to a national or statewide health care emergency that results in a declaration of a state of disaster or emergency by the president of the United States or the governor; (2) during a period beginning on the date the declaration in (1) is made and ending 60 days after the date the declaration terminates; and (3) within the scope of the provider’s practice under state law.

H.B. 3748 (Smith) – Liability: would: (1) except in a case of reckless conduct or intentional, willful, or wanton misconduct, provide that a physician, health care provider, or first responder is not liable for an injury, including economic and noneconomic damages, or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or a disaster declaration related to a pandemic disease; and (2) provide that the liability protection in (1) applies only to a claim arising from care, treatment, or failure to provide care or treatment that occurred during a period beginning on the date that the president of the United States or the governor makes a disaster declaration related to a pandemic disease and ending 60 days after the date that the declaration terminates.

H.B. 3780 (Tinderholt) – Disaster Declaration Renewal: would provide that: (1) a declared state of disaster may: (a) not continue for more than 30 days unless the disaster declaration is renewed by the governor; or (b) only be renewed by the legislature by law if the state of disaster is to address the spread of a communicable disease; and (2) if the governor finds that the state of disaster described by (1)(b) requires renewal and the legislature is not convened in regular or special session, the governor by proclamation may convene the legislature in special session to renew the disaster declaration and respond to the disaster.

H.B. 3781 (Tinderholt) – Business Operations: would provide that the governor may not issue an executive order, proclamation, or regulation during a declared state of disaster that prohibits a business or category of businesses from operating during the declared state of disaster.

H.B. 3782 (Tinderholt) – School Closures: would provide that: (1) the Department of State Health Services may not impose control measures that require the closure of a public or private school within its jurisdiction during a public health emergency; and (2) the governor may not: (a) issue an executive order, proclamation, or regulation requiring the closure of a public or private school; or (b) suspend a state agency rule or order that conflicts with (2)(a).

H.B. 3783 (Tinderholt) – Penalties: would provide that the punishment prescribed for violating an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act may not include a term of confinement.

H.B. 3784 (Tinderholt) – Emergency Management Plan: would repeal the following provisions of the Texas Disaster Act: (1) a state, local, or interjurisdictional emergency management plan may provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense; and (2) the plan described in (1) may prescribe a punishment for the offense

but may not prescribe a fine that exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

H.B. 3785 (Tinderholt) – Suspension of Laws: would, among other things, repeal the provisions of the Texas Disaster Act that provides that: (1) on request of a political subdivision, the governor may waive or suspend a deadline imposed by a statute or the orders or rules of a state agency on the political subdivision, including a deadline relating to a budget or ad valorem tax, if the waiver or suspension is reasonably necessary to cope with a disaster; and (2) the governor may suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles.

H.B. 3838 (Dominguez) – Notice: would require a governmental entity to post in a prominent location on the home page of the entity's Internet website: (1) each emergency notification issued by the entity; and (2) any other official notice issued by the entity, including notices regarding the entity's ability or inability to provide services the entity normally provides to the public.

H.B. 3901 (Hefner) – Place of Worship: would: (1) prohibit a government agency or public official from issuing an order for purposes of a state of disaster that restricts the occupancy capacity for, or has the effect of restricting the occupancy capacity for, a place of worship in this state or in a geographic area of this state; and (2) provide that the prohibition in (1) may not be suspended.

H.B. 3998 (Krause) – Access to Family Member: would provide that a political subdivision, including a city, may not adopt or enforce an order, ordinance, or other measure that prohibits or limits the amount of time of an individual's access to an imminently dying member of the individual's family.

H.B. 4009 (Rodriguez) – Emergency Shelter Planning: would provide that the Texas Division of Emergency Management, in collaboration with political subdivisions, emergency management agencies, and regional planning commissions shall ensure that local and interjurisdictional emergency management plans include provisions for emergency shelters in the event of a disaster that are suitable for cold weather events, wildfires, and floods.

H.B. 4125 (Vasut) – Emergencies: would, among other things:

- (1) for purposes of emergency management, amend the definition of: (a) "energy emergency" to include a temporary statewide, regional, or local shortage of electricity generation that makes emergency measures necessary to reduce demand or allocate supply; and (b) "epidemic emergency" to mean the occurrence or imminent threat of an outbreak of a communicable disease that threatens widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause related to the outbreak, except if the occurrence or imminent threat of an outbreak of a communicable disease for which there is widespread availability of an effective vaccine against infection;
- (2) provide that a business or an entity operating during a disaster for an epidemic emergency is not liable for an injury caused by exposing or potentially exposing an individual to a disease if on the date of the exposure or potential exposure: (a) the

business or entity is authorized to do business in Texas; and (b) the act or omission giving rise to the exposure or potential exposure was not willful, reckless, or grossly negligent;

- (3) provide that a person who provides goods or renders services during a disaster in support of disaster response efforts and at the request of the governor or the governor's designee is not liable for an injury caused by the goods or services, regardless of the circumstances, so long as the act or omission giving rise to the injury was not willful, reckless, grossly negligent, or inconsistent with a limit specified in the governor's request;
- (4) provide that in the event of a conflict between executive orders, proclamations, or regulations enacted by the governor and a presiding officer of a political subdivision, an executive order, proclamation, or regulation enacted by the governor controls;
- (5) provide that unless expressly authorized by statute, the governor and the presiding officer of a governing body of a political subdivision may not issue an executive order, proclamation, or regulation that: (a) requires a person other than a public employee or licensed professional providing medical services to wear a mask or personal protective equipment during a declared state of disaster; (b) prohibits or limits a person from attending or participating in a religious service or activity; (c) violates state and federal law related to religious freedom; (d) prohibits or limits the sale, dispensing, or transportation of firearms or ammunition; or (e) alters any voting standard, practice, or procedure; (f) restricts the otherwise lawful operation of a business or industry or the activities of an individual by distinguishing between essential and nonessential services provided or obtained by the business, industry, or individual;
- (6) provide that a state of disaster may not: (a) continue for more than 30 days unless renewed by the governor, except that a state of disaster for an epidemic emergency, energy emergency, or any man-made cause affecting more than half of Texas counties may not continue for more than 60 days unless renewed by the legislature; and (b) not continue for longer than 180 days unless renewed by the legislature;
- (7) provide that the governor may not declare a state of disaster based on the same or a substantially similar finding for which a state of disaster was declared by the governor within the preceding 12 months;
- (8) eliminate the provision that allows the governor, on request of a political subdivision, including a city, to waive or suspend a deadline imposed by a statute if the waiver or suspension is reasonably necessary to cope with a disaster;
- (9) eliminate the provision that allows the governor to temporarily suspend or modify for a period of not more than 60 days any law if the governor considers the suspension or modification essential to provide temporary housing or emergency shelter for disaster victims;
- (10) repeal the provision that allows the governor to suspend or limit the sale, dispensing, or transportation of alcoholic beverages, firearms, explosives, and combustibles during a declared state of disaster;
- (11) provide that if the presiding officer of the governing body of a political subdivision, including a city, issues an order or proclamation during a declared local state of disaster that restricts the operation of a business or nonprofit entity or a category of

businesses, a business or nonprofit entity whose operation is restricted by the order or proclamation may not be assessed any fee, including a permit fee, by the political subdivision during the time the operation of the business or nonprofit entity is restricted by the order or proclamation;

- (12) provide that if a business or nonprofit entity paid an annual fee or other fee in advance to a political subdivision for the business's or nonprofit entity's operations, the business or nonprofit entity is entitled to a pro rata refund of the fee for the period of time its operations were restricted by an order or proclamation of the political subdivision described by (11);
- (13) provide that a state, local, or interjurisdictional emergency management plan may provide that the intentional or knowing violation of a state, local, or interjurisdictional emergency management plan or a rule, order, or ordinance adopted under the plan is an offense, and the plan may prescribe a fine-only punishment for the offense in an amount that does not exceed \$500.00;
- (14) eliminate the authority of the governor to prohibit, during a state of emergency, the:
 - (a) control of the sale, transportation, and use of alcoholic beverages, weapons, and ammunition, except for limited exceptions; and
 - (b) control of the storage, use, and transportation of explosives or flammable materials considered dangerous to public safety; and
- (15) provide that a declaration of a public health disaster may continue for not more than 30 days unless renewed by the legislature.

H.B. 4155 (Buckley) – Disaster Orders: would limit an executive order, proclamation, or regulation issued by the governor under the Texas Disaster Act of 1975 that restricts: (1) the operation of or the hours of operation for a business: (a) that holds a permit or license issued by the Texas Alcoholic Beverage Commission; (b) in the manufacturing tier of the alcoholic beverage industry; and (c) that authorizes the business to sell alcoholic beverages for on-premises consumption; and (2) a Section 501(a) tax exempt nonprofit organization that benefits veterans of the United States armed forces. (Companion bill is **S.B. 989** by **Buckingham**.)

H.B. 4197 (Slaton) – Public Health Directives: would provide that: (1) during a state of disaster declared by the governor, if the governor issues a public health directive as the governor determines necessary to address the disaster, the directive must not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement; and (2) if the Department of State Health Services or a health authority issues a public health directive as the department or health authority determines necessary to address an outbreak of a communicable disease or public health disaster, the directive may not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement. (Companion bill is **S.B. 1673** by **Hall**.)

H.B. 4215 (Raymond) – Executive Orders: would provide that an executive order, proclamation, or regulation issued by the governor during a declared state of disaster that restricts the operation of or the hours of operation for a business that sells alcoholic beverages may not include a federal tax exempt organization that benefits veterans of the United States armed forces. (Companion bill is **S.B. 1493** by **Springer**.)

H.B. 4296 (Burns) – Dyed Motor Fuel: would provide that: (1) a person may use taxable motor fuel that contains dye in the fuel supply tank in an area subject to a state of disaster declaration or a local state of disaster declaration; and (2) the Texas Division of Emergency Management shall approve the use of dyed fuel in an area described in (1).

H.B. 4393 (Martinez Fischer) – Disaster Relief: would provide, among other things, that: (1) during a disaster declared by the governor or president, or a public health disaster, the Texas Workforce Commission shall waive the following requirements: (a) work requirements that require a recipient of unemployment compensation benefits to search for work; and (b) waiting week requirements; (2) the following items are exempt from sales tax during the emergency preparation sales tax holiday: (a) disinfectant cleaning supplies; and (b) personal protective equipment; (3) the Department of State Health Services shall administer a program under which funds may be granted to cities, among other entities, for use by the cities to provide or pay for infectious disease monitoring; and (4) if federal funds are allocated to the state for the purpose of providing disaster relief, the Texas Division on Emergency Management shall develop an Internet website to house information on how the federal funds have been allocated by the governor.

H.B. 4445 (Hinojosa) – Worksite Exposures: would provide, among other things, that: (1) an employer, including a city, shall, not later than the next calendar day that the employer's worksite is open to employees after the date an employer becomes aware that an infected individual was present at the employer's worksite while infectious, the employer shall: (a) provide written notice of potential exposure to any employee, and the employer of any subcontractor, who was present in the same area of the worksite at any time the infected individual was present; (b) provide to each employee described by (1) written information regarding any: (i) public health emergency-related benefits to which the employee may be entitled under state or federal law, including workers' compensation benefits; (ii) types of leave which may be available to the employee under state and federal law, which may include public health emergency-related leave, sick leave, state-mandated leave, and supplemental sick leave; and (iii) applicable anti-retaliation and anti-discrimination protections; and (iii) provide to all employees and to employers of any subcontractors information regarding the disinfection of the worksite and the employer's safety plan under any state or federal public health emergency guidelines established; (2) an employer shall provide the notice required under (1): (a) in English, Spanish, and any other language spoken by a substantial portion of the employees and subcontractors at the employer's worksite; and (b) in a manner that can reasonably be anticipated to be received not later than the next calendar day after the date the employer sends the notice, including by delivering the notice in person or by e-mail or text message; (3) an employer shall maintain records of the notices provided under (1) and (2) for at least one year; (4) not later than 48 hours after the time an employer becomes aware that the number of illnesses or cases related to a public health emergency at the employer's worksite constitutes a worksite outbreak, the employer shall report the outbreak to the applicable local health authority and provide to the health authority: (a) the name, phone number, occupation, and worksite location of each employee who is an infected individual; (b) the employer's business address; and (c) the North American Industry Classification System code for the worksite at which the infected individuals work; (5) after making a report to a local health authority under (4) regarding a worksite, an employer must report to the health authority any subsequent illnesses or cases related to the public health emergency at the worksite immediately after the employer becomes aware of the cases; and (6) a local health authority shall promptly provide to the Department of State Health Services

(DSHS) any information reported by an employer to the health authority under (5), and DSHS shall post on its internet website the information received from local health authorities in a manner that allows the public to track the number and frequency of public health emergency-related worksite outbreaks and the number of public health emergency related illnesses or cases and worksite outbreaks by industry.

H.B. 4482 (Slawson) - Emergency Powers Board: would, among other things: (1) establish the Emergency Powers Board (Board) consisting of the governor, the lieutenant governor, the speaker, the senate committee chair with primary jurisdiction over state affairs, and the house committee chair with primary jurisdiction over state affairs to provide oversight during a declared state of disaster, including a declared public health disaster; (2) provide that on or after the eighth day after the date the governor issues the executive order, proclamation or regulation, the Board, by majority vote, may set an expiration date for the order, proclamation or regulation; and (3) provide that if an executive order, proclamation or regulation issued by the governor has an expiration date set by the governor and not modified by the Board within 22 days after the date the order, proclamation or regulation is issued, the governor shall convene a special legislative session to implement, modify or repeal the order, proclamation or regulation. (Companion bill is **S.B. 422** by **Springer**.)

H.B. 4517 (White) – Disaster Mitigation: would provide, among other things, that the chief of the Texas Division of Emergency Management (TDEM) shall: (1) establish and maintain a disaster mitigation program for preventing discontinuation of or disruption to each critical infrastructure sector; (2) require TDEM to include disaster mitigation provisions for preventing discontinuation of or disruption to each critical infrastructure sector in the state emergency management plan; (3) seek appropriate funding sources as needed to establish and maintain the program described by (1); (4) coordinate with federal, state, and local officials on the program described by (1); (5) ensure that the program described by (1) is updated annually; and (6) contract with an independent auditor to annually audit the program described by (1).

H.J.R. 150 (Sanford) – Termination of Orders: would amend the Texas Constitution to provide that the legislature may: (1) review and terminate during a regular or special session an order issued by the governor during a state of disaster or emergency declared by the governor; and (2) terminate the order by passage of a resolution approved by a majority vote of the members present in each house of the legislature. (Companion bill is **S.J.R. 20** by **Paxton**.)

H.J.R. 160 (Slawson) - Special Legislative Session: would amend the Texas Constitution to provide that: (1) the governor shall convene a special legislative session: (a) if a state of disaster or emergency declared by the governor continues for more than 21 days; or (b) on receipt of a petition from any member of the legislature requesting legislative review of a state of disaster or emergency declared by the governor if the petition is signed by at least two-thirds of the members of the house and two-thirds of the members of the senate; and (2) a special session convened under (1), above, shall be for the following purposes: (a) review an order, proclamation or other instrument issued by the governor during the 90 days before the special session begins: (i) declaring a state of disaster or emergency in the state; or (ii) in response to a state of disaster or emergency in the state declared by any federal, state or local official or entity; (b) terminate or modify an order, proclamation or instrument described by (2)(a), above, by passage of a resolution approved by a majority vote of the members present in each house of the legislature; (c) respond

to the state of disaster or emergency; and (d) consider any other subjects stated in the governor's proclamation convening the special session. (Companion bill is **S.J.R. 29** by **Springer**.)

S.B. 1493 – Executive Orders: would provide that an executive order, proclamation, or regulation issued by the governor during a declared state of disaster that restrict the operation of or the hours of operation for a business that sells alcoholic beverages may not include an federal tax exempt organization that benefits veterans of the United States armed forces. (Companion bill is **H.B. 4215** by **Raymond**.)

S.B. 1592 (Bettencourt) – Public Health Disasters: would among other things: (1) provide that for purposes of local emergency management: (a) the term “disaster” does not include an epidemic or the spread of a communicable disease; and (b) public health disasters are inapplicable; and (2) eliminate criminal penalties for violating orders related to a public health disaster.

S.B. 1616 (Bettencourt) – Public Health Disasters: would, among other things: (1) for purposes of local emergency management: (a) the term “disaster” does not include an epidemic or the spread of a communicable disease; and (b) public health disasters are inapplicable; and (2) eliminate criminal penalties for violating orders related to a public health disaster.

S.B. 1673 (Hall) – Health Directives: would provide that: (1) during a state of disaster declared by the governor, if the governor issues a public health directive as the governor determines necessary to address the disaster, the directive must not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement; and (2) if the Department of State Health Services or a health authority issues a public health directive as the department or health authority determines necessary to address an outbreak of a communicable disease or public health disaster, the directive may not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement. (Companion bill is **H.B. 4197** by **Slaton**.)

S.B. 1856 (Powell) – Nursing Students: would provide that: (1) the services provided by a student who is enrolled in an accredited school or program that is preparing the student for licensure as a licensed vocational nurse (LVN) and participating in a clinical program at a licensed health facility are essential services at all times, including during a declared state of disaster; and (2) a governmental entity may not, at any time, including during a declared state of disaster, prohibit an LVN student from providing the essential services described in (1).

S.B. 1880 (Bettencourt) – Local Disasters: would provide that: (1) a declaration of local disaster may not be continued for a period of more than seven days except with the consent of the governing body of the political subdivision in a public meeting; and (2) after the time period described in (1), a declaration of a local disaster may not continue for more than 30 days unless renewed by the governing body of the political subdivision in a public meeting.

Municipal Courts

H.B. 3774 (Leach) – Municipal Court Pleas would, among many other things: (1) provide that a judge may not accept a plea of guilty or plea of nolo contendere unless it appears to the judge that the defendant is mentally competent and the plea is free and voluntary; (2) require the Texas Forensic Science Commission to adopt a code of professional responsibility and rules establishing sanctions for code violations to regulate the conduct of persons, laboratories, facilities, and other entities regulated by the state; (3) authorize the commission to initiate an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint (current state law indicates for educational purposes); (4) add “forensic analyst” or “forensic science expert” as a professional service subject to the Professional Services Procurement Act; and (5) amend the definition of a "protective order" to include an order issued by a court in this state to prevent sexual assault or abuse, stalking, trafficking, or other harm to an applicant. (Companion bill is **S.B. 1530** by **Huffman**.)

H.B. 3830 (Collier) – Exculpatory Evidence: would provide, regardless of the date the applicable offense was committed, if at any time before, during, or after trial or a plea negotiation the state discovers any exculpatory document, item, or information in the possession, custody, or control of the state, the state shall promptly disclose the existence of the document, item, or information to the defendant or the court.

H.B. 3831 (Geren) – Officer Misconduct: would, among other things: (1) prohibit a law enforcement agency from disclosing to an attorney representing the state information relating to misconduct by a peace officer who is or will serve as a witness in a criminal proceeding unless the allegation of misconduct has been finally adjudicated as sustained and not on appeal; (2) authorize a peace officer, who is the subject of a report of misconduct submitted to an attorney representing the state by a law enforcement agency or who has been notified of a determination by the attorney representing the state that the officer is not considered credible to testify in a criminal proceeding as a result of an allegation of misconduct, to dispute that report or determination by filing a petition with the State Office of Administrative Hearings (SOAH); (3) require an administrative law judge employed by the SOAH to determine by a preponderance of the evidence whether the alleged misconduct occurred regardless of whether the applicable officer was terminated or whether that officer resigned, retired, or separated in lieu of termination; and (6) provide that if the allegation of misconduct is not supported by a preponderance of the evidence, the administrative law judge shall provide notice of the finding to any attorney representing the state the petitioner identifies as having received a report or as having made a determination and the attorney representing the state may not consider the information when evaluating the peace officer’s credibility as a witness. (Companion bill is **S.B. 1894** by **Creighton**.)

H.B. 3986 (Guillen) – Municipal Courts: would: (1) provide that any officer authorized to collect a fine, fee, or item of cost may request the trial court in which a criminal action or proceeding was held to make a finding that a fine, fee, or item of cost imposed in the action or proceeding is uncollectible if the officer believes: (a) the defendant is deceased; (b) the defendant is serving a sentence for imprisonment for life or life without parole; (c) the fine, fee, or item of cost has been unpaid for at least 15 years; or (d) the fine, fee, or item of cost is otherwise uncollectible; and (2)

the court may order the officer to designate the fine, fee, or item of cost as uncollectible in the fee record.

H.B. 3988 (Guillen) – Prosecuting Attorney: would: (1) provide that if the state is not represented by counsel when the case is called for trial, the justice or judge may appoint any competent attorney as attorney pro tem to represent the state; and (2) provide that an attorney pro tem, after filing an oath with the clerk of the court, may be paid a reasonable fee for performing those duties.

H.B. 4081 (Crockett) – Remote Proceedings: would require: (1) a court to allow anyone involved in any hearing, deposition, or other proceeding of any kind including but not limited to a party, attorney, witness, or court reporter to participate by remote proceeding without the consent of the parties unless the United States or Texas Constitution requires consent; (2) a judge to submit to the Office of Court Administration of the Texas Judicial System a plan for conducting remote proceedings that must: (a) include protocols for handling physical evidence; and (b) require an unobstructed view of any party or witness who provides testimony from a remote location.

H.B. 4212 (Moody) – Defendants with Mental Illness or Intellectual Disability: would, among other things: (1) require, on a motion by the state, the defendant, or a person who stands in a parental relation to the defendant or who acts as the defendant's caregiver, or on the court's own motion, a justice or judge to determine whether probable cause exists to believe that a defendant, including a defendant with a mental illness or an intellectual or developmental disability: (a) lacks the capacity to understand the proceedings in criminal court or to assist in the defendant's own defense; and (b) is unfit to proceed; (2) authorize a court that determines that probable cause exists for an aforementioned finding, after providing notice to the state, to dismiss the complaint; (3) provide an appeal process for a dismissal of a complaint; and (4) prohibit a justice or judge from accepting a plea of guilty or plea of nolo contendere unless it appears that the defendant is mentally competent and the plea is free and voluntary. (Companion bill is **S.B. 1739** by **Zaffirini**.)

H.B. 4293 (Hinojosa) – Court Reminder Program: would: (1) authorize the Office of Court Administration of the Texas Judicial System, or the judges of the county courts, statutory county courts, and district courts with jurisdiction over criminal cases in each county, to partner with cities and local law enforcement agencies to allow: (a) individuals to whom a peace officer issues a citation and releases to receive text message reminders of scheduled court appearances; and (b) criminal defendants in municipal court to receive text message reminders of scheduled court appearances; and (2) require any city that partners with the Office of Court Administration of the Texas Judicial System to pay all costs of sending reminders to municipal criminal defendants, including the costs of linking the municipal court database with the state court administrator database.

H.B. 4417 (Moody) – Court Costs: would consolidate, allocate and increase certain state civil court costs to be used for the following: (1) to support a statewide electronic filing technology project for courts in this state; (2) to provide grants to counties to implement components of the project; or (3) to support court technology projects that have a statewide impact as determined by the office of court administration. (Companion bill is **S.B. 41** by **Zaffirini**.)

H.B. 4433 (J. González) – Bail Hearing: would: (1) require any hearing or other proceeding at which a magistrate sets the amount of bail for a defendant to be open to the public; (2) permit a magistrate to order that the proceeding be broadcast by closed circuit equipment to a location that is reasonably close to the proceeding; and (3) require that a broadcast made must be recorded by the magistrate and the recording maintained for a period of not less than one year.

S.B. 41 (Zaffirini) – Court Costs: would consolidate, allocate and increase certain state civil court costs to be used for the following: (1) to support a statewide electronic filing technology project for courts in this state; (2) to provide grants to counties to implement components of the project; or (3) to support court technology projects that have a statewide impact as determined by the office of court administration. (Companion bill is **H.B. 4417** by **Moody**.)

S.B. 1530 (Huffman) – Municipal Court Pleas: would, among many other things: (1) provide that a judge may not accept a plea of guilty or plea of nolo contendere unless it appears to the judge that the defendant is mentally competent and the plea is free and voluntary; (2) require the Texas Forensic Science Commission to adopt a code of professional responsibility and rules establishing sanctions for code violations to regulate the conduct of persons, laboratories, facilities, and other entities regulated by the state; (3) authorize the commission to initiate an investigation of a forensic analysis or a forensic examination or test not subject to accreditation, without receiving a complaint (current state law indicates for educational purposes); (4) add “forensic analyst” or “forensic science expert” as a professional service subject to the Professional Services Procurement Act; and (5) amend the definition of a "protective order" to include an order issued by a court in this state to prevent sexual assault or abuse, stalking, trafficking, or other harm to an applicant. (Companion bill is **H.B. 3774** by **Leach**.)

S.B. 1739 (Zaffirini) – Defendants with Mental Illness or Intellectual Disability: would, among other things: (1) require, on a motion by the state, the defendant, or a person who stands in a parental relation to the defendant or who acts as the defendant’s caregiver, or on the court’s own motion, a justice or judge to determine whether probable cause exists to believe that a defendant, including a defendant with a mental illness or an intellectual or developmental disability: (a) lacks the capacity to understand the proceedings in criminal court or to assist in the defendant's own defense; and (b) is unfit to proceed; (2) authorize a court that determines that probable cause exists for an aforementioned finding, after providing notice to the state, to dismiss the complaint; (3) provide an appeal process for a dismissal of a complaint; and (4) prohibit a justice or judge from accepting a plea of guilty or plea of nolo contendere unless it appears that the defendant is mentally competent and the plea is free and voluntary. (Companion bill is **H.B. 4212** by **Moody**.)

S.B. 1872 (Miles) – Nondisclosure Orders: would provide that: (1) certain individuals who have been convicted of a misdemeanor or felony who completes their sentence, including any term of confinement or period of community supervision imposed and payment of all fines, costs, and restitution imposed, may petition the court that imposed the sentence for an order of nondisclosure of criminal history record information; (2) after notice to the state, an opportunity for a hearing, and a determination that the person is entitled to file the petition and issuance of the order is in the best interest of justice, the court shall issue an order prohibiting criminal justice agencies from disclosing to the public criminal history record information related to the offense for which the person was convicted; and (3) a person may petition the court that imposed the sentence for an

order of nondisclosure of criminal history record information under the bill only on or after the 25th anniversary of the date of completion of the person's sentence.

S.B. 1894 (Creighton) – Officer Misconduct: would, among other things: (1) prohibit a law enforcement agency from disclosing to an attorney representing the state information relating to misconduct by a peace officer who is or will serve as a witness in a criminal proceeding unless the allegation of misconduct has been finally adjudicated as sustained and not on appeal; (2) authorize a peace officer, who is the subject of a report of misconduct submitted to an attorney representing the state by a law enforcement agency or who has been notified of a determination by the attorney representing the state that the officer is not considered credible to testify in a criminal proceeding as a result of an allegation of misconduct, to dispute that report or determination by filing a petition with the State Office of Administrative Hearings (SOAH); (3) require an administrative law judge employed by the SOAH to determine by a preponderance of the evidence whether the alleged misconduct occurred regardless of whether the applicable officer was terminated or whether that officer resigned, retired, or separated in lieu of termination; and (6) provide that if the allegation of misconduct is not supported by a preponderance of the evidence, the administrative law judge shall provide notice of the finding to any attorney representing the state the petitioner identifies as having received a report or as having made a determination and the attorney representing the state may not consider the information when evaluating the peace officer's credibility as a witness. (Companion bill is **H.B. 3831** by Geren.)

S.B. 1923 (Zaffirini) – Costs, Fines, and Fees: would make changes to certain criminal court costs, fines, and fees including clarification regarding when an amount owed constitutes a reimbursement fee.

Open Government

H.B. 3793 (Shaheen) – Open Meetings: would provide for remote meetings under the Open Meetings Act, and:

For city meetings held by telephone conference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by telephone conference;
2. remove the requirement that an emergency or public necessity exist;
3. require the notice of the meeting: (a) include the statement "Telephone conference call under Section 551.125, Government Code" in lieu of the place of the meeting; (b) list each physical location where members of the public may listen to or participate in the meeting; (c) include access information for an audio feed of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
4. require that any method of access that is provided to the public for listening to or participating in the telephone conference call meeting be widely available at no cost to the public;

5. require that each part of the meeting that is required to be open to the public shall be audible to the public and shall be recorded, and the recording shall be made available to the public;
6. require the identification of each party to the telephone conference be clearly stated prior to speaking;
7. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public listening remotely can follow along with the meeting.

For city meetings held by videoconference:

1. provide the governmental body is not prohibited from holding an open or closed meeting from one or more remote locations by videoconference;
2. allow a member of the governmental body to participate remotely in a meeting by videoconference call if the audio feed and, if applicable, video feed of the member's or employee's participation complies with the other requirements for a videoconference meeting;
3. provide that a member of a governmental body who participates as described in Number 2, above, shall be counted as present at the meeting for all purposes;
4. provide that a member of a governmental body shall be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, and that the body may continue the meeting only if members in a number sufficient to constitute a quorum remain audible and visible to each other and, during the open portion of the meeting, to the public;
5. require the notice of the meeting: (a) include the statement "Videoconference call under Section 551.127, Government Code" in lieu of the place of the meeting; (b) list each physical location where members of the public may observe or participate in the meeting; (c) include access information for both audio-only and audiovisual feeds of the meeting; and (d) if applicable, include instructions for members of the public to provide testimony to the governmental body;
6. require that any method of access that is provided to the public for the purpose of observing or participating in a meeting be widely available at no cost to the public;
7. require each portion of a meeting held by videoconference call that is required to be open to the public shall be audible and, if applicable, visible to the public;
8. provide that if a problem occurs that causes a meeting to no longer be audible to the public, the meeting must be recessed until the problem is resolved;
9. require an audio recording of the meeting, and that the recording be made available to the public;
10. provide that the face of each participant who is participating in the call using video communication, while that participant is speaking, be clearly visible and audible to each other participant, and during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);
11. provide that participant using solely audio communication: (a) shall, while speaking, be clearly audible to each other participant and, during the open portion of the meeting, to the members of the public, including at any location described by Number 5(b);

12. authorize the Department of Information by rule to specify minimum technical quality standards for the meeting, and require that access information described by Number 5(c) be of sufficient quality so that members of the public can observe the demeanor or hear the voice, as applicable, of each participant in the open portion of the meeting;

13. provide that a governmental body: (a) may allow a member of the public to testify at a meeting from a remote location by videoconference call; and (b) must allow a member of the public testify from a remote location using video or audio communication if holding a meeting by videoconference call where public testimony is taken; and

14. require that, if the governmental body prepares an agenda packet that would have been distributed to members of the public at a face-to-face meeting, the packet must be available electronically so that members of the public observing remotely can follow along with the meeting.

(Companion bill is **S.B. 861** by **Paxton**.)

H.B. 4340 (Howard) – Public Information: would: (1) give a crime victim a special right of access to information held by a governmental body related to the detection, investigation, and prosecution of the crime, including information that is confidential under law; (2) require a governmental body to redact from any information provided under (1) information that would identify the alleged or actual perpetrator of the crime; and (3) provide that the release of information under (1) does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required public disclosure.

S.B. 1491 (Bettencourt) – Public Information: would: (1) require a governmental body that requests an attorney general decision to submit the request through the attorney general's designated electronic filing system; (2) except from the requirement in (1): (a) a governmental body that has fewer than 16 full-time employees or that is located in a county with a population of less than 250,000; or (b) a request for a decision in which the amount or format of responsive information makes use of the electronic filing system impractical or impossible; and (3) provide that the attorney general may charge a fee for a request for a decision described in (2)(b) that is not submitted using the attorney general's designated electronic filing system.

S.B. 1492 (Bettencourt) – Expedited TPIA Response: would provide, among other things, that:

- (1) a governmental body that receives a written request for information, other than a request for information that may involve a third-party's privacy or property interests, may withhold any information it makes a good faith determination is excepted from required public disclosure under the Texas Public Information Act (TPIA) without requesting a decision from the attorney general, provided that: (a) the governmental body's officer for public information or the officer's designee holds an active training certificate issued by the attorney general; and (b) the governmental body's authorization to withhold information without requesting a decision from the attorney general has not been revoked;
- (2) in order to withhold information under (1), a governmental body must comply with the following requirements the governmental must respond to the requestor not later than the 10th business day after the date the governmental body receives the written request for information by providing the requestor with: (a) a list of the exceptions

and, if applicable, the judicial decisions or constitutional or statutory laws the governmental body determines are applicable to the information being withheld; (b) all information the governmental body determines is not excepted from disclosure, including, if applicable, partially redacted information with the redacted portions clearly marked and labeled with the exceptions the governmental body relied on to redact the information; (c) a description of the volume and type of information withheld; and (d) a notice form promulgated by the attorney general that includes, at a minimum: (i) a unique identification number assigned by the governmental body; (ii) a description of the appeal procedure; (iii) an appeal form the requestor must use to appeal the withholding of information; (iv) a reference to the requestor's rights under the TPIA; (v) the name of the individual who has an active training certificate; and (vi) confirmation from the individual named in (2)(d)(v) that the individual reviewed and approved the response;

- (3) the governmental body shall retain, at a minimum, an electronic or paper copy of the notice it provides to the requestor under (2) for the length of time the governmental body retains the request for information;
- (4) on receipt of a response by a governmental body under (2), the requestor may appeal the withholding of information in the response not later than the 30th calendar day after the date the requestor receives the response, and must submit the appeal on the appeal form provided to the responder under (2);
- (5) an appeal filed under (4) is considered a new request, and the governmental body may not seek to narrow or clarify the appeal;
- (6) a governmental body that receives an appeal under (4) shall, within a reasonable time, but not later than the fifth business day after the date the governmental body receives the appeal, submit to the attorney general: (a) a request for an attorney general's decision; (b) a copy of the original written request for information; (c) a signed statement as to the date on which the written response required by (1) was provided to the requestor, or evidence sufficient to establish that date; (d) a copy of the appeal form received by the governmental body; (e) a signed statement as to the date on which the appeal was received by the governmental body, or evidence sufficient to establish the date; (f) the exceptions that apply and written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld; (g) if the governmental body provided partially redacted information to the requestor in its initial response, an unredacted copy of the information the governmental body provided to the requestor with the copy clearly marked indicating the released portions and the withheld portions labeled with the exceptions the governmental body relied on to withhold the information; and (h) a copy of the specific information the governmental body seeks to withhold, or representative samples of the information, labeled to indicate which exceptions apply to which parts of the copy;
- (7) a governmental body that receives an appeal under (4) shall, within a reasonable time, but not later than the fifth business day after the date the governmental body receives the appeal, send a copy of the comments submitted under (4) to the requestor, except if the written comments disclose or contain the substance of the information requested, the copy of the comments provided to the requestor must be a redacted copy;

- (8) the public information officer for a governmental body that responds to a request or the officer's designee must have completed in the four years preceding the response a course of training of not less than four hours or more than six hours regarding the responsibilities of the governmental body under this bill;
- (9) the office of the attorney general shall provide a certificate to a person who completes the required training under (8) and keep records of the training certificates issued, and a governmental body shall maintain the training certificate of any individual who provides a confirmation of having received such training and make the certificate available for public inspection; and
- (10) if the attorney general determines that a governmental body failed to comply with the requirements of this bill, the office of the attorney general, in its sole discretion, may revoke: (a) the governmental body's authorization to respond for a period not to exceed six months from the date the governmental body receives the notice of revocation form; or (b) the training certificate issued to an individual responsible for the governmental body's failure.

(Companion bill is **H.B. 3435** by **Smithee**.)

S.B. 1515 (Gutierrez) – Open Meetings: would: (1) authorize a governmental body to hold an open or closed meeting by conference call; (2) define “conference call” to mean a meeting held by telephone conference call, videoconference call, or telephone conference and videoconference call; (3) require that each part of a meeting held by conference call required to be open to the public: (a) be audible to the public; (b) be visible to the public if it is a videoconference call; and (c) have two-way communication with each participant; (4) provide that a member or employee of a governmental body may participate in a meeting by conference call only if the audio signal of the participant is heard live at the meeting; (5) provide that a member of a governmental body who participates in a meeting by conference call shall: (a) be counted as present at the meeting for all purposes; and (b) be considered absent from any portion of the meeting during which audio communication with the member is lost or disconnected, but allow the governmental body to continue the meeting if a quorum of the body continues to participate in the meeting; (6) provide that a governmental body may allow a member of the public to testify at a meeting by conference call; (7) provide that a meeting held by conference call is subject to the notice requirements applicable to other meetings and also must include certain instructions to the public; (8) require that a meeting held by conference call be recorded, and that the recording be made available to the public; and (9) require the Department of Information Resources by rule to specify minimum standards for the recording of a meeting held by conference call. (Companion bills are **H.B. 1888** by **Fierro** and **H.B. 3139** by **Longoria**.)

S.B. 1885 (Campbell) – Open Meetings: would, in an open meeting of a governmental body where public access to any open portion of the meeting is limited or restricted, require the governmental body to: (1) broadcast audio and video of all open portions of the meeting live over the Internet and provide a link to the broadcast in the meeting notice; (2) allow members of the public to listen to live audio of all open portions of the meeting by phone, provide a toll-free number for that purpose, and include the toll-free number in the meeting notice; and (3) comply with certain requirements regarding how members of the public may address the body.

S.B. 2110 (Schwertner) – Disclosure of Hazardous Chemicals: would provide: (1) that a political subdivision in possession of a tier two form listing hazardous chemicals is confidential and not subject to disclosure under the Public Information Act; and (2) a political subdivision may release a tier two form or information contained in the form to the public only if the tier two form or applicable information has been made publicly available by the Texas Commission on Environmental Quality. (Companion Bill is **H.B. 2811** by **Murphy**.)

Other Finance and Administration

H.B. 2020 (J. González) – Attorney’s Fees: would provide that a person may recover reasonable attorney’s fees from an individual, an organization, the state, or an agency or institution of the state in certain civil cases. (This bill is identical to **H.B. 1358** by **Vasut**.)

H.B. 3743 (Capriglione) – Cybersecurity: would, among other things: (1) prohibit a local government or open-enrollment charter school from making a ransomware payment related to a ransomware cyber-attack; and (2) require the reporting of a ransomware cyber-attack, as soon as practicable after discovering a ransomware cyber-attack, to the office of the attorney general and to the information sharing and analysis organization established by the Department of Information Resources.

H.B. 3770 (White) – Value Added Tax: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

H.B. 3786 (Holland) – Electronic Submission to Comptroller: would, among other things, authorize the comptroller to, after providing notice, require a document, payment, notice, report, or other item required to be submitted to the comptroller to be submitted electronically.

H.B. 3790 (Shaheen) – City Regulation: would: (1) prohibit a city from adopting or enforcing an ordinance, rule, or regulation that imposes a restriction, condition, or regulation on commercial activity; (2) allow a city to adopt and enforce an ordinance, rule, or regulation that: (a) is essential to directly regulating a uniquely local concern that the city council determines cannot be of similar concern in another city because of the uniqueness of the local concern; (b) is essential to necessary regulation of local land use; (c) is essential to protecting citizens’ physical safety; (d) is expressly authorized to be adopted by a state statute; or (e) requires nondiscrimination in the provision of employment or service to any person on the basis of any state or federally protected class, sexual orientation, or gender identity; (3) provide that a city acting under (2)(a) must contemporaneously adopt a detailed written statement describing the uniquely local concern and the basis for the determination that the concern cannot be of similar concern in another city; and (4) provide that, for purposes of (2)(d), a state statute that provides the statute does not preempt or affect municipal regulatory authority may not be construed to expressly authorize an ordinance, rule, or regulation.

H.B. 3807 (Hunter) – Lifeguards: would, among other things, provide that as part of the duty to clean and maintain the condition of public beaches, a city shall: (1) during reasonable daylight hours for the months of March through November, provide occupied lifeguard towers on each side

of each pier, jetty, or other structure that protrudes into the Gulf of Mexico that is located within the corporate boundaries; and (2) post within 100 yards of each side of each structure described by (1) signs clearly describing the dangerous water conditions that may occur near the structure.

H.B. 3834 (Klick) – Local Health Departments: would provide that the executive commissioner of Health and Human Services Commission shall establish a separate provider type for local health departments, including health service regional offices acting in the capacity of local health departments, for purposes of enrollment as a provider for and reimbursement under the medical assistance program. (Companion bill is **S.B. 73** by **Miles**.)

H.B. 3852 (Raney) – Third-Party Marketplace Sellers: would, among other things: (1) require the disclosure of information by a high-volume third-party sellers of consumer goods sold through an online marketplace; and (2) provide that a political subdivision may not establish, mandate, or otherwise require an online marketplace to verify information from a high-volume third-party seller or to disclose information to consumers.

H.B. 3878 (Hinojosa) – Clean Energy: would establish a committee regarding economic development and workforce retraining opportunities in the transition to the use of clean energy sources and, among other things, provide that a political subdivision shall provide the committee with facilities, data, and other assistance as requested by the committee to carry out its duties under the bill. (Companion bill is **S.B. 955** by **Hinojosa**.)

H.B. 3892 (Capriglione) – Cybersecurity: would, among many other things: (1) require a local government that owns, licenses, or maintains computerized data that includes sensitive personal information to comply, in the event of a breach of system security, with certain notification requirements to the same extent as a person who conducts business in this state; (2) require a political subdivision, not later than 48 hours after a political subdivision discovers a breach or suspected breach of system security or an unauthorized exposure of sensitive personal information, to notify the cybersecurity coordinator, appointed within the Department of Information Resources under the Information Resources Management Act, of the breach; (3) require the cybersecurity coordinator to report to the Department of Information Resources any breach of system security reported by a political subdivision in which the person responsible for the breach: (a) obtained or modified specific critical or sensitive personal information; (b) established access to the political subdivision's information systems or infrastructure; or (c) undermined, severely disrupted, or destroyed a core service, program, or function of the political subdivision, or placed the person in a position to do so in the future; (4) require a city or county with a population of more than 100,000, to adopt and implement a multi-hazard emergency operations plan for use in the city's and county's facilities that addresses: (a) mitigation, preparedness, response, and recovery as determined by the cybersecurity council and the governor's public safety office; (b) municipal or county employee training in responding to an emergency; (c) measures to ensure coordination with the Department of State Health Services, Department of Information Resources, local emergency management agencies, law enforcement agencies, local health departments, and fire departments in the event of an emergency; and (d) the implementation of a safety and security audit at least once every three years that follows audit procedures developed by the cybersecurity council or a comparable public or private entity; (5) require a municipality or county to report the results of the safety and security audit to the municipality's or county's governing body and to the cybersecurity council; (6)

provides that any document or information collected, developed, or produced during a safety and security audit is not subject to disclosure under the Texas Public Information Act, except under certain conditions; (7) prohibits a political subdivision from making a ransomware payment related to a ransomware cyber-attack; and (8) requires, as soon as practicable after discovering a ransomware cyber-attack, a political subdivision to report the attack to the office of the attorney general and to the information sharing and analysis organization established by the Department of Information Resources.

H.B. 3897 (S. Thompson) – Local Alcohol Permit Fees: would, among other things, provide that the fee that a city may levy and collect for certain alcohol permits issued for premises in the city limits may not exceed on-half of the fee set by rule for the permit issued.

H.B. 3909 (Harris) – Occupational Licenses: would provide that: (1) if an individual is required to possess an occupational license issued by a state licensing authority to engage in an occupation, a political subdivision may not adopt or enforce any ordinance, order, rule, regulation, law, or policy that requires the individual to: (a) possess an occupational license issued by the political subdivision to engage in that occupation; or (b) meet any other requirement or precondition to engage in that occupation; (2) an ordinance, order, rule, regulation, law, or policy that violates the prohibition in (1) is void and unenforceable; and (3) the prohibition in (1) does not limit the authority of a political subdivision to adopt and enforce certain regulations.

H.B. 3955 (Toth) – Federal Rules: would prohibit a political subdivision from cooperating with a federal government agency in implementing an agency rule that the Texas attorney general identifies as violating a citizen's rights under the United States Constitution.

H.B. 3983 (Davis) – Delinquent Fines and Fees: would: (1) prohibit a city from collecting a fine or fee from a person that has been delinquent for more than five years unless the city has made a reasonable attempts to provided notice to the person; and (2) provide that a city must provide notice as described in (1) by certified mail to the person's last known address, or any other means available to the city if the city does not have a record of the person's address.

H.B. 4050 (Rogers) – Community Advocacy: would: (1) require each officer or employee of a city or county who communicates directly with a member of the legislature, a committee of the legislature, or an officer of the executive branch to file with the Texas Ethics Commission a written, verified report concerning the communications; (2) require the report to include a list of each communication described in (1) and each expenditure made, or other direct or indirect cost incurred, in making a communication, including travel costs.

H.B. 4062 (Meza) – Records Management: would: (1) authorize a city to collect a records management and preservation fee not to exceed \$1 for any municipal authorization, permit, license, registration, certification, filing, or other municipal action or approval; and (2) provide that the records management and preservation fee in (1) may be used only to provide funds for specific records management and preservation, including municipal library and archival services.

H.B. 4069 (Middleton) – Alcoholic Beverage Commission: would abolish the Texas Alcoholic Beverage Commission and transfer the regulation of alcoholic beverages to the Texas Department of Licensing and Regulation. (Companion bill is **S.B. 1975** by **Springer**.)

H.B. 4116 (C. Turner) – Credit Services Organization: would prohibit a credit services organization from obtaining an extension of consumer credit for a customer or assist a customer in obtaining an extension of consumer credit unless the organization is licensed by the Office of Consumer Credit Commissioner.

H.B. 4127 (Schofield) – Use of Bond Proceeds: would: (1) require the ballot for a bond election to state with specificity each project to be funded through the bond proceeds and the amount of bond proceeds to be spent on each project; (2) prohibit a city or county from: (a) spending an amount of bond proceeds on a project that is greater than the amount stated on the ballot for the project; or (b) transferring bond proceeds from one project to another, regardless of whether the projects were approved at the same election; and (3) give an individual who voted in a bond election standing to bring an action in district court for injunctive relief against a city or county that held an election for a violation of (1) or (2), above, regardless of whether the individual is directly or indirectly injured by the violation.

H.B. 4150 (Buckley) – Disabled Veteran Grants: would, among other things, provide that, for purposes of the law governing the provision of state aid to certain local governments disproportionately affected by the granting of property tax relief to disabled veterans, the term “local government” includes a city with extraterritorial jurisdiction located within two miles of the boundary line of a United States military installation. (Companion bill is **S.B. 524** by **Buckingham**.)

H.B. 4183 (Reynolds) – Local Motor Fuels Taxes: would authorize a city council to call an election on the issue of imposing a local motor fuels tax at a rate of one cent per gallon of gasoline or diesel fuel sold in the city to be used, among other things, for the purpose of acquiring rights-of-way, and constructing, maintaining, and policing public roadways.

H.B. 4190 (K. Bell) – Governmental Self-Insurance Funds: would require a governmental unit that establishes a self-insurance fund to: (1) register the fund with the Texas Department of Insurance on a form prescribed by the commissioner of insurance; and (2) annually file with TDI the fund’s annual financial statements, the fund’s articles of incorporation, and any other information requested by TDI. (Companion bill is **S.B. 376** by **Nichols**.)

H.B. 4200 (Hefner) – Municipal Regulatory Authority: would provide that: (1) a home-rule city by ordinance may prohibit a person from performing an abortion, or prescribing a medication to induce an abortion, at a location in the city; (2) except as otherwise specifically provided by state law, a city may not adopt or enforce an ordinance that provides a penalty for conduct punishable under state law as a misdemeanor or by a civil penalty; and (3) a city may not adopt or enforce regulations relating to: (a) the transfer, possession, wearing, carrying, ownership, storage, transportation, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies or accessories; (b) commerce in firearms, air guns, knives, ammunition, or firearm

or air gun supplies or accessories; or (c) the discharge of a firearm or air gun at a sport shooting range.

H.B. 4240 (Raymond) – Child Custody Orders: would authorize a city or county in this state to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in interference of child custody.

H.B. 4275 (Klick) – Donor Information: would: (1) with certain exceptions, prohibit a public agency or an officer or employee of a public agency from: (a) requiring an individual to provide donor information to the agency or otherwise compel the release of donor information; (b) requiring certain tax exempt entities provide donor information to the agency or otherwise compel the release of donor information; (c) releasing, publicizing, or otherwise publicly disclosing donor information in the agency's possession; or (d) requesting or requiring a current or prospective contractor with or grantee of the agency to provide to the agency a list of organizations exempt from federal income tax under certain federal law to which the contractor or grantee has provided financial or nonfinancial support; (2) provide that donor information is excepted from the Public Information Act; (3) waive immunity for suit, and allow a person alleging a violation of the prohibitions in (1) to bring a civil action to obtain injunctive relief, certain damages, and court costs, including reasonable attorney's and witness fees; and (4) provide criminal penalties for a violation of the prohibitions in (1). (Companion bill is **S.B. 1678** by **Campbell**.)

H.B. 4327 (White) – Veterinary Medicine: would provide that: (1) a veterinarian and the practice of veterinary medicine by the veterinarian are subject only to applicable federal law and regulations and applicable state law (including rules); (2) unless expressly authorized by state law, a city council may not adopt or enforce any ordinance, rule, or regulation that prohibits a veterinarian from performing a medical procedure on an animal that is not prohibited state law; and (3) a municipal ordinance, rule, or regulation that violates (2) is void and unenforceable.

H.B. 4330 (M. González) – Animal Cruelty: would: (1) require a veterinarian licensed to practice veterinary medicine in this state or an employee of the Health and Human Services Commission or the Department of Family and Protective Services who is acting within the scope of practice or employment and has reasonable cause to believe that a person has committed an animal cruelty offense with respect to a domesticated non-livestock animal to report, as soon as possible, the suspected offense to: (a) the county sheriff's department of the county in which the suspected offense was committed; or (b) the municipal police department of the municipality in which the suspected offense was committed; and (2) provide immunity to a person who makes a report under (1).

H.B. 4350 (Wilson) – Type B General-Law Cities: would: (1) provide that a community may incorporate as a Type B general-law city if, among other things, it has proximity and contiguity between its dwellings; (2) require an application to incorporate as a Type B general-law city to include a plat of the proposed city that contains the dwellings located in the territory as described in (1); and (3) allow a judge to order an election regarding the incorporation of a Type B general-law city if satisfactory proof is made that the application to incorporate complies with all the relevant requirements in state law.

H.B. 4395 (Shaheen) – Cybersecurity Incident Reporting: would require: (1) a local government that owns, licenses, or maintains computerized data that includes sensitive personal information to comply, in the event of a breach of system security, with certain notification requirements to the same extent as a person who conducts business in the state; and (2) not later than 48 hours after a political subdivision discovers a breach or suspected breach of system security or an unauthorized exposure of sensitive personal information, to notify certain state agencies.

H.B. 4401 (Goldman) – Occupations Tax: would repeal the state and local occupations tax imposed on each coin-operated machine (e.g., eight liner machines) that an owner exhibits or displays, or permits to be exhibited or displayed in this state.

H.B. 4405 (Meza) – Electric Generation and Gas Production Tax: would impose a state tax on certain electric generators and gas producers.

H.B. 4518 (Oliverson) – Asset Protection: would make various changes to the Asset Protection Act and, among other things, provide that a governmental entity that accepts as security for an insurer's debt or other obligation a pledge or encumbrance of an asset of the insurer that is not made in accordance with the Act's requirements for encumbrance of assets is considered to have accepted the asset subject to a superior, preferential, and automatically perfected lien in favor of a claimant of the insurer.

H.B. 4522 (Swanson) – Cooperation with Federal Agency: would, among other things, prohibit a political subdivision from cooperating with a federal government agency in implementing an agency rule that a report published by the Texas attorney general indicates has been found by a court to violate the rights guaranteed to the citizens of the United States by the United States Constitution or exceeds the powers specifically granted to the federal government by the United States Constitution.

H.B. 4538 (Cyrier) – Monuments and Memorials: would, among other things: (1) provide that a monument or memorial located on city property: (a) for at least 40 years may be removed, relocated, or altered only upon approval of a majority of the voters of the city voting at an election for that purpose; and (b) for less than 40 years may be removed, relocated, or altered only by the city council; (2) provide that an additional monument may be added to the surrounding city property on which a monument or memorial is located to complement or contrast with the monument or memorial; (3) authorize a resident of the city to file a complaint with the attorney general asserting the city violated (1), above, and authorize the attorney general to file a petition for a writ of mandamus or other equitable relief to compel a city to comply with (1), above; and (4) define "monument or memorial" as used in (1) to mean a permanent monument, memorial, or other designation, including a statute, portrait, plaque, seal, symbol, cenotaph, building name, bridge name, park name, area name, or street name, that honors an event or person of historic significance.

H.B. 4550 (Toth) – Universal Basic Income: would prohibit a political subdivision 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.

S.B. 714 (Buckingham) – Licensing and Regulation: would provide for the continuation and functions of the Texas Department of Licensing and Regulation and, among other things, would: (1) deregulate (no longer license) polygraph examiners and auctioneers; and (2) eliminate certain court-ordered driver education programs. (Companion bill is **H.B. 1560** by **Goldman**.)

S.B. 955 (Hinojosa) – Clean Energy: would establish a committee regarding economic development and workforce retraining opportunities in the transition to the use of clean energy sources and, among other things, provide that a political subdivision shall provide the committee with facilities, data, and other assistance as requested by the committee to carry out its duties under the bill. (Companion bill is **H.B. 3878** by **Hinojosa**.)

S.B. 1501 (Buckingham) – Historical Monuments: would provide: (1) notwithstanding any other law, a monument, marker, or medallion installed by the Texas Historical Commission is state property solely under the commission's custody and control and may not be altered, removed, relocated, covered, obscured, or concealed without the express written permission of the commission; (2) that the attorney general may file suit in district court to seek civil penalties in of not less than \$50 nor more than \$1,000 for each day of violation and equitable relief in accordance with current state law against a person who violates this amendment; and (3) a waiver of governmental immunity for any county, municipality, or other political subdivision to the extent liability is created by the amendment. (Companion bill is **H.B. 3584** by **Murr**.)

S.B. 1642 (Creighton) – Navigation Districts: would, among other things, authorize a navigation district to act to prevent, detect, and fight a fire or explosion or hazardous material incident that occurs on, or adjacent to, a waterway, channel, or turning basin that is located in the district's territory, regardless of whether the waterway, channel, or turning basin is located in the corporate limits of a city. (Companion bill is **H.B. 3027** by **Canales**.)

S.B. 1656 (Bettencourt) – Annual Audits: would require a city's annual financial statement, including an auditor's opinion of the statement, to be filed in the office of the city secretary: (1) within 120 days after the last day of the city's fiscal year for a city with a population of less than 1.75 million; and (2) within 90 days after the last day of the city's fiscal year for a city with a population of 1.75 million or more.

S.B. 1678 (Campbell) – Donor Information: would: (1) with certain exceptions, prohibit a public agency or an officer or employee of a public agency from: (a) requiring an individual to provide donor information to the agency or otherwise compel the release of donor information; (b) requiring certain tax exempt entities provide donor information to the agency or otherwise compel the release of donor information; (c) releasing, publicizing, or otherwise publicly disclosing donor information in the agency's possession; or (d) requesting or requiring a current or prospective contractor with or grantee of the agency to provide to the agency a list of organizations exempt from federal income tax under certain federal law to which the contractor or grantee has provided financial or nonfinancial support; (2) provide that donor information is excepted from the Public Information Act; (3) waive immunity for suit, and allow a person alleging a violation of the prohibitions in (1) to bring a civil action to obtain injunctive relief, certain damages, and court

costs, including reasonable attorney's and witness fees; and (4) provide criminal penalties for a violation of the prohibitions in (1). (Companion bill is **H.B. 4275** by **Klick**.)

S.B. 1681 (Hancock) – Religious Organizations: would authorize a person who alleges that a governmental entity, including a city, enacts, adopts, or issues a statute, order, proclamation, decision, or rule that prohibits or limits religious services, to sue a governmental entity for certain types of relief and waive governmental immunity to the extent of liability for that relief. (Companion bill is **H.B. 3596** by **Leach**.)

S.B. 1711 (Springer) – State and Local Taxes: would, among other things: (1) compress school district maintenance and operations property tax rates; (2) provide that an individual is entitled to an exemption from property taxation by a school district of a portion of the appraised value of the individual's residence homestead in an amount equal to 150 percent of the median appraised value of all single family residences in this state in the preceding year as determined by the comptroller; (3) require the comptroller, not later than January 1 of each year, to determine the median appraised value of all single-family residences in this state in the preceding year and publish that value in the Texas Register; (4) provide that a person is entitled to an exemption from taxation of the appraised value of the person's inventory; (5) make the following services, among others, taxable for purposes of the sales tax: (a) advertising services; (b) automotive services; (c) barbering or cosmetology services; (d) dating services; (e) funeral services; (f) hunting or fishing guide services; (g) interior design or interior decorating services; (h) massage therapy services; (i) packing services; (j) personal instruction services; (k) transport services; and (l) veterinary services; (6) would subject several different types of goods to sales and use taxes, including newspapers, certain types of medicine, snack items, and bakery items; (7) impose a state sales tax on the sale of e-cigarette vapor products; and (8) provide that for purposes of the city sales tax, a sale of a service to construct, repair, restore, remodel, or modify an improvement to real property is consummated at the location of the job site. (See **H.J.R. 97**, below.)

S.B. 1734 (Springer) – Oil and Gas Operations: would: (1) prohibit an agency of this state or political subdivision from contracting with or providing assistance to a federal agency or official with respect to the enforcement of a federal state, order, rule, or regulation purporting to regulate oil and gas operations if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of Texas; and (2) provide that the prohibition in (1) may be enforced: (a) by denying state grant funds to the political subdivision; and (b) through court action by the attorney general. (Companion bill is **H.B. 1683** by **Landgraf**.)

S.B. 1781 (Creighton) – Claims: would: (1) for purposes of certain construction liability claims, provide that a cause of action accrues on the date the written report identifying the construction defect is postmarked by the United States Postal Service; and (2) provide that certain other dates of accrual are unaffected by (1). (Companion bill is **H.B. 3221** by **Leach**.)

S.B. 1787 (Gutierrez) – Hotel Occupancy Tax: would require the comptroller to provide a state hotel occupancy tax report to the city and county of each person required to collect the state hotel occupancy tax.

S.B. 1794 (West) – Opioid Settlement: would: (1) require the attorney general and comptroller to maintain a copy of a statewide opioid settlement agreement, including any amendments to the agreement, and make the copy available on the attorney general's and comptroller's Internet websites; (2) require funds obtained under a statewide opioid settlement agreement to be distributed in accordance with the term sheet; and (3) provide that a governmental entity may not bring a released claim against a released entity. (Companion bill is **H.B. 3365** by **Klick**.)

S.B. 1842 (Eckhardt) – Eminent Domain: would, among other things, authorize a city corporation to take immediate possession of property to be acquired by eminent domain after paying to the property owner the amount of damages and costs awarded by the special commissioners or depositing that amount of money with the court subject to the order of the property owner.

S.B. 1879 (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 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 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); and (c) an electronic copy of any contract for services for the purpose described by (a) 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);
4. require a political subdivision or other entity to report to the Texas Ethics Commission 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 Texas Ethics Commission to make available to the public an easily searchable database on the commission's Internet website containing the reports submitted to the commission under Number 3, above;
6. authorize an interested party to 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 is not subject to the requirements and process spelled out in Numbers 1 through 4, above, if the officer or employee: (a) appears before a legislative committee at the written request of the

committee or a member of the legislature; and (b) does not take a position on any legislation.

S.B. 1904 (Blanco) – Payment of State Taxes In Disaster: would, among other things, authorize the comptroller to grant to a person whom the comptroller finds to be adversely affected by a disaster an extension to make or file a return or pay a state tax so long as the extension does not exceed 90 days unless the governor by executive order authorizes a longer extension.

S.B. 1922 (Lucio) – Regulation: would, with certain exceptions, prohibit a city from regulating an activity or structure in an area in which the residents are ineligible or have only limited eligibility to vote in municipal elections. (Companion bill is **H.B. 1885** by **Harris**.)

S.B. 1926 (Hughes) – Immigration Enforcement: would, among other things, authorize a person injured by the tortious acts or omissions of a person unlawfully present in the United States or the personal representative of a person killed by the tortious acts or omissions of a person unlawfully present in the United States to bring a civil action against a local entity or campus police department and recover from the local entity or campus police department damages arising from the personal injury or death under certain circumstances.

S.B. 1955 (Taylor) – Learning Pods: would, among other things: (1) exempt any “learning pod” (defined as a voluntary association of parents choosing to group their children together at various times or places to participate in or enhance their primary or secondary academic programming) from the following local government ordinances, rules, regulations, policies, guidelines, or any other local regulatory provisions: (a) all local requirements including, but not limited to staff ratios, certifications, background checks, physical accommodations, or other rules, regulations, guidelines, policies or provisions; (b) all local requirements related to the operation of a day-care, child-care center, or at home daycare, including, but not limited to locally required staff certifications, background checks, physical accommodations or other rules, guidelines, or provisions; (c) any local requirements related to building or fire codes applicable to educational or child-care facilities; and (d) any other local, ordinance, rule, regulation, policy, or guideline which would not be applicable to any group, building or facility but for the operation or presence of a learning pod; and (2) prohibit a local government employee, contractor, or agent from: (a) initiating or conducting any site inspection or other investigation or visit, that would not have been initiated or made but for the operation or presence of a learning pod; and (b) requiring that any learning pod be in any manner required to register or otherwise report its existence or anything related to the operation of a learning pod.

S.B. 1959 (Creighton) – Water Districts: would, among other things, provide that when a city consents to the inclusion of land in a water district it may restrict the purposes for which a district may issue bonds to those purposes authorized by law for the district.

S.B. 1975 (Springer) – Alcoholic Beverage Commission: would abolish the Texas Alcoholic Beverage Commission and transfer the regulation of alcoholic beverages to the Texas Department of Licensing and Regulation. (Companion bill is **H.B. 4069** by **Middleton**.)

S.B. 2006 (Bettencourt) – Newspaper Notice: would, among other things, provide that: (1) except for certain publications related to civil suits, a governmental entity or representative required by law to provide notice by publication in a newspaper shall satisfy that requirement by posting the notice: (a) on the governmental entity's or representative's Internet website, if applicable; and (b) on the Internet website of a newspaper that meets the requirements of the law requiring notice; and (2) the requirement in (1) applies only to a governmental entity that is a political subdivision and a representative of a political subdivision, and does not apply to: (a) a county with a population of less than 10,000; (b) a municipality with a population of less than 5,000 located in a county with a population of less than 25,000; or (c) another type of political subdivision with a population of less than 5,000 in the subdivision's boundaries that is located in a county with a population of less than 25,000.

S.B. 2090 (Johnson) – Anticipation Notes: would, among other things: (1) for purposes of the issuance of anticipation notes, modify the definition of emergency to include a severe weather-related event other than a hurricane or tropical storm or an epidemic or pandemic; and (2) provide that a determination by the governing body that the expenses incurred in connection with the issuance of anticipation notes are necessary to address an emergency is not subject to review by the attorney general.

Personnel

H.B. 3697 (Hernandez) – Unemployment Benefits: would provide that an individual is not disqualified for unemployment benefits if the individual leaves the workplace to care for the individual's minor child due to an unexpected illness, accident, or other unforeseeable event, but only if no reasonable, alternative care was available.

H.B. 3704 (Hernandez) – Unemployment Benefits: would allow an individual to qualify for unemployment benefits if the individual involuntarily leaves the workplace because of sexual harassment and: (1) reports the sexual harassment to the individual's employer or a law enforcement agency; or (2) files a sexual harassment complaint with the Texas Workforce Commission or the Equal Employment Opportunity Commission.

H.B. 3712 (E. Thompson) – Training and Hiring of Peace Officers: would provide that: (1) the basic peace officer training course required as part of a peace officer training program may be no less than 720 hours; (2) the Texas Commission on Law Enforcement (TCOLE) shall develop and maintain a model training curriculum and model policies for peace officers who conduct field training; (3) before the first day of each 24 month training unit during which peace officers are required to complete 40 hours of continuing education programs, TCOLE shall specify the mandated topics to be covered in up to 16 of the required hours; and (4) TCOLE shall develop and make available to all law enforcement agencies in this state a model policy for the pre-employment investigation of a person licensed by TCOLE.

H.B. 3775 (Leach) – Severance Pay: would provide that: (1) a political subdivision, including a city, may not, as part of a severance package or as part of any other agreement or settlement made in relation to the termination of a person's employment or contract as an independent contractor,

make a payment to an employee or independent contractor if: (a) the payment would: (i) be paid from tax revenue; and (ii) exceed the amount of compensation, at the rate at the termination of employment or the contract, the employee or independent contractor would have been paid for 20 weeks; or (b) the employee or independent contractor was terminated for misconduct; and (2) a political subdivision shall post each severance agreement in a prominent place on the political subdivision's internet website.

H.B. 3796 (Morales Shaw) – Discrimination: would prohibit discrimination in employment on the basis of gender identity or expression and sexual orientation.

H.B. 3816 (Hunter) – Disease Presumption: would, among other things: (1) add a detention officer to the disease presumption statute; and (2) provide that a detention officer, firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis of a state declared disaster for all or part of the state and dies or is totally or partially disabled as a result of the disease is presumed to have contracted the disease during the course and scope of employment as a detention officer, firefighter, peace officer, or emergency medical technician.

H.B. 3860 (J. González) – Discrimination: would prohibit discrimination in public accommodations and employment on the basis of an individual's sexual orientation, gender identity or status as a military veteran. (Companion bill is **S.B. 1540** by **Menéndez**.)

H.B. 3898 (Anchia) – Funding Public Retirement Systems: would provide, among other things, that: (1) the governing body of a public retirement system and, if the system is not a statewide retirement system, its associated governmental entity shall jointly, if applicable: (a) develop and adopt a written funding policy that details a plan for achieving a funded ratio of the system that is equal to or greater than 100 percent; (b) timely revise the policy to reflect any significant changes to the policy, including changes required as a result of formulating and implementing a funding soundness restoration plan; and (c) submit a copy of the policy and each change to the policy to each active member and annuitant of the system not later than the 31st day after the date the policy or change is adopted; (2) the written funding policy in (1) must outline any automatic contribution or benefit changes designed to prevent having to formulate a revised funding soundness restoration plan, including any automatic risk-sharing mechanisms that have been implemented, the adoption of an actuarially determined contribution structure, and other adjustable benefit or contribution mechanisms; (3) a public retirement system shall notify the associated governmental entity in writing if the system receives an actuarial valuation indicating that the system's actual contributions are not sufficient to fully fund the unfunded actuarial accrued liability within 30 years; (4) the governing body of a public retirement system and the governing body of the associated governmental entity shall jointly formulate a funding soundness restoration plan if the system's actuarial valuation shows that the system's expected funding period: (a) has exceeded 30 years for three consecutive annual actuarial valuations, or two consecutive annual actuarial valuations in the case of a system that conducts the valuations every two or three years; or (b) effective September 1, 2025: (i) exceeds 40 years; or (ii) exceeds 30 years and the funded ratio of the system is less than 65 percent; and (5) the governing body of a public retirement system and the governing body of the associated governmental entity that have an existing funding soundness restoration plan shall formulate a revised funding soundness restoration plan if the system becomes subject to (4) before the 10th anniversary of a specific timeframe, except if: (a) the system's

actuarial valuation shows that the system's expected funding period exceeds 30 years but is less than or equal to 40 years; (b) the system is implementing a contribution rate structure that uses or will ultimately use an actuarially determined contribution structure; and (c) the actuarial valuation shows that the system is expected to achieve full funding.

H.B. 3902 (Anchia) – Texas Municipal Retirement System: would provide, among other things, that: (1) the Texas Municipal Retirement System (TMRS) retirement annuity of a person who is reemployed by a city in which the employee most recently performed creditable service before the person's retirement shall not be suspended, provided that the person does not become an employee of the reemploying city at any time during the 12 consecutive months after the effective date of the person's last retirement from the reemploying city; and (2) if the annuity payments of a person who resumed employment with the person's reemploying municipality before September 1, 2021, were discontinued and suspended, on filing of a written application with TMRS, TMRS shall resume making the annuity payments to the person, provided: (a) the person's retirement that preceded the resumption of employment was based on a bona fide termination of employment; (b) the person did not become an employee of the person's reemploying municipality at any time during the 12 consecutive months after the effective date of the person's retirement; and (c) the person has not terminated employment with the reemploying municipality. (Companion bill is **S.B. 1105** by Hughes.)

H.B. 4100 (Talarico) – Family and Medical Leave: would provide, among other things, that: (1) an employer, including a city, shall pay a contribution on the wages of an employee to a family and medical leave fund that will be administered by the comptroller in accordance with the direction of the Texas Workforce Commission (TWC); (2) an employer may deduct all or a portion of the cost of contributions described in (1) from an employee's wage; and (3) for each calendar year, TWC shall establish a contribution rate for all employers.

H.B. 4122 (Rose) – Discrimination: would prohibit, among other things, employment discrimination on the basis of an individual's sexual orientation or gender identity or expression.

H.B. 4195 (Ellzey) – Discrimination: would provide that an employer, including a city, commits an unlawful employment practice if the employer retaliates or discriminates against a person who engages in lawful conduct involving the exercise of civil rights guaranteed by the United States or Texas Constitutions: (1) during a period of time that is not during the person's assigned working hours; and (2) in a location that is not the person's work site or on the premises of the employer.

H.B. 4221 (Rodriguez) – Unemployment Benefits: would provide that: (1) if the Texas Workforce Commission (TWC) finds that in any seven-day period the number of initial unemployment claims filed is more than five times the number of initial claims in the preceding seven-day period, TWC shall suspend for a period of 30 days the following eligibility conditions to authorize an individual who is otherwise eligible to receive benefits to receive those benefits: (a) the condition that an individual be actively seeking work; and (b) the condition that an individual have been totally or partially unemployed for a waiting period; and (2) the period of a suspension imposed under (1) shall begin on the first day of the seven-day period in which the increased number of initial claims were filed.

H.B. 4301 (Dean) – Disease Presumption: would provide, among other things, that firefighter, peace officer, or emergency medical technician who contracts a disease that is the basis for a state declared disaster for all or part of the state that results in death or total or partial disability is presumed to have contracted the disease during the course and scope of employment as a firefighter, peace officer, or emergency medical technician. (Companion bills are **S.B. 22** and **S.B. 527** by **Springer** and **S.B. 463** by **Lucio**.)

H.B. 4388 (Herrero) – Reemployment Rights: would provide that: (1) an employee may bring suit in state court against the state or local government under the federal Uniformed Services Employment and Reemployment Rights Act (USERRA) to enforce their rights and benefits under that act; (2) in any action brought under (1), a court may require the employer to: (a) comply; (b) compensate the person for any lost wages or benefits; (c) pay the person an amount equal to the amount referred to in (2)(b) as liquidated damages, if the court determines that the employer's failure to comply was willful; and (3) sovereign immunity to suit is waived and abolished to the extent of liability created by (1) or under USERRA.

H.B. 4390 (Herrero) – Reemployment Rights: would provide that sovereign immunity to suit is waived and abolished to the extent of liability created under state or federal law related to reemployment rights after military service.

H.B. 4409 (A. Johnson) – Law Enforcement Records: would provide that: (1) a law enforcement agency that obtains a consent form to view the employment records of a person licensed by the Texas Commission on Law Enforcement shall make the person's employment records available to a hiring law enforcement agency, on request, including by secure electronic means; and (2) the receiving agency of the employment records in (1) must maintain the confidentiality of the records.

H.B. 4438 (J. Johnson) – Independent Hearing Examiners: would eliminate the ability of a police officer in a civil service city from filing an appeal with an independent hearing examiner.

H.B. 4473 (Walle) – Expressing Breast Milk: would provide that a public employer shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

H.B. 4484 (Walle) – Minimum Wage: would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

S.B. 14 (Creighton) – Employment Policies: would provide that: (1) a municipality or county may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment; (2) an ordinance, order, rule, regulation, or policy that violates (1) is void and unenforceable; and (3) the provision described in (1) does not affect: (a) the Texas Minimum Wage Act; or (b) a contract or agreement relating to terms of employment voluntarily entered into between a private employer or entity and a governmental entity.

S.B. 24 (Huffman) – Pre-employment Procedures: would provide, among other things, that: (1) before a law enforcement agency may hire a person licensed for a peace officer position, the agency shall: (a) obtain the officer's written consent, on a form and in the manner prescribed by the Texas Commission on Law Enforcement (TCOLE), for the agency to review required information; and (b) submit to TCOLE, on a form and in the manner prescribed by TCOLE, confirmation that the agency, to the best of the agency's ability before hiring the person: (i) contacted each entity or individual necessary to obtain the information required to be reviewed; (ii) obtained and reviewed as related to the officer, as applicable: (A) personnel files and other employee records from each previous law enforcement agency employer, including the employment application submitted to the previous employer; (B) employment termination reports maintained by TCOLE; (C) service records maintained by TCOLE; (D) proof that the officer meets the minimum qualifications for enrollment in a peace officer training program; (E) a military veteran's Department of Defense Form DD-214 or other military discharge record; (F) criminal history record information; (G) information on pending warrants as available through the Texas Crime Information Center and National Crime Information Center; (H) evidence of motor vehicle financial responsibility (I) driving record from the Department of Public Safety; (J) claim history for claims made against automobile insurance policies; (K) the officer's social media activity; (L) proof of U.S. citizenship; and (M) information on the officer's background from at least three personal references and at least two professional references; (2) if an entity or individual contacted for information required to be reviewed under (1) (b) refused to provide the information or did not respond to the request for information, the confirmation submitted to TCOLE must document the manner of the request and the refusal or lack of response; (3) the head of a law enforcement agency shall review and sign each confirmation form required under (1)(b) before submission to TCOLE, and the failure to do so, constitutes grounds for suspension of the agency's head license issued by TCOLE; and (4) a law enforcement agency, agency head, or other law enforcement official is not liable for civil damages for making a person's information available to a hiring law enforcement agency under (1).

S.B. 1540 (Menéndez) – Discrimination: would prohibit discrimination in public accommodations and employment on the basis of an individual's sexual orientation, gender identity or status as a military veteran. (Companion bill is **H.B. 3860** by **J. González**.)

S.B. 1619 (Bettencourt) – Retirement Plans: would provide, among other things, that: (1) a municipality that is the sponsoring authority of a public retirement system that was created under and is governed by a state statute, but is not part of a statewide retirement system, may adopt by ordinance or resolution, as applicable, provisions that supplement or supersede the operative provisions of the public retirement system's governing statute; and (2) the provisions adopted under (1) above: (a) apply only to a person who becomes eligible in the public retirement system after December 31, 2019; (b) may create a defined contribution plan, hybrid retirement plan, or other alternative retirement plan instead of a defined benefit plan required or authorized under the system's governing statute; and (c) apply to benefits, participation, eligibility requirements, source or amount of funding, and administration of the system.

S.B. 1620 (Bettencourt) – Pension Fund Obligations: would provide that a municipality may issue an obligation in an amount that exceeds \$50 million to fund all or any part of an unfunded

mandated only if the issuance is approved by a majority of the qualified voters of the municipality voting at an election held for that purpose.

S.B. 1621 (Bettencourt) – Retirement Annuity: would provide, among other things, that: (1) a person who is eligible for membership in a public retirement system wholly or partly because the person was elected or appointed to an elected office is not eligible to receive a service retirement annuity under the retirement system if the person is convicted of a qualifying felony committed while in office and arising directly from the official duties of that elected office; (2) a person who is a member or annuitant of a public retirement system employed by the associated governmental entity of the public retirement system, other than a person described by (1), is not eligible to receive a service retirement annuity under the retirement system if the person is convicted of a qualifying felony offense for embezzlement, extortion, or other theft of public money or conspiracy or the attempt to commit such felony offense while employed by the associated governmental entity and arising directly from the official duties related to that employment; and (3) not later than the 30th day after the conviction of a person of a qualifying felony, the governmental entity which the person was elected or appointed to or is employed by must provide written notice of the conviction to the public retirement system in which the person participates.

S.B. 1669 (Hall) – Vaccines: would provide, among other things, that: (1) a person may not discriminate against or refuse to provide a public accommodation to an individual based on the individual's vaccination history or immunity status for a communicable disease by: (a) providing to the individual a public accommodation that is different or provided in a different manner than the accommodation provided or manner of providing the accommodation to other members of the public; (b) subjecting the individual to segregation or separate treatment in any matter related to providing the public accommodation to the individual; (c) restricting in any way the individual's enjoyment of a public accommodation in a manner that distinguishes the individual's enjoyment from the enjoyment of other members of the public; (d) treating the individual differently from other members of the public in determining whether the individual satisfies any admission, enrollment, quota, eligibility, membership, or other requirement or condition that individuals must satisfy before a public accommodation is provided; or (e) denying the individual an opportunity to participate in a program in a manner that differs from the manner the opportunity is provided to other members of the public; (2) an employer commits an unlawful employment practice if the employer discriminates against an individual if the individual is unvaccinated or not immune to a communicable disease; (3) a licensing authority may not deny an application for an occupational license, suspend, revoke, or refuse to renew an occupational license, or take any other disciplinary action against an individual based on: (a) the individual's vaccination history or immunity status for a communicable disease; or (b) the individual's refusal to be vaccinated or participate in administering a vaccine; and (4) a governmental entity or official, including the governor, a state agency, a political subdivision, or a political subdivision official, may not: (a) require an individual to be vaccinated; (b) require an individual to participate in the administration of a vaccine; or (c) discriminate or impose a civil or criminal penalty against an individual who refuses vaccination or participation in the administration of a vaccine.

S.B. 1805 (Johnson) – Civil Service: would provide, among other things, that in a civil service city: (1) the department head of a police department may appoint a person who does not meet the requirements for appointment to assistant police chief to the assistant police chief if: (a) the

department head requests and is granted approval for the appointment from the governing body of the municipality; and (b) the department head provides a justification for hiring outside of the department to the civil service commission and the commission determines that: (i) the justification is valid; and (ii) the appointment will improve the department's operations; (2) a fire fighter or police officer commits a Class C misdemeanor if the person: (a) takes part in political activities while in uniform or on active duty; or (b) engages in a strike against the governmental agency that employs the person; (3) a notice of an entrance examination or promotional examination shall be posted in plain view in a conspicuous location in the main lobby of the city hall and in the civil service commission's office; (4) a fire fighter is not eligible for promotion to the rank of captain or its equivalent unless the fire fighter has at least four years of actual service in the fire department for which the fire fighter would serve as that rank; (5) if a fire fighter is recalled on active military duty for not more than 60 months, the two-year service required for a promotion does not apply and the fire fighter is entitled to have time spent on active military duty considered as duty in the fire department; (6) if a police officer is serving in a beginning position in a police department, the two-year service period required for a promotion begins on completion of the police officer's probationary period; (7) if a police officer is recalled on active military duty for not more than 60 months, the two-year service required for a promotion does not apply and the police officer is entitled to have time spent on active military duty considered as duty in the police department; (8) a demoted police officer is not eligible for promotion unless the police officer has served continuously in the next lower position for at least two years after the demotion; (9) a commission rule prescribing cause for removal, suspension, or demotion of a police officer is valid only if it involves one or more of the following grounds: (a) acts of incompetency, neglect, or failure to perform a job function deemed essential to the position as set forth in the police department's job description for the position; (b) acts showing lack of good moral character; (c) violation of a municipal charter provision; (d) violation of an applicable police department rule or special order; (d) a plea of guilty, an adjudication of guilt, or a verdict of guilty after a criminal trial of any felony offense or certain misdemeanor offenses; or (e) acts constituting an offense under (9)(d), regardless of criminal prosecution, including any act in any jurisdiction other than this state, which if committed in this state would constitute such an offense unless a court has held the offense as unconstitutional; (10) other than in a city that has a population of more than 1.5 million, if the head of a police department determines that a police officer under the department head's supervision or jurisdiction violated a civil service rule, the department head may: (a) suspend the police officer for a period not to exceed 15 calendar days; (b) suspend the police officer indefinitely, which is equivalent to dismissal from the department; or (c) recommend to the commission to demote the police officer to any lower rank in the classified civil service; (11) if the department head suspends or recommends to demote a police officer under (10), the department head shall, within five business days after the date of suspension or recommended demotion, file a written statement with the commission, and the written statement must identify each civil service rule alleged to have been violated by the police officer and describe the alleged acts of the police officer that the department head contends are in violation of the civil service rules; and (12) the civil service director or the director's designee may not release any information contained in a fire fighter's or police officer's personnel file unless the release of the information is: (a) required by law; or (b) requested by a local, state, or federal law enforcement agency conducting a criminal history check on a current or former police officer.

S.B. 1835 (Eckhardt) – Discrimination: would increase the statute of limitations for filing a complaint for an unlawful employment practice with the Texas Workforce Commission to 300 days after the date the alleged unlawful employment practice occurred.

S.B. 1864 (Powell) – Telecommunicators: would add, for purposes of workers' compensation, telecommunicators to the provisions that provide for PTSD presumption and expedited provision of medical benefits.

S.B. 1928 (Hughes) – E-Verify: would, among other things: (1) require a political subdivision to register and participate in the federal electronic verification of employment authorization program in order to verify the information of all new employees; and (2) provide that an employee of a political subdivision who is responsible for verifying information of new employees is subject to immediate termination for failure to comply with the requirement in (1).

S.B. 1978 (Miles) – Early Voting Employee Leave: would provide that: (1) a person commits an offense if, with respect to another person over whom the person has authority in the scope of employment, the person knowingly: (a) refuses, while early voting is in progress, to permit the other person to be absent from work for the purpose of attending the polls to vote; or (b) subjects or threatens to subject the other person to a penalty for attending the polls to vote while early voting is in progress; and (2) the provisions of (1), above, do not apply in connection with an election in which polls are open while early voting is in progress for two consecutive hours outside of the voter's working hours. (Companion bills are **H.B. 1150** by **Vo** and **H.B. 1152** by **Vo**.)

S.B. 2045 (Menéndez) – Pay Discrimination: would: (1) extend the statute of limitations on pay discrimination claims to include each time: (a) a discriminatory compensation decision or other practice is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other practice; (c) an individual is adversely affected by application of a discriminatory compensation decision or other practice, including each time wages affected wholly or partly by the decision or other practice are paid; and (2) allow, in certain instances, liability and back pay and benefit damages to accrue for up to two years preceding the date of filing a complaint for pay discrimination.

S.B. 2101 (Zaffirini) – Total Unemployment Benefits: would, among other things, provide that: (1) an eligible individual who is totally unemployed in a benefit period is entitled, for the benefit period, benefits at the rate of 2/3 of the wages received by the individual from employment by employers during that quarter in the individual's base period in which wages were highest; and (2) the maximum weekly benefit amount and the minimum week benefit amount are increased to 60 percent and 15 percent, respectively, of the average weekly wage in covered employment in the state. (Companion bill is **H.B. 2408** by **Rodriguez**.)

S.B. 2102 (Zaffirini) – Unemployment Benefits: would, among other things, eliminate the requirement that an individual be totally or partially unemployed for a waiting period of at least seven consecutive days before being eligible for unemployment benefits. (Companion bill is **H.B. 145** by **Rodriguez**.)

S.B. 2103 (Zaffirini) – Shared Work Plan: would provide that the Texas Workforce Commission may approve a shared work plan if the plan reduces the normal weekly hours of work for an employee in the affected unit by at least 10 percent but not more than 60 percent. (Companion bill is **H.B. 157** by **Rodriguez**.)

Purchasing

H.B. 1865 (Cain) – State Preference: would, among other things: (1) provide that, with certain exceptions, a political subdivision authorized to deploy resources in response to a disaster must, when purchasing personal protective equipment, give preference to equipment manufactured in Texas and offered for sale by a bidder in Texas; and (2) allow a city, when making a purchase of certain property or services, to enter into a contract with a bidder whose principal place of business is Texas, regardless of whether that bidder is the lowest bidder, if the city finds the bidder offers the best combination of contract price and additional economic development opportunities for the city. (Companion bill is **S.B. 1400** by **Hughes**.)

H.B. 4101 (J. Johnson) – Small Businesses: would provide that: (1) the governing body of a governmental entity may establish a program to limit bidding on certain contracts to bidders that are small businesses; and (2) the governing body of a governmental entity that establishes a program under (1) may accept bids on a contract only from bidders that are small businesses if: (a) the governing body determines the contract is appropriate for performance by a small business; and (b) the contract requires an expenditure of not more than \$1 million.

H.B. 4229 (Sanford) – Construction Projects: would provide that a contract for the construction of the following projects that require an expenditure of \$5 million or less (current law provides \$1.5 million or less) may be awarded using the competitive sealed proposal procedure: (1) a contract for the construction of highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or (2) a contract for the construction of buildings or structures that are incidental to projects that are primarily civil engineering construction projects. (Companion bill is **S.B. 1812** by **Springer**.)

H.B. 4359 (Parker) – Critical Infrastructure: would, among other things, prohibit a governmental entity from entering into a contract or other agreement relating to “critical infrastructure” (defined to mean a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility) in this state with a company that is: (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by: (a) individuals who are citizens of China, Iran, North Korea, Russia, or certain other countries; or (b) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or certain other countries; or (2) headquartered in China, Iran, North Korea, Russia, or certain other countries. (Companion bill is **S.B. 2116** by **Campbell**.)

S.B. 13 (Birdwell) – Energy Boycott: would, among other things, prohibit a governmental entity from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it: (1) does not boycott energy companies; and (2) will not boycott energy companies during the term of the contract.

S.B. 1554 (Hinojosa) – Energy Savings Performance Contract: would: (1) limit the scope of an energy savings performance contract by, among other things, excluding from the term “energy savings performance contract” the design or construction of a highway, road, street, bridge, underground utility, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, airport runway or taxiway, drainage project, or other similar or related civil engineering construction project; (2) prohibit modifying the scope of an energy savings performance contract through a change order or addendum that adds to the scope of work for projects not awarded under an original contract; and (3) repeal the law that exempts energy savings performance contracts from certain contracting and delivery procedures for construction contracts. (Companion bill is **H.B. 3583** by **Paddie**.)

S.B. 1812 (Springer) – Construction Projects: would provide that a contract for the construction of the following projects that require an expenditure of \$5 million or less (current law provides \$1.5 million or less) may be awarded using the competitive sealed proposal procedure: (1) a contract for the construction of highways, roads, streets, bridges, utilities, water supply projects, water plants, wastewater plants, water and wastewater distribution or conveyance facilities, wharves, docks, airport runways and taxiways, drainage projects, or related types of projects associated with civil engineering construction; or (2) a contract for the construction of buildings or structures that are incidental to projects that are primarily civil engineering construction projects. (Companion bill is **H.B. 4229** by **Sanford**.)

S.B. 1821 (Huffman) – Contingent Fee Contracts: would, for purposes of the Professional Services Procurement Act, define the term “contingent fee contract” to include an amendment to a contingent fee contract if the amendment changes the scope of representation or may result in the filing of a lawsuit or the amending of a petition in an existing lawsuit. (Companion bill is **H.B. 1974** by **Canales**.)

S.B. 2116 (Campbell) – Critical Infrastructure: would, among other things, prohibit a governmental entity from entering into a contract or other agreement relating to “critical infrastructure” (defined to mean a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility) in this state with a company that is: (1) owned by or the majority of stock or other ownership interest of the company is held or controlled by: (a) individuals who are citizens of China, Iran, North Korea, Russia, or certain other countries; or (b) a company or other entity, including a governmental entity, that is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or certain other countries; or (2) headquartered in China, Iran, North Korea, Russia, or certain other countries. (Companion bill is **H.B. 4359** by **Parker**.)

Transportation

H.B. 3797 (Israel) – Electric and Hybrid Vehicles: would impose an additional fee for the registration or renewal of registration of an electric or hybrid vehicle. (Companion bill is **S.B. 1720** by **Eckhardt**.)

H.B. 3877 (Israel) – Speed Limit: would decrease the prima facie speed limit in cities with a population greater than 950,000 to 25 miles per hour in an urban district on a street other than an alley and to 15 miles per hour in an alley. (Companion bill is **S.B. 221** by **Zaffirini**.)

H.B. 3990 (Romero) – Vehicle Collisions: would, among other things: (1) require a law enforcement officer who investigates a right-angle collision at an intersection to file a written report stating the occurrence and location of the collision with: (a) the Texas Department of Transportation; and (b) if the collision occurred in a municipality, the municipal police department of the municipality; and (2) provide that, if during any 12-month period a governmental entity receives under this section 10 or more reports of right-angle collisions that occur at the same intersection, the governmental entity must perform a traffic study of that location and shall take the actions that the governmental entity determines reasonable and necessary to improve the safety at the location.

S.B. 1560 (Nichols) – State Highway Fund: would provide that, notwithstanding any other law, all dedications of permit fee revenue to the state highway fund made under certain state law related to oversize or overweight vehicles are rededicated to the state highway fund for the purposes of acquiring, constructing, and maintaining public roadways. (Companion bill is **H.B. 4508** by **Ashby**.)

S.B. 1720 (Eckhardt) – Electric and Hybrid Vehicles: would impose an additional fee for the registration or renewal of registration of an electric or hybrid vehicle. (Companion bill is **H.B. 3797** by **Israel**.)

S.B. 1743 (Zaffirini) – Parking: would, among other things, provide that a municipal court judge may defer imposition of a judgment to allow certain defendants to complete a disabled parking course for an offense of impermissibly parking a vehicle in a space designated for persons with disabilities.

Utilities and Environment

H.B. 1510 (Metcalf) – Response and Resilience of Certain Utilities: would: (1) provide that system restoration costs also include reasonable and necessary weatherization and storm-hardening costs incurred, as well as reasonable estimates of costs to be incurred by an electric utility, but such estimates shall be subject to true-up and reconciliation after the actual costs are known; (2) create the Texas Electric Utility System Restoration Corporation as a nonprofit special purpose public corporation and instrumentality of Texas for the essential public purpose of providing a lower cost financing mechanism available to the Public Utility Commission and an electric utility to attract low-cost capital to finance system restoration costs; (3) provide that the

Corporation in (2) shall be self-funded and the state shall not budget for or provide any general fund appropriations for the Corporation; and (4) provide an order of priority for natural gas deliveries if the curtailment of natural gas is necessary during a state of disaster as declared by the governor or an extreme weather emergency. (Companion bill is **S.B. 1782** by **Creighton**.)

H.B. 1520 (Paddie) – Gas Utilities: would, among other things: (1) provide that the Texas Public Finance Authority may, either directly or by means of a trust or trusts established by it, issue obligations or other evidences of indebtedness for financing customer rate relief (CRR) bonds approved by the Railroad Commission (RRC); (2) provide that at the request of the RRC, the Authority in (1) shall issue obligations or other evidences of indebtedness in the amount of the requested CRR bonds, plus the issuance costs, and shall make a grant of the proceeds of the obligations or evidences of indebtedness to the RRC; (3) define “gas utility” as: (a) an operator of natural gas distribution pipelines that delivers and sells natural gas to the public and that is subject to the RRC’s jurisdiction; and (b) a gas utility that transmits, transports, delivers, or sells natural gas or synthetic natural gas to operators of natural gas distribution pipelines and whose rates for such services are established by the RRC in a cost of service rate proceeding; (4) provide that the RRC may authorize the issuance of CRR bonds if the RRC finds that the proposed structuring, expected pricing, and proposed financing costs of the CRR bonds are reasonably expected to provide benefits to customers comparing the net present value of the costs to customers resulting from the issuance of CRR bonds and the costs that would result from the application of conventional methods of financing or recovering gas utility extraordinary costs and other costs authorized by a financing order; and (5) provide that the RRC may assess to a gas utility costs associated with administering the bill and such assessments shall be recovered from rate-regulated customers as part of a gas cost. (Companion bill is **S.B. 1579** by **Hancock**.)

H.B. 2000 (Huberty) – Reliability Projects: would, among other things: (1) establish the state utilities reliability fund as a special fund in the state treasury outside the general revenue fund to be used by the Texas Water Development Board (TWDB), without further legislative appropriation, for the purpose of financing projects that enhance the reliability of water, electricity, natural gas and broadband utilities in Texas by supporting projects to weatherize facilities and to provide adequate capacity during periods of high demand; (2) provide that the TWDB, for the purpose of providing financial assistance under the bill, shall prioritize projects that enhance the reliability of water, electricity, natural gas and broadband utilities for Texas by establishing a point system; (3) require the TWDB to give the highest consideration in awarding points to projects that will have a substantial effect, including projects that will, among other things: (a) weatherize facilities to protect against cold weather; and (b) create excess capacity that will be used during periods of high demand to provide continuous and adequate electric, natural gas, water and broadband service; and (4) provide the bill only takes effect on the date on which the voters of Texas approve a constitutional amendment proposed by the 87th Legislature creating the state utilities reliability fund. (See **H.J.R. 2**, below.)

H.B. 3693 (Fierro) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a retailer or their distribution centers from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent

organization or another reliability council or power pool in which the utility or cooperative operates.

H.B. 3696 (Deshotel) – Distributed Renewal Generation Resources: would: (1) provide that “distributed renewable energy” means electric generation with a capacity of not more than 2,000 kilowatts provided by a renewable energy technology that is installed on a retail electric customer’s side of the meter; (2) provide that “small commercial customer” means a commercial customer having a peak demand of 1,000 kilowatts or less; (3) preempt a city from prohibiting or restricting the installation of a solar energy device by a residential or small commercial customer except to the extent: (a) a property owner’s association may prohibit the installation; or (b) the interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer’s service area, the rules of the Public Utility Commission of Texas, or the protocols of an independent organization, limit the installation of solar energy devices due to reliability, power quality, or safety of the distribution system; and (4) provide that the bill does not apply to: (a) a transaction involving the sale or transfer of the real property on which a distributed renewable generation resource is located; (b) a person, including a person acting through the person’s officers, employees, brokers, or agents, who markets, sells, solicits, negotiates, or enters into an agreement for the sale or financing of a distributed renewable generation resource as part of a transaction involving the sale or transfer of the real property on which the distributed renewable generation resource is or will be affixed; or (c) a third party that enters into an agreement for the financing of a distributed renewable generation resource. (Companion bill is **S.B. 398** by **Menéndez**.)

H.B. 3700 (Hernandez) – Load Shedding Calculations: would, among other things require: (1) the Public Utility Commission to adopt rules that require each transmission and distribution utility, municipally owned utility, and electric cooperative in the ERCOT power region to submit annually to the independent organization certified for the ERCOT power region a determination of the utility’s or cooperative’s peak load for the summer season and peak load for the winter season; and (2) the independent organization certified for the ERCOT power region to make annual determinations of load shed percentages for use during emergency curtailment based on the peak load information submitted under (1).

H.B. 3716 (Toth) – Bulk-Power System Equipment: would require the Public Utility Commission (PUC) to: (1) adopt rules that prohibit the acquisition, importation, transfer, or installation of bulk-power system equipment in Texas as part of a transaction that the PUC determines presents an undue security or safety risk to the bulk-power system in Texas because of potential: (a) sabotage to or subversion of the design, integrity, manufacturing, production, distribution, installation, operation, or maintenance of the bulk-power system in Texas; or (b) catastrophic effects for the security or resiliency of critical infrastructure or the economy of Texas; (2) design or negotiate measures to mitigate risks described in (1); (3) require that a person acquiring, importing, transferring, or installing bulk-power system equipment in Texas incorporate a mitigation measure in the acquisition, importation, transfer, or installation; (4) establish and publish criteria for preapproving particular equipment and particular vendors in the bulk-power system equipment market as compliant with the bill; and (5) publish a list of pre-approved equipment and vendors. (Companion bill is **S.B. 1488** by **Hall**.)

H.B. 3717 (Burns) – Sale of Utility System: would provide that a municipality is not required to hold an election to authorize the sale of a municipal retail water or sewer utility system if the Texas Commission on Environmental Quality has issued a Notice of Violation to the utility system and the governing body of the municipality finds, by official action, that the municipality is either financially or technically unable to restore the system to compliance with the applicable law or regulations.

H.B. 3727 (Middleton) – On-Site Sewage: would require the Texas Commission on Environmental Quality to adopt rules governing the installation of on-site sewage disposal systems, including rules that allow for aerobic drip emitter systems to be installed on subdivided or platted properties less than one-half acre in size serving single-family residences that are supplied by a public drinking water system if site-specific planning materials have been: (1) submitted by a licensed engineer or registered sanitarian; and (2) approved by the appropriate authorized agent.

H.B. 3749 (Lucio III) – Electricity During Extreme Weather: would require: (1) the Public Utility Commission (PUC) to conduct regular inspections of facilities and equipment used by providers of generation in the ERCOT power region to ensure adequate weatherization preparedness for extreme weather conditions; (2) the PUC to publish a notification on its Internet website as soon as practicable after an independent organization for the ERCOT power region declares an emergency alert; (3) the PUC to adopt rules to develop a procedure for auditing emergency operations plans developed by: (a) electric utilities; (b) power generation companies; (c) municipally owned utilities; (d) electric cooperatives; (e) retail electric providers; and (f) the independent organization certified for the ERCOT power region; and (4) the governor to appoint a task force to study the actions of the PUC, the independent organization certified for the ERCOT power region, and electricity market participants during February 2021 in response to the extreme weather event of that month.

H.B. 3750 (Lucio III) – Texas Water Development Board Financing: would provide that: (1) a political subdivision may use financial assistance from the Texas Water Development Board (TWDB) to pay for the installation, maintenance, operation, and fueling of a backup power generator for a facility of a public water supply and sanitary sewer system; (2) assistance under the bill shall only be provided to political subdivisions that demonstrate an inability to pay for the installation, maintenance, operation, and fueling of a backup power generator described by (1) in accordance with TWDB rules; (3) if the TWDB determines that a political subdivision to which assistance has been provided under (1) is ineligible to receive the assistance, the board may seek reimbursement from the political subdivision; and (4) the TWDB shall adopt rules to implement the bill.

H.B. 3792 (Shaheen) – Electric Grid Resilience: would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities in certain essential service areas. (Companion bill is **S.B. 1606** by Hall.)

H.B. 3912 (Hinojosa) – Weather Preparedness: would, among other things: (1) require the Railroad Commission (RRC) to adopt rules that require an operator of a gas well to implement measures to prepare the well to operate during a weather emergency; (2) provide that the rules in (1) must: (a) require an operator of a gas well to implement the required measures at the expense of the provider; and (b) require the provider to submit to the RRC an annual report that shows the costs of implementing the required measures and that the costs were paid out of the operator's net profits; (3) require the Public Utility Commission (PUC) to adopt rules that require each provider of generation in the ERCOT power region to implement measures to prepare generation facilities to provide adequate electric generation service during a weather emergency; (4) provide that the rules in (3) must: (a) require a provider of generation to implement the required measures at the expense of the provider; and (b) require the provider to submit to the PUC an annual report that shows the costs of implementing the required measures and that the costs were paid out of the provider's net profits; (5) require the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to implement measures to prepare facilities to maintain service quality and reliability during a weather emergency; (6) require the PUC to conduct a study on the possible ways to provide funding for the measures required by the rules in (5) so that the cost of the measures is not paid by retail customers; (7) require the RRC to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during a weather emergency; and (8) require the RRC to conduct a study on the possible ways to provide funding for the measures required by the rules in (7) so that the cost of the measures is not paid by retail customers.

H.B. 3916 (Goldman) – Distributed Power: would, among other things, provide that: (1) no regulatory authority, planning authority, electric cooperative, municipally-owned utility, utility, or political subdivision may adopt or enforce an ordinance, resolution, regulation, code, order, policy, or other measure that has the purpose, intent, or effect of directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the synchronous connection or reconnection of distributed generation or the construction, maintenance, or installation of residential, commercial, or other public or private infrastructure to accommodate receipt of power from distributed generation; (2) if located in the ERCOT power region, a regulatory authority, planning authority, electric cooperative, municipally-owned utility, utility, or political subdivision will facilitate the sale of power from distributed generation into the ERCOT wholesale market at the option of the end-use customer and may, at the option of the end-use customer, either act as the Qualified Scheduling Entity to facilitate the wholesale sale of power from distributed generation or allow a third-party entity to provide such Qualified Scheduling Entity services; (3) an entity, including a regulatory authority, planning authority, electric cooperative, municipally-owned utility, utility, or political subdivision, may not impose any additional charge or pricing difference on a development, building permit applicant, ERCOT wholesale market access, or interconnection agreement for utility infrastructure that discourages or prohibits the connection or reconnection of distributed generation; and (4) the bill does not limit the ability of a regulatory authority or political subdivision to choose utility services for properties owned by the regulatory authority or political subdivision.

H.B. 4011 (Rodriguez) – Hardening of Certain Utilities: would repeal state law provisions that exempt utility facilities owned or controlled by a utility regulated by the Public Utility Commission

from the requirement to harden utility facilities and critical infrastructure in order to maintain operations of essential services during a natural disaster.

H.B. 4077 (C. Turner) – Water Service: would provide that if for any reason water service furnished to a tenant is interrupted, the landlord must promptly notify the utility company that is responsible for providing water service of the interruption in service, including a utility company operated by a political subdivision.

H.B. 4120 (Deshotel) – Electricity and Schools: would provide that: (1) each electric utility that provides electric service to a retail customer shall offer to a school district or open-enrollment charter school served by the electric utility time-of-use rates to promote efficient: (a) charging of electric school buses; and (b) energy use in school buildings; (2) each transmission and distribution utility in the ERCOT power region shall offer to any retail electric provider in its service area that serves a school district or open-enrollment charter school a rate structure that allows the retail electric provider to offer time-of-use rates to the district or school to promote efficient: (a) charging of electric school buses; and (b) energy use for school buildings; (3) a regulatory authority shall provide a mechanism for approving a tariff in accordance with (1) and (2); (4) a school district or open-enrollment charter school may contract with an electric utility to: (a) install make-ready infrastructure on the utility's side of the meter required to facilitate interconnection of electric vehicle charging equipment, including a new service connection, transformer, conductor, connector, conduit, or meter; and (b) provide any necessary construction to comply with local regulations related to the charging equipment; (5) electric utilities shall use their best efforts to: (a) encourage and facilitate interconnection processes for school energy sources; and (b) provide information about distribution system capacity and needs to market providers of on-site distributed renewable generation, energy storage, and electric school buses; (6) a school district or open-enrollment charter school, or a person acting on behalf of a school district or open-enrollment charter school, may, without registering as a power generation company: (a) provide distribution system grid services using a school energy source or a combination of school energy sources; and (b) receive appropriate compensation for electricity sold under (6)(a); and (7) the independent organization for the ERCOT power region shall adopt rules or protocols to allow a school district or open-enrollment charter school, or a person acting on behalf of a school district or open-enrollment charter school, to sell energy and ancillary services from school energy sources in the wholesale market without registering as a power generation company. (Companion bill is **S.B. 1303** by **Blanco**.)

H.B. 4126 (Vasut) – Natural Gas and Electricity: would provide that the following are false, misleading, or deceptive acts or practices prohibited under the Texas Deceptive Trade Practices Act: (1) taking advantage of a disaster declared by the governor or the president of the United States by selling or leasing natural gas or electricity at an exorbitant or excessive price; or (2) demanding an exorbitant or excessive price in connection with the sale or lease of natural gas or electricity.

H.B. 4147 (Larson) – Water Rates: would, among other things: (1) provide that any person entitled to receive or use water from any canal, ditch, flume, lateral, dam, reservoir, or lake or from any conserved or stored supply may present to the Texas Commission on Environmental Quality a written petition showing, among other things: (a) that the person is entitled to receive or use the

water; (b) that the person is willing and able to pay the price demanded for the water; and (c) that the party owning or controlling the water supply fails or refuses to supply the available water to the petitioner; (2) provide that the Public Utility Commission (PUC) may not fix a rate which a political subdivision may charge for water furnished to another political subdivision on a wholesale basis that is less than the amount required to meet: (a) the debt service and public security requirements of that political subdivision or that impairs the political subdivision's financial integrity; and (b) the costs of preparedness for weather emergencies; (3) provide that in any proceeding in which a rate charged under a written contract is challenged, the PUC must determine that the rate seriously harms the public interest before holding a hearing on or otherwise determining or prescribing just and reasonable rates; and (4) provide that a party adversely affected by a determination of the PUC that a rate charged under a written contract seriously harms the public interest may seek judicial review of the PUC's determination before any PUC proceeding to determine or prescribe just and reasonable rates.

H.B. 4161 (Frank) – Potable Reuse of Wastewater: would: (1) define “direct potable reuse” as the introduction of treated reclaimed water either directly into a potable water system or into the raw water supply entering a drinking water treatment plant; and (2) require the Texas Commission on Environmental Quality (TCEQ) to develop and make available to the public a regulatory guidance manual to explain TCEQ rules that apply to potable reuse. (Companion bill is **S.B. 905** by **Perry**.)

H.B. 4224 (Bucy) – Weather Preparedness for Electricity: would require the Public Utility Commission (PUC) to: (1) adopt rules to establish best practices and procedures for providers of generation in the ERCOT power region for, among other things: (a) winterization, including supplies, equipment, personnel, and preventative action checklists for preparations for extreme weather events; and (b) maintenance and inspections, especially of freeze protection elements; (2) adopt rules that require each provider of generation in the ERCOT power region to: (a) prepare, submit to the PUC, and update as necessary a plan for, among other things: (i) using the best practices and procedures to provide adequate electric generation service during a winter weather emergency; and (ii) conducting regular preventative maintenance for freeze protection elements; and (b) implement the plan submitted under (2)(a); (3) regularly inspect the facilities of providers of generation for compliance with rules adopted under (1) and (2); (4) adopt rules to establish best practices and procedures for electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission or distribution service in the ERCOT power region for, among other things: (a) winterization, including supplies, equipment, personnel, and preventative action checklists for preparations for extreme weather events; and (b) maintenance and inspections, especially of freeze protection elements; (5) adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service in the ERCOT power region to: (a) prepare, submit to the PUC, and update as necessary a plan for, among other things: (i) using the best practices and procedures to maintain service quality and reliability during a winter weather emergency; and (ii) conducting regular preventative maintenance for freeze protection elements; and (b) implement the plan submitted under (5)(b); and (6) regularly inspect facilities of electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission or distribution service in the ERCOT power region for compliance with rules adopted under (4) and (5).

H.B. 4234 (Raymond) – Water Treatment Report: would, among other things, require the Texas Commission in Environmental Quality and the Public Utility Commission to produce an annual report on water treatment facilities in Texas, which shall include: (1) for the year preceding the production of the report: (a) an analysis of events related to water treatment facilities and the consequences of those events; and (b) a summary of challenges experienced by the water treatment facilities or any vulnerabilities or system failures that were exposed; (2) projected: (a) changes in the physical condition of water treatment facilities, including expected wear and tear on the facilities; and (b) effects of population increase on the performance of water treatment facilities; and (3) the identification of means to prevent unplanned downtime for water treatment facilities in times of disaster.

H.B. 4236 (Raymond) – ERCOT Reserve Margin: would require: (1) the independent organization certified for the ERCOT power region to adopt a target planning reserve margin for ERCOT of not less than 15 percent of peak electric demand; and (2) the Public Utility Commission to adopt rules as necessary to achieve and enforce the minimum target planning reserve margin required under (1).

H.B. 4264 (Shaheen) – Electric Utilities: would require: (1) electric utilities, power generation companies, municipally owned utilities, and electric cooperatives that operate generation facilities in Texas to adopt and implement an electric service emergency operations plan for use during an emergency; and (2) the Public Utility Commission to analyze electric service emergency operations plans and prepare a weather emergency preparedness report on power generation weatherization preparedness.

H.B. 4288 (Dominguez) – Utility Projects: would: (1) require a municipality or water district to begin construction of a project for which the municipality or district raises a tax or utility rate not later than the first anniversary of the date the municipality or district initially raised that rate; and (2) provide that a violation of this timeframe would require the municipality or water district to: (a) lower the tax or utility rate to the rate in effect immediately before the rate was raised for the project that is the subject of the violation; and (b) refund to each taxpayer or ratepayer, as applicable, an amount equal to the amount paid by the taxpayer or ratepayer for the project that is the subject of the violation.

H.B. 4332 (Zwiener) – Distributed Renewable Generation: would, among other things: (1) provide that “distributed renewable energy” means electric generation with a capacity of not more than 2,000 kilowatts provided by a renewable energy technology that is installed on a retail electric customer’s side of the meter; (2) provide that “small commercial customer” means a commercial customer having a peak demand of 1,000 kilowatts or less; (3) preempt a city from prohibiting or restricting the installation of a solar energy device by a residential or small commercial customer except to the extent: (a) a property owner’s association may prohibit the installation; or (b) the interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer’s service area, the rules of the Public Utility Commission of Texas, or the protocols of an independent organization, limit the installation of solar energy devices due to reliability, power quality, or safety of the distribution system; and (4) provide that the bill does not apply to: (a) transaction involving the sale or transfer of the real property on which a distributed renewable generation resource is located; (b) a person, including a person acting through the person's officers,

employees, brokers, or agents, who markets, sells, solicits, negotiates, or enters into an agreement for the sale or financing of a distributed renewable generation resource as part of a transaction involving the sale or transfer of the real property on which the distributed renewable generation resource is or will be affixed; or (c) a third party that enters into an agreement for the financing of a distributed renewable generation resource; (5) require a city or a county to implement an online, automated permitting platform that verifies code compliance and instantaneously issues permits for a residential photovoltaic solar energy system or an energy storage system paired with a residential photovoltaic solar energy system consistent with the system parameters and configurations, including an inspection checklist; and (6) provide that a city or county with a population of less than 10,000 is exempt from (5).

H.B. 4336 (Vasut) – Electric Transformers: would provide that unless permitted by a municipality in which a residential property is located, a transmission and distribution utility may not require placement of a ground level electric transformer on the portion of the residential property that is adjacent to a public street.

H.B. 4341 (Biedermann) – Aggregate Production Operations: would, among other things, transfer the regulation of aggregate production operations from the Texas Commission on Environmental Quality to the Railroad Commission of Texas on delegation by the United States Environmental Protection Agency to the Railroad Commission authority to issue relevant permits.

H.B. 4378 (Paddie) – Financial Stability of ERCOT: would, among other things, require: (1) the Public Utility Commission (PUC) to adopt and enforce rules to promote adequacy of generation supply; (2) the rules adopted under (1) to require (a) appropriate price signals in the wholesale power market; and (b) seasonal or annual procurement of energy or generation capacity; (3) the PUC to ensure the costs of procuring adequate generation supply under the bill shall be equitably apportioned to market participants; and (4) the PUC to ensure that each participant in the wholesale power market posts sufficient collateral or otherwise provides sufficient assurance that it will meet its financial obligations incurred in high and low customer demand conditions.

H.B. 4414 (Herrero) – Payment Assistance: would require the Public Utility Commission to adopt rules to require municipally owned utilities, electric cooperatives, and retail electric providers in the ERCOT power region to waive any bill increases for retail electric customers who receive an unusually high bill for services provided during a state of disaster or emergency declared by the president of the United States or a state of disaster declared by the governor.

H.B. 4424 (J. González) – Gas Utilities: would: (1) remove incentive compensation from the definition of “employee compensation and benefits”; and (2) provide that, when establishing an electric utility’s rates, the regulatory authority – including a city – shall presume that employee compensation and benefits expenses are reasonable and necessary, if the expenses are consistent with recent market compensation studies not earlier than three years before the initiation of the proceedings to establish the rates.

H.B. 4430 (E. Thompson) – Power Generation Resiliency Loan Program: would: (1) require the Public Utility Commission (PUC) to establish a power generation resiliency program to award loans to owners of power generation facilities for the purpose of improving the facilities to prevent

facility failures; (2) require the PUC to adopt rules to establish criteria for projects that qualify for a loan under (1); (3) establish the power generation resiliency revolving account in the general revenue fund for the purposes of providing loans to power generators under the resiliency program in (1); and (4) provide that the account in (3) consists of: (a) appropriations of money to the account by the legislature; (b) gifts, donations, and grants, including federal grants; (c) payments on loans made under (1); and (d) interest earned on the investment of the money in the account.

H.B. 4462 (Hinojosa) – Electricity Storage: would require the Public Utility Commission, in coordination with the independent organization for the ERCOT power region, to adopt rules necessary to meet the goal of having electric energy storage capacity to meet twenty percent of peak summer and winter demand within ERCOT by December 31, 2026.

H.B. 4542 (Martinez Fischer) – Municipally Owned Utilities: would provide that a municipally owned utility that transmits or distributes power purchased at wholesale in ERCOT may make requests, obtain approvals, enter into contracts, and construct facilities as necessary to: (1) access transmission service from outside of ERCOT; and (2) purchase power at wholesale from outside of ERCOT.

H.B. 4557 (Anchia) – Utilities and Billing: would, among other things, provide that: (1) any telecommunications provider, retail electric provider, or electric utility may not charge a customer's telephone or retail electric bill a fee for any amount directly or indirectly related to a power outage due to a mechanical failure incurred by the billing utility; (2) if a customer's telephone or retail electric bill is charged a fee for any amount directly or indirectly related to a power outage, the billing utility must provide the customer written notice of such charge, which must be: (a) referred to as "BLACKOUT FEES"; (b) printed on the first page of the customer's bill; and (c) in type that is at least 10-point font, boldfaced, capitalized, underlined, and otherwise set out from surrounding written material so as to be conspicuous with other information on the customer's bill; (3) the Texas Division on Emergency Management (TDEM), with the cooperation of the office of the governor, the Public Utility Commission, and ERCOT, shall develop and implement a statewide disaster alert system to activate in the event of a disaster affecting any location in Texas; and (4) a participating local governmental entity in the alert system in (3) shall, in coordination with TDEM, choose the manner in which the alert system is activated and notifications are issued within the entity's geographic region.

H.B. 4562 (Anchia) – Extreme Weather Emergency Preparedness: would, among other things: (1) define "extreme weather emergency" as a period when: (a) the previous day's highest temperature did not exceed 10 degrees Fahrenheit and the temperature is predicted to remain at or below that level for the next 24 hours according to the nearest National Weather Service reports; or (b) the National Weather Service issues a heat advisory for any county in the relevant service territory, or when such an advisory has been issued on any one of the previous two calendar days; (2) require the Railroad Commission (RRC) to adopt rules to require each provider of gas supply for generation in the ERCOT power region to: (a) implement measures to prepare generation facilities, including weatherization protocols and standards, to provide adequate supply during an extreme weather emergency; (b) make all reasonable efforts to prevent interruptions of gas supply during an extreme weather emergency; (c) reestablish supply within the shortest possible time, should an interruption occur due to an extreme weather emergency; and (d) make reasonable

efforts to manage emergencies resulting from a failure of service caused by an extreme weather emergency, including issuing instructions to its employees on procedures to be followed in the event of an extreme weather emergency; (3) provide that the rules in (2) may not neglect any local neighborhood or geographic area, including rural areas, communities of less than 1,000 people, and low-income areas; (4) require the RRC to adopt rules that require each gas producer providing supply intended for generation in the ERCOT power region to: (a) register with the transmission distribution utility serving the power for the location of the gas wellhead, equipment or facility, as critical infrastructure; (b) contact the transmission distribution utility providing the power to the gas wellhead, equipment or facility within 4 hours after power is lost during an extreme weather emergency; and (c) report outages of power to gas wellheads, equipment or a facility providing gas for supply of electric generation in the ERCOT region within 4 hours of notification or knowledge of power loss and during an extreme weather emergency; and (5) require the RRC to require incident reports for power outages that result in a loss of gas supply intended for electric generation in the ERCOT market.

H.B. 4567 (Anchia) – System Benefit Fund: would provide that: (1) money in the system benefit fund may be appropriated to provide funding solely for certain regulatory purposes; and (2) at the top of the priority list for the funding in (1) are programs to provide bill payment assistance to low-income electric customers who during the time of a declared disaster that occurred in year 2021 or after had an indexed plan, or a variable rate plan, and have been impacted by high energy bills as a result of the declared natural disaster.

H.J.R. 2 (Huberty) – State Utilities Reliability Fund: would amend the Texas Constitution to, among other things, provide that: (1) the State Utilities Reliability Revenue Fund is created as a special fund in the state treasury outside the general revenue fund, which shall be administered, without further appropriation, by the Texas Water Development Board or that board's successor in function; and (2) provide that the State Utilities Reliability Fund shall serve as a utility infrastructure bank in order to enhance the financing capabilities of the Texas Water Development Board or that board's successor in function under a revenue bond program designed to enhance the reliability of water, electricity, natural gas and broadband utilities in Texas, including utilities owned by public and private entities, by supporting projects to weatherize facilities and to provide adequate capacity during periods of high demand. (See **H.B. 2000**, above.)

S.B. 3 (Schwertner) – Utility Preparedness: would, among other things:

1. define “energy emergency alert” as an alert issued by an independent organization that power supply on a regional electric network in Texas may be inadequate to meet demand;
2. provide that with the cooperation of the Texas Department of Transportation, the office of the governor, and the Public Utility Commission of Texas (PUC), the Texas Department of Emergency Management (TDEM) shall develop and implement a statewide alert to be activated when an energy emergency alert is issued;
3. require TDEM to create a page on its Internet website for each state of disaster declared by the governor to provide information to the public about that disaster;
4. establish the Texas Energy Reliability Council to ensure that high priority human needs are met in the event of necessary curtailment of natural gas distribution or supplies;

5. require the Railroad Commission (RRC) to adopt rules to require an operator of a gas well to implement measures to prepare the well to operate during a weather emergency;
6. require the RRC to adopt rules to require an operator of a gas well that experiences repeated or major weather-related forced interruptions of production to: (a) contract with a person who is not an employee of the provider to assess the operator's weatherization plans, procedures, and operations; and (b) submit the assessment to the RRC;
7. provide that if the RRC determines that a person has violated a rule adopted under (5) or (6), the RRC shall notify the attorney general of the violation and the attorney general shall initiate a suit to recover a penalty for the violation;
8. provide that a person who violates a provision of a rule adopted under (5) or (6) is liable for a penalty of not more than \$1,000,000 for each offense;
9. provide that a municipally owned utility shall regularly provide with bills sent to retail customers of the utility information about: (a) the utility's procedure for implementing rolling blackouts; (b) the types of customers who may be considered critical customers or critical load according to PUC rules; (c) the procedure for a customer to apply to be considered a critical customer or critical load according to PUC rules adopted; and (d) reducing electricity use at times when rolling blackouts may be implemented;
10. require the PUC to adopt rules to require each municipally owned utility, electric cooperative, qualifying facility, power generation company, or exempt wholesale generator, that provides generation service to implement measures to prepare the provider's generation assets to provide adequate electric generation service during a winter weather emergency according to reliability standards adopted by the PUC;
11. require the PUC to adopt rules that require a provider of generation service described by (10) that experiences repeated or major weather-related forced interruptions of service to: (a) contract with a person who is not an employee of the provider to assess the provider's weatherization plans, procedures, and operations; and (b) submit the assessment to the PUC and the independent organization for the ERCOT power region;
12. provide that the penalty for a violation of (10) or (11) may be in an amount not to exceed \$1,000,000 for a violation and each day a violation continues or occurs is a separate violation for purposes of imposing a penalty;
13. require the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission service in the ERCOT power region to implement measures to prepare the cooperative's or utility's facilities to maintain service quality and reliability during a winter weather emergency according to standards adopted by the PUC;
14. require the PUC to impose an administrative penalty on a person who violates a rule adopted under (13);
15. require the PUC to adopt a system to allocate load shedding among electric cooperatives, municipally owned utilities, and transmission and distribution utilities providing transmission service in the ERCOT power region during a rolling blackout initiated by an independent organization for the region;
16. provide that a retail electric provider may not offer a contract for service at a variable rate;
17. require the PUC to adopt rules to require the operator of a wind power generating unit or solar power generating unit providing output in the ERCOT power region to: (a) commit to the independent organization for the ERCOT power region to provide a specific load;

- and (b) if the operator cannot meet the load commitment using the generating unit, meet the load commitment using electric energy storage or through a purchase from another generating unit;
18. require the RRC to adopt rules regarding measures gas pipeline facility operators must implement to prepare gas pipeline facilities to maintain service quality and reliability during extreme weather conditions;
 19. require the RRC to adopt rules to require a gas pipeline facility operator that experiences repeated or major weather-related forced interruptions of service to: (a) contract with a person who is not an employee of the provider to assess the operator's weatherization plans, procedures, and operations; and (b) submit the assessment to the RRC; and
 20. require the RRC to assess an administrative penalty the penalty for each violation of (18) not to exceed \$1,000,000 and each day a violation continues may be considered a separate violation for the purpose of penalty assessment.

S.B. 1579 (Hancock) – Gas Utilities: would, among other things: (1) provide that the Texas Public Finance Authority may, either directly or by means of a trust or trusts established by it, issue obligations or other evidences of indebtedness for financing customer rate relief (CRR) bonds approved by the Railroad Commission (RRC); (2) provide that at the request of the RRC, the Authority in (1) shall issue obligations or other evidences of indebtedness in the amount of the requested CRR bonds, plus the issuance costs, and shall make a grant of the proceeds of the obligations or evidences of indebtedness to the RRC; (3) define “gas utility” as: (a) an operator of natural gas distribution pipelines that delivers and sells natural gas to the public and that is subject to the RRC’s jurisdiction; and (b) a gas utility that transmits, transports, delivers, or sells natural gas or synthetic natural gas to operators of natural gas distribution pipelines and whose rates for such services are established by the RRC in a cost of service rate proceeding; (4) provide that the RRC may authorize the issuance of CRR bonds if the RRC finds that the proposed structuring, expected pricing, and proposed financing costs of the CRR bonds are reasonably expected to provide benefits to customers comparing the net present value of the costs to customers resulting from the issuance of CRR bonds and the costs that would result from the application of conventional methods of financing or recovering gas utility extraordinary costs and other costs authorized by a financing order; and (5) provide that the RRC may assess to a gas utility costs associated with administering the bill and such assessments shall be recovered from rate-regulated customers as part of a gas cost. (Companion bill is **H.B. 1520** by **Paddie**.)

S.B. 1593 (Bettencourt) – Electricity Reliability: would require the Public Utility Commission (PUC) to: (1) retain an independent third-party monitor to ensure that electric utilities comply with system reliability standards; and (2) establish an enforcement division to make full use of the authority granted to the PUC to ensure that electric utilities comply with state and federal rules and regulations.

S.B. 1606 (Hall) – Electric Grid Resilience: would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities in certain essential service areas. (Companion bill is **H.B. 3792** by **Shaheen**.)

S.B. 1682 (Hancock) – Reliability Projects: would, among other things: (1) establish the state utilities reliability fund as a special fund in the state treasury outside the general revenue fund to be used by the Texas Water Development Board (TWDB), without further legislative appropriation, for the purpose of financing projects that enhance the reliability of water, electricity, natural gas and broadband utilities in Texas by supporting projects to weatherize facilities and to provide adequate capacity during periods of high demand; (2) provide that the TWDB, for the purpose of providing financial assistance under the bill, shall prioritize projects that enhance the reliability of water, electricity, natural gas and broadband utilities for Texas by establishing a point system; (3) require the TWDB to give the highest consideration in awarding points to projects that will have a substantial effect, including projects that will, among other things: (a) weatherize facilities to protect against cold weather; and (b) create excess capacity that will be used during periods of high demand to provide continuous and adequate electric, natural gas, water and broadband service; and (4) provide that contingent on passage and adoption by an election of the voters of legislation relating to proposing constitutional amendments creating the State Utilities Reliability Fund and the State Utilities Reliability Revenue Fund by the 87th Legislature, \$2,000,000,000 is appropriated out of the economic stabilization fund to the State Utilities Reliability Fund to implement the provisions of the bill. (See **S.J.R. 62**, below.)

S.B. 1746 (Zaffirini) – Financial Assistance: would, among other things: (1) create a water resource restoration program to be administered by the Texas Water Development Board (TWDB) to assist in enhancing water quality in Texas through the provision of financial assistance to political subdivisions for locally directed projects; (2) provide that a proposed project under (1) must be compatible with the goals of the program and include the application of best management practices for the primary purpose of water quality protection and improvement and may include: (a) the preservation or restoration of regional scale natural landscape features, including forests, floodplains, and wetlands; (b) practices that reduce impervious cover in a watershed; (c) practices that increase water infiltration and retention, including the use of bioretention, trees, green roofs, permeable pavements, rain gardens, constructed wetlands, and cisterns; (d) the implementation of green streets in public rights-of-way or urban forestry program to manage stormwater and enhance tree health; (e) the expanded use of tree box filters; (f) stormwater collection and distribution systems, including cisterns, separate stormwater sewer systems, and downspout disconnection systems that use onsite stormwater management and remove stormwater from sewer systems; (g) soil quality enhancement activities; (h) the removal and replacement of turf with native grasses and vegetation that improve water infiltration; (i) the establishment or restoration of permanent riparian buffers, floodplains, wetlands, and other natural features including vegetative buffers, grass swales, soft bioengineered stream banks, and stream daylighting; (j) the management of wetlands to improve water quality and support water infiltration and retention; and (k) sustainable landscaping to improve hydrologic processes; (3) provide that a proposed project under (1) may not include: (a) passive recreation activities and trails including bike trails, playgrounds, athletic fields, picnic tables, and picnic grounds; (b) non-permeable surface parking lots; (c) stormwater ponds or dirt-lined detention basins that serve an extended or filtration function; (d) in-line and end-of-pipe treatment systems that only filter or detain stormwater without the use of natural plants and trees; (e) underground stormwater control and treatment devices, including hydrodynamic separators, baffle systems for grit, trash removal, and oil and grease separators; (f) stormwater conveyance systems, including pipes and concrete channels, that are not soil or vegetation based;

(g) hardening, channelizing, dredging, or straightening streams or stream banks; (h) street sweepers, sewer cleaners, and vacuum trucks unless they support nature-based infrastructure projects; (i) supplemental environmental projects required as a part of a consent decree; or (j) the acquisition of property, an interest in property, or improvements to property through the use of eminent domain; and (4) require the TWDB to adopt rules to establish a means of prioritizing projects under (1) in disadvantaged communities. (Companion bill is **H.B. 2350** by **Zwiener**.)

S.B. 1749 (Hancock) – Natural Gas: would require: (1) the Public Utility Commission (PUC) to work with the Railroad Commission (RRC) to adopt rules to designate certain gas entities and facilities as critical during an energy emergency; (2) at a minimum, the PUC’s rules to: (a) ensure that transmission and distribution utilities, municipally owned utilities, electric cooperatives, and ERCOT are provided with the designations as required by (3), below; (b) provide for a prioritization for load-shed purposes of the entities and facilities designated under (1) during an energy emergency; and (c) provide discretion to transmission and distribution utilities, municipally owned utilities, and electric cooperatives to prioritize power delivery and power restoration among the customers on their respective systems, as circumstances require; and (3) that the RRC adopt rules that: (a) determine eligibility and designation requirements for persons owning, operating, or engaging in the activities under the RRC’s jurisdiction to provide critical customer designation and critical gas supply information, as defined by the RRC, to transmission and distribution utilities, municipally owned utilities, electric cooperatives, and ERCOT; and (b) consider essential operational elements when defining critical customer designations and critical gas supply information, including natural gas production, processing, transportation, and the delivery of natural gas to generators. (Companion bill is **H.B. 3648** by **Geren**.)

S.B. 1750 (Hancock) – Severe Weather Preparedness: would: (1) define “coordinating agencies” as the Public Utility Commission (PUC), the Railroad Commission (RRC), and the Texas Division of Emergency Management; (2) define “coordinated entities” as public utilities, power generation companies, ERCOT, and entities engaged in the production, transport, gathering, storage, or shipping of natural gas; (3) require the PUC and the RRC to each establish rules to require each coordinated entity subject to their respective jurisdictions to establish and submit a winter preparedness emergency operations plan with certain criteria; (4) require the coordinating agencies to jointly analyze emergency operations plans developed by coordinated entities in each even-numbered year and prepare a weather emergency preparedness report on power generation and natural gas weatherization preparedness; (5) provide that the plans submitted in (4) are confidential; and (6) provide that the PUC and the RRC may, after notice and opportunity for hearing, impose an administrative penalty on entities subject to their respective jurisdictions for failure to timely submit an emergency operations plan or respond to a notice of potential deficiency.

S.B. 1782 (Creighton) – Response and Resilience of Certain Utilities: would: (1) provide that system restoration costs also include reasonable and necessary weatherization and storm-hardening costs incurred, as well as reasonable estimates of costs to be incurred by an electric utility, but such estimates shall be subject to true-up and reconciliation after the actual costs are known; (2) create the Texas Electric Utility System Restoration Corporation as a nonprofit special purpose public corporation and instrumentality of Texas for the essential public purpose of providing a lower cost financing mechanism available to the Public Utility Commission and an

electric utility to attract low-cost capital to finance system restoration costs; (3) provide that the Corporation in (2) shall be self-funded and the state shall not budget for or provide any general fund appropriations for the Corporation; and (4) provide an order of priority for natural gas deliveries if the curtailment of natural gas is necessary during a state of disaster as declared by the governor or an extreme weather emergency. (Companion bill is **H.B. 1510** by **Metcalf**.)

S.B. 1802 (Zaffirini) – Solid Waste Facilities: would: (1) require the Texas Commission on Environmental Quality to adopt specific, uniform road specifications and safety standards for access to solid waste facilities that accept or process municipal or hazardous waste; and (2) provide that the rules adopted under (1) must require the permit holder to be financially responsible for access route improvements and maintenance and to reimburse a local governmental entity for any costs incurred by that entity for improvements made to and maintenance of the access routes.

S.B. 1843 (Eckhardt) – Weather Preparedness: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules that require each provider of generation or electric energy storage in the ERCOT power region to implement measures to prepare generation and storage facilities to provide adequate electric generation service during extreme weather conditions, including extreme heat, cold, drought, and rain; (2) provide that the rules in (1) must include provisions for weatherization, securing fuel sources, and securing water sources and must be based on climate models over a 15-year period provided by the Office of the Texas State Climatologist; (3) require the PUC to adopt rules that require each electric cooperative, municipally owned utility, and transmission and distribution utility providing transmission or distribution service or demand response equipment in the ERCOT power region to implement measures to prepare facilities to maintain service quality and reliability during extreme weather conditions, including extreme heat, cold, drought, and rain; and (4) provide that the rules in (3) must include provisions for weatherization and be based on climate models over a 15-year period provided by the Office of the Texas State Climatologist.

S.B. 1913 (Blanco) – Medical Waste: would: (1) require an applicant for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste, to send notice of the application or notice of intent to: (a) the state senator and representative who represent the area in which the facility is or is to be located; (b) the commissioners court of the county in which the facility is or is to be located; and (c) the governing bodies of the city and school district in which the facility is or is to be located; (2) require the Texas Commission on Environmental Quality (TCEQ) to reject an application submitted by a person who has not complied with (1); and (3) provide that TCEQ may not issue a permit for a new medical waste facility or the subsequent areal expansion of a medical waste facility or unit of that facility if the boundary of the facility or unit is to be located within 500 feet of an established residence, farm, ranch, church, school, university, community college, day-care center, surface water body used for a public drinking water supply, or dedicated public park. (Companion bill is **H.B. 1947** by **Ordaz Perez**.)

S.B. 1988 (Miles) – Electric Utility Liability: would expand the limitation on liability for electric utilities to include transportation.

S.B. 1999 (Springer) – Load Shedding: would require the Public Utility Commission to adopt rules that require each electric utility, municipally owned utility, and electric cooperative to

exclude any circuits that provide power to a commercial or public radio or television broadcasting facility from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates. (Companion bill is **H.B. 2763** by **Rogers**.)

S.B. 2000 (Springer) – Water and Sewer Rates: would: (1) provide that a person who files an application for the purchase or acquisition of a water or sewer system may request that the regulatory authority—including a city—with original jurisdiction over the rates for water or sewer service provided by the person to the customers of the system authorize the person to charge initial rates for the service that are: (a) shown in a tariff filed with a regulatory authority by the person for another water or sewer system; and (b) in force for the other water or sewer system on the date the application is filed; and (2) prohibit the regulatory authority from requiring a person making a request under (1) to initiate a new rate proceeding to establish the initial rates for service the person will provide to the customers of the purchased or acquired system. (Companion bill is **H.B. 1484** by **Metcalf**.)

S.B. 2052 (Menéndez) – Electricity: would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of imminent rolling outages and the length of time the outages are planned or expected to last; (2) require the Public Utility Commission (PUC) to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2022; (b) two percent of peak summer and winter demand by December 31, 2023; (c) three percent of peak summer and winter demand by December 31, 2024; and (d) five percent of peak summer and winter demand by December 31, 2025; and (3) require the PUC to adopt rules that require all electric utilities, municipally owned utilities, and electric cooperatives that own transmission and distribution assets in Texas to file and implement an outage plan that includes a plan for shutting off customer access to electricity in the event of the need for rolling outages to prevent brown-outs and black-outs. (Companion bill is **H.B. 3362** by **Reynolds**.)

S.B. 2075 (Menéndez) – Electricity: would provide that taking advantage of a disaster declared by the governor or the president of the United States by selling electricity as a retail electric provider under a contract that allows for the charging of prices that are at least 300 percent more than the average price charged by the provider during the month immediately preceding the date of the declaration of the disaster qualifies for false, misleading, or deceptive acts or practices prohibited under the Texas Deceptive Trade Practices Act.

S.B. 2076 (Menéndez) – Electricity: would, among other things: (1) require the Public Utility Commission (PUC) to adopt rules to develop a process for obtaining emergency reserve power generation capacity as appropriate to prevent blackout conditions caused by shortages of generated power in the ERCOT power region, and require the rules provide: (a) parameters for estimating the amount of emergency reserve power generation capacity necessary to prevent blackout

conditions; and (b) mechanisms for equitably sharing the costs of making the reserve capacity available and the costs of generated power provided to prevent blackout conditions; (2) require the independent organization certified for the ERCOT power region to, in accordance with (1), adopt procedures and enter contracts as necessary to ensure the availability of a defined amount of emergency reserve power generation capacity the organization may call on to prevent blackouts caused by shortages of generated power; (3) require the PUC to establish a program to provide bill payment assistance using state money appropriated for that purpose to retail customers of municipally owned utilities, electric cooperatives, and retail electric providers in the ERCOT power region; and (4) provide that the program in (3) must: (a) provide assistance only for unusually high bills for services provided after February 13, 2021, and before February 19, 2021, to low-income customers; (b) establish criteria for determining whether a bill is unusually high; (c) allow a customer to apply for assistance to the municipally owned utility, electric cooperative, or retail electric provider that served the customer during the time period in (4)(a); and (d) require a municipally owned utility, electric cooperative, or retail electric provider that receives an application under (4)(c) to: (i) submit the application to the PUC; and (ii) provide to the customer any assistance sent by the PUC to the utility, cooperative, or provider in response to the application.

S.B. 2078 (Menéndez) – Electricity to Water Facilities: would require the Public Utility Commission to: (1) adopt rules that require each electric utility, municipally owned utility, and electric cooperative to exclude any circuits that provide power to a facility necessary to provide water to wholesale customers from participation in the utility's or cooperative's attempt to shed load in response to a rolling blackout initiated by an independent organization or another reliability council or power pool in which the utility or cooperative operates; (2) establish a grant program to provide certain water providers funds to purchase generators to provide a backup power supply for water treatment during a power outage; and (3) adopt rules to establish criteria for the receipt of a grant under (2), and provide that the criteria must prioritize facilities in: (a) areas with a high frequency or duration of power outages relative to other areas of Texas; and (b) economically distressed areas.

S.B. 2109 (Schwertner) – Electricity: would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of imminent rolling outages and the length of time the outages are planned or expected to last; (2) require the Public Utility Commission (PUC) to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2022; (b) two percent of peak summer and winter demand by December 31, 2023; (c) three percent of peak summer and winter demand by December 31, 2024; and (d) five percent of peak summer and winter demand by December 31, 2025; and (3) require the PUC to adopt rules that require all electric utilities, municipally owned utilities, and electric cooperatives that own transmission and distribution assets in Texas to file and implement an outage plan that includes a plan for shutting off customer access to electricity in the event of the need for rolling outages to prevent brown-outs and black-outs. (Companion bill is **H.B. 3362** by **Reynolds**.)

S.B. 2114 (Lucio) – Certificates of Convenience and Necessity: would provide that: (1) when an area is newly annexed to a municipality and the municipally owned utility petitions the Public Utility Commission (PUC) for a certificate of convenience and necessity to serve the newly annexed area, the PUC: (a) shall make an express finding of whether the retail public utility is capable of providing continuous and adequate service to the incorporated or annexed area based solely on information provided by the municipality and the retail public utility; and (b) may grant single certification to the municipality only if the PUC makes a finding under the bill that the municipality demonstrated that the retail public utility is not capable of providing continuous and adequate service to the incorporated or annexed area; (2) if the PUC grants single certification to the municipality under (1), the PUC shall determine in its order the monetary amount that is adequate and just to compensate the retail public utility for any of the retail public utility's property that is affected by the single certification; and (3) before an aggrieved party files an appeal with the district court in Travis County, the party may appeal to the PUC in a separate hearing before the PUC issues a final order under (1) and (2). (Companion bill is **H.B. 1435** by **Lucio**.)

S.B. 2142 (Hughes) – ERCOT Pricing: would, among other things, require the Public Utility Commission to: (1) order the independent organization certified for the ERCOT power region to correct the prices of wholesale power and ancillary services sold in the ERCOT market during the period beginning 11:55 p.m., February 17, 2021, and ending 9 a.m., February 19, 2021, to reflect the prices of wholesale power and ancillary services that would have been paid in the ERCOT market during that period absent any action of the independent organization or commission to raise prices; and (2) require the independent organization to issue all orders and take all other actions necessary to correct the prices not later than March 20, 2021.

S.J.R. 62 (Hancock) – State Utilities Reliability Fund: would amend the Texas Constitution to, among other things, provide that: (1) the State Utilities Reliability Revenue Fund is created as a special fund in the state treasury outside the general revenue fund, which shall be administered, without further appropriation, by the Texas Water Development Board or that board's successor in function; and (2) provide that the State Utilities Reliability Fund shall serve as a utility infrastructure bank in order to enhance the financing capabilities of the Texas Water Development Board or that board's successor in function under a revenue bond program designed to enhance the reliability of water, electricity, natural gas and broadband utilities in Texas, including utilities owned by public and private entities, by supporting projects to weatherize facilities and to provide adequate capacity during periods of high demand. (See **S.B. 1682**, above.)

S.J.R. 64 (Gutierrez) – Telecommunications and Information Infrastructure: would amend the Texas Constitution to authorize the legislature to provide for a state agency to issue and sell general obligation bonds in an amount not to exceed \$1 billion to be appropriated for the purpose of construction, maintenance, improvement, or repair of telecommunications or information services infrastructure projects.

Coronavirus (COVID-19) Updates

The Texas Municipal League is open for business. The building is closed to all but essential personnel and most staff is working remotely, but the League remains open for business and is fully ready to serve. Cities are encouraged to call or email for legal assistance, help with ordinances, or for general advice or assistance. Let us know how we can assist you and your city.

Call TML staff at 512-231-7400, or email the legal department for legal assistance at legalinfo@tml.org; Rachael Pitts for membership support at RPitts@tml.org; and the training team for questions about conferences and workshops at training@tml.org.

The League has prepared a coronavirus clearinghouse [web page](#) to keep cities updated. In addition, everyone who receives the *Legislative Update* should receive an email update each Tuesday with information on new developments. The email updates are our primary means of communication during the pandemic. Those emails are archived [chronologically](#) as well as by [subject matter](#).

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.

The American Rescue Plan Act

National League of Cities

NLC NATIONAL
LEAGUE
OF CITIES

CITIES STRONG TOGETHER

Historic Intervention! Once in a Generation Opportunity!

- The American Rescue Plan Act became law on March 11th, 2021 (P.L. 117-2)
- For the first time, all 19,000 municipal governments are entitled to a direct, non-competitive federal formula grant from the U.S. Treasury Department.
- **Direct funding means:**
 1. All cities, towns, and villages are entitled to a federal grant from the new Coronavirus Local Fiscal Recovery Fund.
 2. Aid obligated to municipalities is not in any way mingled with aid obligated to state or county governments.
 3. Aid for municipalities is protected from state or county interference by iron-clad statutes compelling states to comply, including penalties for states that fail to carry out their responsibilities to small cities and towns.

Coronavirus State and Local Fiscal Recovery Funds

The \$360 billion in funding under this section is broken down as follows:

- **State Governments:** \$195.3 billion
- **Tribal Governments:** \$20 billion to federally recognized tribal governments
- **Local Governments:** \$130.2 billion split evenly into
 - \$65.1 billion for 19,000+ municipal governments; and
 - \$65.1 billion for 3000+ county governments
- New “**Capital Project Fund**”: \$10 billion for broadband grants to states
 - “to carry out critical capital projects directly enabling work, education, and health monitoring, including remote options, in response to the public health emergency.”

Grant Calculations for Cities, Towns, and Villages

\$65.1 billion in funding to address an estimated \$90 billion combined revenue shortfall.

- Most cities will not receive a grant amount that is completely equal to their needs

Grant Calculations Based on a Modified CDBG formula

- 70% of funds, or \$45.5 billion, is obligated to cities with 50,000 or more residents
 - Grant calculations based on population size, poverty rates, and measures of housing instability. *(Prioritizes targeting to need)*
- 30% of funds, or \$19.5 billion, is obligated to cities with less than 50,000 residents
 - Grant calculations based on population size only. *(Prioritizes simplification)*

Small Cities Cap

- Small city grants cannot be greater than an amount equal to 75 percent of the city's most recent pre-pandemic budget.
- Blunt instrument to overcome unavailability of precise data for small localities.

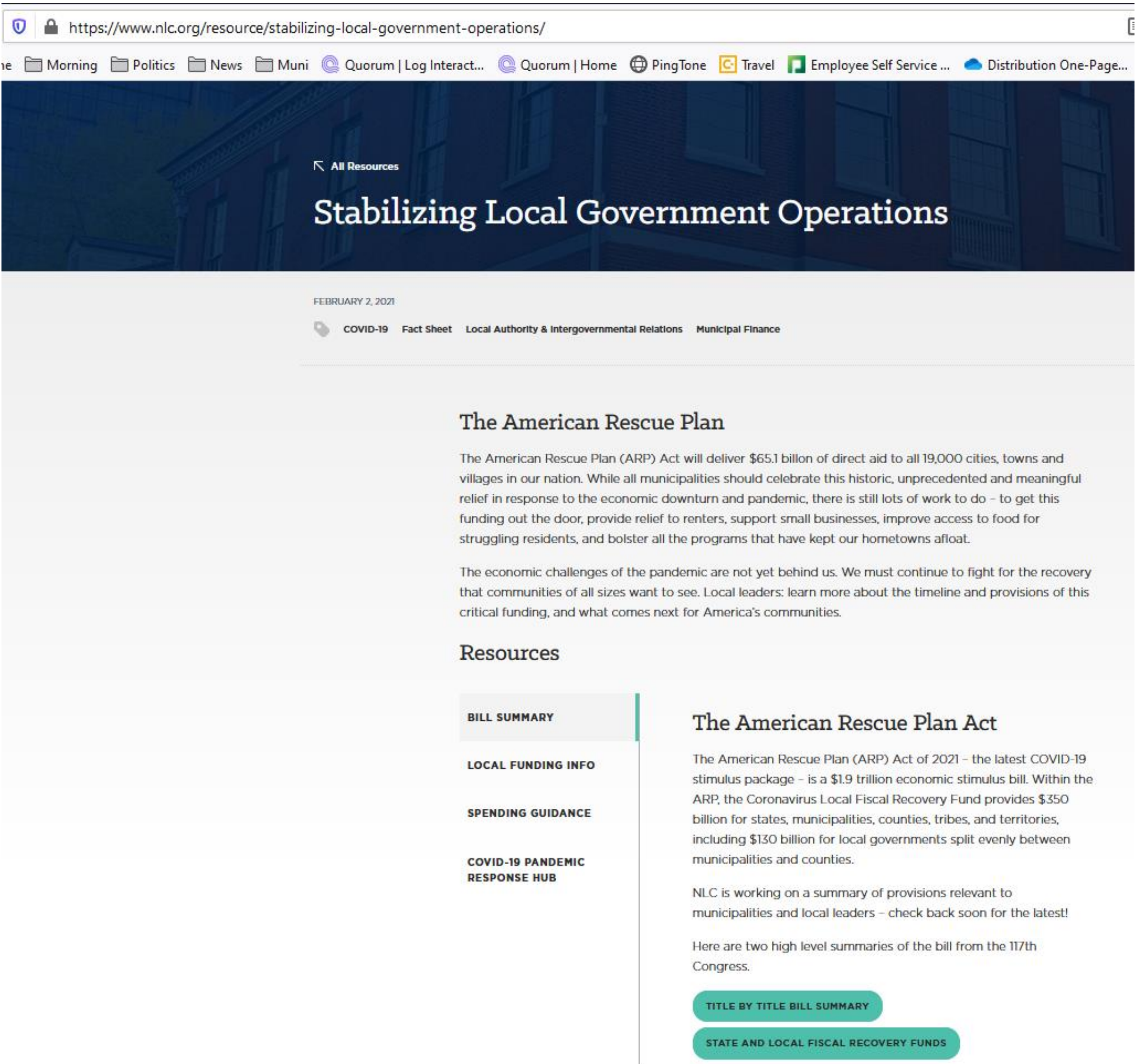
2 Year Funding Certainty

- Grants will be released in 2 tranches. ½ following enactment and ½ 12 months following receipt of first payment

Spending Deadline

- Money remains available until December 31, 2024; unexpended funds must be returned to Treasury.

Grant Estimates – We Must Be Patient!



Frequently Asked Questions

- How can recipient governments use relief allocations from the State and Local Fiscal Recovery Funds?
- How will state and local governments receive the relief allocations?
- Why have the allocations on the estimates spreadsheet changed over time?
- What will cause final allocations to differ from the estimates spreadsheet?
- What if a city, town, village, or township is not included on the estimates spreadsheet?
- What about cases where a local government appears more than once?

Eligible Expenditures

- A. to respond to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19) or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
 - *No more restrictive than the CARES Act Coronavirus Relief Fund*
- B. to respond to workers performing essential work during the COVID–19 public health emergency by providing premium pay to eligible workers of the metropolitan city, nonentitlement unit of local government, or county that are performing such essential work, or by providing grants to eligible employers that have eligible workers who perform essential work;
 - *Allows a municipality to provide up to \$13 per hour above regular wages.*
- C. for the provision of government services to the extent of the reduction in revenue of such metropolitan city, nonentitlement unit of local government, or county due to the COVID–19 public health emergency relative to revenues collected in the most recent full fiscal year of the metropolitan city, nonentitlement unit of local government, or county prior to the emergency; or
 - *Allows revenue replacement. The base year to measure lost revenue against is not the most recent full fiscal year, but the most recent full fiscal year **prior to the emergency**.*
- D. to make necessary investments in water, sewer, or broadband infrastructure.
 - *Treasury will provide additional guidance*

Regulatory Requirements

Permissions

- Recipient governments can transfer funds to a:
 - Private nonprofit organization
 - A public benefit corporation involved in the transportation of passengers or cargo
 - A special-purpose unit of State or local government.
- No restrictions on local governments prohibiting tax-cuts or local stimulus payments

Restrictions

- Small cities may not receive more than 75 percent of the city's most recent budget
- Grant monies may not be used for pension funds - No state, metropolitan city, nonentitlement unit of local government, or county may use funds made available under this section for deposit into any pension fund.
- State governments are prohibited from spending to replace revenue declines resulting from tax cuts enacted since March 3, 2021. (Currently subject to lawsuits)

Requirements

- All grantees shall provide the Treasury Department with periodic reports providing a detailed accounting of the uses of funds

ARP: Stabilization of Households and Small Businesses is Critical for Returning to Work

- Direct Stimulus Payments
 - \$1,400 per person, reduced eligibility (\$80,000)
 - Local governments should have an economic mobility strategy
- Tax Credits
 - Enhances Earned Income, Dependent Care, and Child Tax Credit
 - Employee Retention Credit and Paid Leave Credit
 - Makes states and local governments eligible for FFCRA paid leave reimbursable tax credit, beginning March 31, 2021
- Benefits
 - Enhanced Unemployment Insurance
 - Extends Supplemental Nutrition Assistance Program (SNAP)
 - Extends Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)
- Limited PPP funding increase (March 31 closes) – includes nonprofit eligibility; EIDL increase
- Restaurant Revitalization Fund – grants equal to pandemic-related revenue loss
- Funding for shuttered venue operators

Health and Human Services

Health

- Supplemental vaccination and testing grants for state and local distribution
- Funding available to state and local government public health departments to support workforce
- Funding available for community health centers
- Block grants under the Substance Abuse and Mental Health Services Administration
- Medicaid and Medicare provisions that will apply at the state level, ACA provisions
- 100% COBRA subsidy

Human Services

- Child Care and Development Block Grant – these go to the State then to providers
- Child Care Stabilization grants; Child Care Entitlement to States
- Emergency Funding to states for low-income families with children
- Mental Health Services Block grant,
- Grants to Community Behavioral Health Clinics,
- Funds for Head Start, home visiting programs, child abuse prevention and treatment grants, family violence grants
- Older American Act funding, including nutrition programs
- LIHEAP for energy assistance, plus water/sewer assistance

FEMA, DOT, and ED

Federal Emergency Management Agency (FEMA)

- Maintain 100% FEMA reimbursement to states and local governments (Apply!)
- FEMA firefighter, SAFER, and emergency management performance grants (Suggest joint grant)

U.S. Department of Transportation

- Operating assistance formula grants to states to support rural transit programs/agencies
- Airport funding – costs related to operations and COVID response; non-primary airports aid

U.S. Department of Education

- ESSERF: school districts ventilation systems, support staff, reduced class sizes, PPE, learning loss remediation - - Must have plan to return to in-person operations
- IDEA funding, non-public schools through governor; School and library internet funding through FCC E-rate program
- States must maintain spending on both K-12 and higher education in FY 2022 and FY 2023 at least at the proportional levels relative to a state's overall spending, averaged over FY 2018, FY 2019 and FY 2020.
- States cannot cut per-pupil spending for high-need districts more than other districts; cannot fund highest-poverty districts below FY19 funding

Household Stabilization

Renter and Homeowner Assistance

- Emergency rent relief and utility assistance; extra for rural housing
- Homeowner Assistance Fund – mortgage payments, property taxes, utilities, insurance
- Housing – not more than 15% of funds can be used for admin by states and local governments
- VA construction funds to upgrade homes; support for state-operated facilities

Homeless Intervention

- Emergency housing vouchers to address homelessness

Utility Assistance

- University funding for lost revenue; restrictions on use, including to use for financial aid
- Low-Income Household Drinking Water and Wastewater Emergency Assistance Program created under the FY 2021 Omnibus to assist with payments for drinking water and wastewater expenses

Nutrition Assistance

- Emergency assistance through Temporary Assistance for Needy Families (TANF)
- Food supply chain – USDA purchases of food and seafood, seafood processors

Economic Support

- EDA Economic Adjustment Assistance Grants (competitive)
 - 25% reserved for states and communities to address losses in the travel, tourism or outdoor recreation sectors
- Corporation for Public Broadcasting – stabilization grants to small and rural stations

Next Steps

- NLC is working with the Treasury Department and White House on the implementation of this section of the American Rescue Plan Act, as well as work to make suggestions on guidance.
- Weekly NLC Calls on Friday @ 1:30PM EST
- If you have any input, questions or to share your ARP Story, please submit through this form which can be accessed by scanning here:



Principles for Coronavirus Local Fiscal Recovery Fund

- 1. Use dedicated grants and programs first whenever possible**
 - Save Local Fiscal Recovery Funds for gaps and priorities not eligible for other federal and state assistance programs
- 2. Assess government operations AND community needs**
 - Ask valuable staff and stakeholders for help creating a comprehensive needs assessment
- 3. Prioritize fiscal stability and returning to work**
 - Save pet projects for earmarks
- 4. Maintain records and document success**
 - Create long-term information infrastructure for your future leaders
- 5. Your Congressional Delegation is part of your success**
 - Invite Members of Congress to re-openings, ribbon-cuttings, etc...

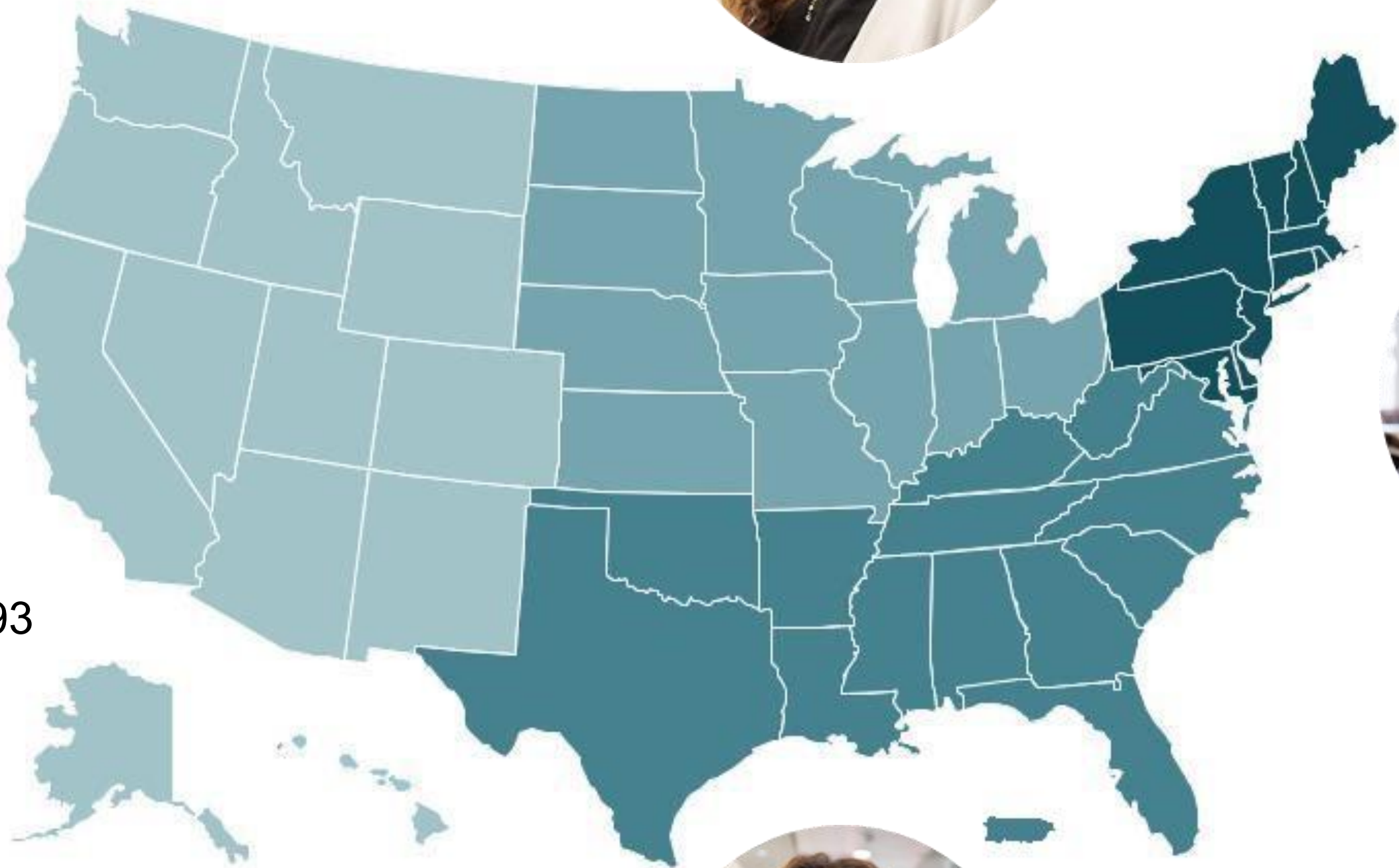
Complete the 2021 State of the Cities Survey!

- The passage of the historic American Rescue Plan means over \$65 Billion will be delivered directly to cities, towns and villages. Now the real work begins.
- What are your local priorities for this funding?
- To gauge how conditions have changed this past year, and how new funding will be used to address these challenges, NLC is conducting a short survey and we invite you to participate!
- [Link to Survey](https://nlc.co1.qualtrics.com/jfe/form/SV_bynoFYkxaTqrpfo)

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