

TML LEGISLATIVE UPDATE



February 17, 2023
Number 7

State Bills Seek Sweeping Preemption of Local Authority

Two recent bills filed seek to prevent cities and counties from adopting or enforcing local ordinances or orders related to any activity contained in six different state codes unless expressly allowed to do so by state law.

[H.B. 2127](#), filed by Rep. Dustin Burrows, and [S.B. 814](#), filed by Sen. Brandon Creighton, would give the state exclusive authority over any activity contained in the Agricultural Code, Finance Code, Insurance Code, Labor Code, Natural Resources Code, and Occupations Code. And unless state law expressly authorizes a city or county to act in these fields, any local ordinance or order that attempts to regulate any activity within these codes would be void and unenforceable by law.

Anyone impacted by a local ordinance or order in these fields may bring suit against a local government or local official. If a court finds that the challenged ordinance or order is not expressly authorized by law, the plaintiff would be entitled to declaratory and injunctive relief, costs, and attorney's fees. Governmental, official, or qualified immunity would not apply to any such claim.

While we are still analyzing the full impact of these bills, the consequences are far-reaching. If passed, then a city or county may no longer be able to adopt or enforce ordinances or orders designed to protect its residents from:

- Drought conditions (Agricultural Code)
- Overgrown lots (Agricultural Code)
- Insects and bees (Agricultural Code)
- Raising animals (Agricultural Code)
- Predatory lending businesses (Finance Code)
- Pawn shops (Finance Code)
- Injuries at special events (Insurance Code)
- Employment discrimination (Labor Code)
- Door-to-door sales (Occupations Code)
- Uncontrolled burns (Natural Resources Code)
- Unsafe waste storage (Natural Resources Code)
- Heavy trucks (Natural Resources Code)
- Oil, gas, and propane pipelines (Natural Resources Code)
- Code)
- Unsafe outdoor festivals and sporting events (Occupations Code)

TML encourages city officials to contact your state representatives and senators to discuss how these bills would impact your communities.

Lt. Governor Announces Priorities for 88th Legislative Session

On Monday, the Lt. Governor [announced](#) his priorities for the legislative session. They are reprinted below. At the time of publication, only S.B.1 had been filed.

S.B. 1– State Budget

S.B. 2 – Restoring Voter Fraud to a Felony

S.B. 3 – Increasing the Homestead Exemption to \$70,000

S.B. 4 – Adding Additional Property Tax Relief

S.B. 5 – Increasing the Business Personal Property Tax Exemption

S.B. 6 – Adding New Natural Gas Plants

S.B. 7 – Continuing to Improve the Texas Grid

S.B. 8 – Empowering Parental Rights – Including School Choice

S.B. 9 – Empowering Teacher Rights – Teacher Pay Raise

S.B. 10 – Adding 13th Checks for Retired Teachers

S.B. 11 – Keeping Our Schools Safe and Secure

S.B. 12 – Banning Children’s Exposure to Drag Shows

S.B. 13 – Protecting Children from Obscene Books in Libraries

S.B. 14 – Ending Child Gender Modification

S.B. 15 – Protecting Women’s College Sports

S.B. 16 – Banning Critical Race Theory (CRT) in Higher Education

- S.B. 17 – Banning Discriminatory “Diversity, Equity and Inclusion” (DEI) Policies in Higher Education
- S.B. 18 – Eliminating Tenure at General Academic Institutions
- S.B. 19 – Creating A New Higher Education Endowment Fund
- S.B. 20 – Removing District Attorneys Who Refuse to Follow Texas Law
- S.B. 21 – Removing Judges Who Refuse to Follow Texas Law
- S.B. 22 – Assisting Rural Law Enforcement Funding – Increasing Pay and Needed Equipment
- S.B. 23 – Creating A Mandatory 10-Year Prison Sentence for Criminals Committing Gun Crime
- S.B. 24 – Expanding Alternatives to Abortion
- S.B. 25 – Creating New Scholarships for Registered Nurses
- S.B. 26 – Expanding Mental Health Care Beds Across Texas – Focus on Rural Counties
- S.B. 27 – Creating A New Business Specialty Court
- S.B. 28 – Addressing Texas’ Future Water Needs
- S.B. 29 – Banning Local COVID-19 Mandates
- S.B. 30 – Supplemental Budget

Deadline for Cities to Challenge the Texas Broadband Map Is Rapidly Approaching

The deadline for political subdivisions to challenge funding eligibility determinations on the [Texas Broadband Map](#) is **February 27, 2023**.

Under [Chapter 490I of the Government Code](#), a political subdivision or broadband service provider may petition the Texas Broadband Office (BDO) to reclassify a designated area on the map as eligible or ineligible for broadband funding.

To challenge an area designated as ineligible for funding, a challenger must provide evidence that: (1) broadband providers *do not* offer broadband services that meet the 25/3 Mbps threshold to consumers within ten business days to at least 80 percent of addresses in the specified area; or (2) the specified area *has not* been awarded federal funding for the deployment of broadband services.

You can find more information about the Texas Broadband Map challenge process [here](#).

U.S. Treasury to Reopen SLFRF Help Center

The United States Department of Treasury announced this week that help centers for the State and Local Fiscal Recovery Funds (SLFRF) program will reopen on February 21, 2023.

Treasury encourages recipients to use the [Self-Service Resources](#) as a first step for all questions and inquiries. Cities may reach out to the help center by email at SLFRF@treasury.gov or by phone at (844) 529-9527. Non-entitlement units of local government (NEUs) were required to submit a Project and Expenditure Report on April 30, 2022, and are required to file quarterly or annually thereafter, based on their total allocation.

Get Involved During the Legislative Session: Grassroots Involvement Program

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

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

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

Federal Infrastructure Bill Update

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

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

U.S. Department of Transportation (DOT)

On January 27, 2023, the DOT [announced](#) the availability of over \$1.6 billion in funding in FY 2023 through the Low or No Emission Vehicle and Bus and Bus Facilities Program to support state and local efforts to buy or modernize its bus fleets and improve bus facilities. The [Low or No Emission Vehicle program](#) will provide funding to purchase or lease zero-emission and low-emission transit buses, charging equipment, and support facilities. [The Bus and Bus Facilities program](#) will fund projects to build and rehabilitate buses, vans, and bus-related facilities.

DOT will be holding two upcoming webinars for applicants:

For All Applicants

February 16, 2023, from 12:00 – 1:30 pm CST.

Rural and Tribal Applicants

February 28, 2023, from 1:00 – 2:30 pm CST

Applications for both programs must be submitted by **10:59 PM CST on April 13, 2023**.

You can find more information about program eligibility, eligible activities, matching requirements, and applications [here](#).

REMINDERS FOR UPCOMING DEADLINES

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

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

City-Related Bills Filed

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

Property Tax

H.B. 1994 (Raney) – Property Tax Exemption: would: (1) exempt from taxation 20 percent of the appraised value of a person's tangible personal property held for retail sale for the 2024 tax year and 50 percent of the appraised value of a person's tangible personal property held for retail sale for the 2025 tax year; and (2) exempt from taxation 75 percent of the appraised value of a person's tangible personal property held for retail sale for a tax year beginning on or after January 1, 2026. (See **H.J.R. 104**, below.)

H.B. 2121 (Paul) – Personal Property Rendition Statement: would provide that a person filling out a rendition or report form of personal property is not required to swear before an officer authorized by law to administer an oath that the report is true and accurate if the property owner estimates in good faith that the property is worth not more than \$500,000.

H.B. 2130 (Lozano) – Appraisal of Recreational Vehicle Park: would require the chief appraiser to use the cost method of appraisal when appraising a recreational vehicle park.

H.B. 2136 (Thimesch) – Appraisal District Board of Directors: would prohibit a member of a local governing body, including a city council, from serving on the appraisal district board of directors.

H.B. 2220 (Harrison) – Tax Rate Calculation: would, among other things: (1) remove the revenue multiplier from the voter-approval tax rate calculation to require an election for any revenue increase; and (2) eliminate the concepts of special taxing units, the de minimis property tax rate, the unused increment rate, and the special tax rate calculation in tax years following a disaster declaration.

H.B. 2221 (Harrison) – Voter Approval of Tax Rates: would require a 60 percent majority of voters to approve a tax rate for which an automatic election is required under the Tax Code.

H.J.R. 104 (Raney) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to: (1) exempt from taxation 20 percent of the appraised value of a person’s tangible personal property held for retail sale for the 2024 tax year and 50 percent of the appraised value of a person’s tangible personal property held for retail sale for the 2025 tax year; and (2) exempt from taxation 75 percent of the appraised value of a person’s tangible personal property held for retail sale for a tax year beginning on or after January 1, 2026. (See **H.B. 1994**, above.)

S.B. 748 (Flores) – State Assistance for Property Tax Exemptions: would: (1) provide that any city or county is eligible to qualify for a payment from the state to offset the cost of the 100 percent property tax exemption for disabled veterans; (2) create the disabled veterans local government assistance account which consists of money deposited to the account in an amount equal to the amount of the proceeds from the collection of sales tax inside the boundaries of a United States military base; and (3) provide that the local government assistance payments will be paid from the account in (2), above. (Companion bill is **H.B. 1613** by Shine.)

S.B. 750 (Flores) – Appraisal District Board of Directors: would provide that to be eligible to serve on an appraisal district board of directors, an individual must be an elected member of the governing body of a taxing unit entitled to vote on the appointment of the district’s board members.

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

S.B. 830 (Flores) – Property Tax Freeze: would expand the existing law authorizing cities to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses to all taxing units other than school districts. (Companion bill is **H.B. 1083** by Bucy.) (See **S.J.R. 42**, below.)

S.B. 834 (King) – Property Tax Exemption: would exempt a royalty interest owned by a charitable organization from property taxation.

S.B. 871 (Springer) – Property Tax Exemption: would exempt inventory from property taxation. (See **S.J.R. 46**, below.)

S.B. 879 (Creighton) – Appraisal Cap: would establish a five percent appraisal cap on commercial real property. (See **S.J.R. 48**, below.)

S.B. 880 (Creighton) – Appraisal of Commercial Real Property: would provide that the chief appraiser may not use the income method of appraisal when appraising commercial real property.

S.B. 881 (Creighton) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **S.J.R. 47**, below.)

S.J.R. 42 (Flores) – Property Tax Freeze: would amend the Texas Constitution to authorize a political subdivision other than a school district to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses. (Note: Cities already have this authority. H.J.R. 68 would expand the authority to additional political subdivisions that levy property taxes.) (See **S.B. 830**, above.)

S.J.R. 46 (Springer) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt inventory from property taxation.

S.J.R. 47 (Creighton) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **S.B. 881**, above.)

S.J.R. 48 (Creighton) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to establish a five percent appraisal cap on commercial real property. (See **S.B. 879**, above.)

Public Safety

H.B. 1995 (Goodwin) – Firearm Sales: would, among other things: (1) require a licensed firearms dealer to report to the Department of Public Safety (DPS) the sale or transfer of two or more semiautomatic rifles made to the same transferee, other than a licensed firearms dealer, on a single occasion or on more than one occasion during a period of five consecutive business days; (2) provide that not later than 24 hours after receiving a report from a licensed firearms dealer under (1), above, DPS shall transmit the report to: (a) the sheriff of each county in which the applicable sales or transfers occurred; (b) the sheriff of the county in which the transferee resides; (c) if any of the applicable sales or transfers occurred in a city, the police department of each city in which the applicable sales or transfers occurred; and (d) if the transferee resides in a city, the police department of the city in which the transferee resides; (3) provide that information in a report submitted to a county sheriff or a police department under (2), above, is confidential and not subject to disclosure under the Public Information Act; and (4) create a class B criminal offense for a licensed firearms dealer who, with criminal negligence, violates (1), above.

H.B. 2003 (Slawson) – Direct Shipment of Alcohol: would, among other things: (1) permit a holder of a distiller’s and rectifier’s permit to deliver distilled spirits directly to the ultimate consumer, including a consumer located in a dry area; (2) permit a holder of an out-of-state distillery direct shipper’s permit to deliver to Texas; (3) permit the holder of a brewer’s license to ship malt beverages directly to the ultimate consumer, including a consumer located in a dry area; (4) permit the holder of an out-of-state brewery direct shipper’s license to ship to Texas; and (5) permit the holder of a brewpub license to ship malt beverages to the ultimate consumer, including a consumer in a dry area. Distilled spirits and malt beverages shipped under this provision would be required to be shipped only to a person over 21 years of age. (Companion bill is **S.B. 752** by **Flores**.)

H.B. 2009 (Allison) – Mobile Panic Alert System: would, among other things: (1) require each school district and open-enrollment charter school, in consultation with local law enforcement agencies, to implement a mobile panic alert system to send emergency alerts to district or school emergency services and emergency services agencies, law enforcement agencies, health departments, and fire departments; and (2) provide that the mobile panic alert system must: (a) allow for immediate contact with district or school emergency services, emergency services agencies, law enforcement agencies, health departments, and fire departments; (b) ensure real-time coordination between first responder agencies; (c) integrate directly with local public safety answering point infrastructure to transmit 9-1-1 telephone calls; and (d) be capable of activation by mobile telephone.

H.B. 2010 (Hefner) – Abandoned Children: would add fire departments and law enforcement agencies to the list of emergency infant care providers who must take possession of certain abandoned children. (Companion bill is **S.B. 780** by **Hughes**.)

H.B. 2032 (Allison) – Emergency Response Mapping Data: would, among other things, require school districts and open-enrollment charter schools to provide local law enforcement agencies and emergency first responders with emergency response mapping data including: (1) accurate floor plans overlaid on current aerial imagery of a school building; (2) site-specific labeling that matches the structure of the school building; (3) site-specific labeling that matches the school grounds; and (4) a standardized gridded overlay with X and Y coordinates for all school campuses and buildings. (Companion bill is **S.B. 866** by **Hughes**.)

H.B. 2038 (Allison) – Asset Forfeiture Funds: would require county attorneys and district attorneys that have executed a local agreement with a law enforcement agency for disbursement of asset forfeiture funds and that are located in a county that borders the United Mexican States to: (1) establish and administer a program to reimburse persons who have suffered damage to agricultural property as a result of an offense that: (a) is subject to the jurisdiction of the office; and (b) was committed in the course of or for the purpose of unlawfully entering the United States; (2) establish: (a) eligibility criteria for reimbursements under (1), above; (b) reimbursement application procedures; and (c) procedures for evaluating reimbursement applications; and (3) use asset forfeiture proceeds received by the office for the purposes of providing reimbursements under (1), above.

H.B. 2051 (Zwiener) – Sexual Assault Statistics: would require the Department of Public Safety to: (1) compile and maintain statistics on the number of victims of sexual assault in each calendar year who have reported the sexual assault to a law enforcement agency after receiving a forensic medical examination, regardless of the year in which that examination was performed; (2) report the statistics in (1), above, to the standing committees of the House of Representatives and Senate with primary jurisdiction over criminal justice issues; and (3) post the statistics in (1), above, on the department’s website.

H.B. 2064 (Burns) – Peace Officers: would provide, among other things, that a peace officer who receives compensation for private employment as a patrolman, guard, extra job coordinator, or watchman is exempt from certain private security regulations (licensing, continuing education, criminal history check, etc.) if the peace officer is compensated at least at the minimum wage by the state or a political subdivision of the state. (Companion bill is **S.B. 357** by **Hall**.)

H.B. 2077 (Goodwin) – Possession of Firearms and Ammunition: would: (1) direct the Office of Court Administration of the Texas Judicial System (OCA) to develop and recommend a model policy regarding the implementation of state laws related to preventing the possession of a firearm or ammunition by persons prohibited from possessing such items by law, and the transfer of firearms by such persons; and (2) require that the OCA’s model policy: (a) be capable of being adopted by cities, counties, courts, and local law enforcement; (b) equally apply to all persons described in (1), above, under state and federal law; (c) provide clear guidance regarding the transfer and return of firearms and ammunition owned by persons described in (1), above; (c) require proof of compliance; and (d) provide due process protections.

H.B. 2084 (Landgraf) – Highway Racing: would increase the criminal penalty of racing on a highway from a Class B misdemeanor to a felony of the first degree if shown at trial that two or more individuals suffered serious bodily injury or death as a result of the offense.

H.B. 2097 (Manuel) – Family Violence Investigations: would provide that a peace officer who investigates a family violence allegation or responds to a disturbance call that may involve family violence shall physically separate the individuals at the scene and conduct an interview of the potential victim in a manner that prevents the suspect from intimidating the victim while the victim is providing statements and other evidence to the investigating peace officer.

H.B. 2229 (Goodwin) – Notice to Victims of Family Violence: this bill, known as the “Natalia Cox Act,” would, among other things: (1) require the Health and Human Services Commission to adopt a written notice in English and Spanish to be provided to victims of family violence to assist those victims in obtaining services; (2) require a peace officer who investigates a family violence allegation to provide the notice in (1), above, to any possible adult victim; and (3) provide in addition to the required notice under (1), above, a peace officer may provide additional written information regarding local resources for victims of family violence.

H.B. 2233 (Spiller) – First Responder Mental Health Training: would, among other things: (1) require the Health and Human Services Commission (HHSC) to develop a curriculum for first responder mental health awareness training; (2) require a person who provides training to first responders or first responder trainees to: (a) use the curriculum developed or adopted in (1) above;

and (b) require first responders and first responder trainees to successfully complete the training; and (3) provide that as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require an officer to complete the mental health awareness training curriculum developed or adopted by HHSC under (1), above.

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

S.B. 752 (Flores) – Direct Shipment of Alcohol: would, among other things: (1) permit a holder of a distiller’s and rectifier’s permit to deliver distilled spirits directly to the ultimate consumer, including a consumer located in a dry area; (2) permit a holder of an out-of-state distillery direct shipper’s permit to deliver to Texas; (3) permit the holder of a brewer’s license to ship malt beverages directly to the ultimate consumer, including a consumer located in a dry area; (4) permit the holder of an out-of-state brewery direct shipper’s license to ship to Texas; and (5) permit the holder of a brewpub license to ship malt beverages to the ultimate consumer, including a consumer in a dry area. Distilled spirits and malt beverages shipped under this provision would be required to be shipped only to a person over 21 years of age. (Companion bill is **H.B. 2003** by **Slawson**)

S.B. 780 (Hughes) – Abandoned Children: would add fire departments and law enforcement agencies to the list of emergency infant care providers who must take possession of certain abandoned children. (Companion bill is **H.B. 2010** by **Hefner**.)

S.B. 793 (Hinojosa) – Asset Forfeiture: would provide, among other things, that: (1) property that is contraband is not subject to seizure and forfeiture if: (a) the property is not otherwise unlawful to possess; and (b) the admissibility of the property as evidence would be prohibited in the prosecution of the underlying offense because it was obtained in violation of state or federal law or the Texas Constitution or United States Constitution; and (2) in all forfeiture cases the state has the burden of proving by clear and convincing evidence that property is subject to seizure.

S.B. 806 (Paxton) – Notice to Victims of Family Violence: would, among other things, provide that: (1) a peace officer who investigates an incident involving sexual assault or who responds to a disturbance call that may involve sexual assault shall provide the victim a written notice containing information about crime victims’ rights; (2) at the initial contact or at the earliest possible time, the peace officer shall: (a) provide to the victim a written referral to the nearest sexual assault program and information about the statewide electronic tracking system for evidence collected in relation to a sexual assault or other sex offense; (b) offer to request a forensic medical examination on behalf of the victim; (c) coordinate with the local response team to provide continuing care to the victim or to further investigate the offense; and (d) provide to the victim written notice containing certain information required under this bill; (3) each law enforcement

agency shall consult with a local sexual assault program or response team to develop the written notice required by (2), above, and shall update the notice at least each biennium; and (4) the notice in (2), above, must be in English and Spanish and include the current contact information for a victim assistance coordinator and a crime victim liaison.

S.B. 866 (Hughes) – Emergency Response Mapping Data: would, among other things require school districts and open-enrollment charter schools to provide local law enforcement agencies and emergency first responders with emergency response mapping data including: (1) accurate floor plans overlaid on current aerial imagery of a school building; (2) site-specific labeling that matches the structure of the school building; (3) site-specific labeling that matches the school grounds; and (4) a standardized gridded overlay with X and Y coordinates for all school campuses and buildings. (Companion bill is **H.B. 2032** by Allison).

S.B. 892 (Zaffirini) – Reserve Police Officers: would provide, among other things, that reserve police officers are exempt from requirements under the Private Security Act.

Sales Tax

H.B. 2223 (Capriglione) – Sales Tax Exemption: would: (1) exempt from the sales tax the following items used in connection with a virtual currency mine that meets certain job creation and capital investment requirements: electricity, an electrical system, a cooling system, an emergency generator, an electrical substation, an on-site power generation, or a mechanical, electrical, or plumbing system that is necessary to operate systems related to virtual currency mining; (2) provide that the exemption expires 10 years after the mine is certified by the comptroller if the occupant, owner, or operator makes a capital investment of at least \$100 million and expires 15 years after the mine is certified by the comptroller if the occupant, owner, or operator makes a capital investment of at least \$150 million; and (3) prescribe procedures by which the comptroller shall administer the exemption.

Community and Economic Development

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

H.B. 2018 (Munoz) – Land Development Shot Clock: would, among other things, provide for the creation of a new shot clock procedure related to land development applications which would: (1) require a city to approve, approve with conditions, or disapprove a land development application within 30 days after the date the land development application is filed; (2) deem approved an application unless it is disapproved within the period allowed in section (1), above; (3) allow for an additional 30-day extension of the time allowed under section (1), above, under certain conditions; (4) require a city that conditionally approves or disapproves a land development application to provide a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or

reason for disapproval and cites the regulation; (5) provide for resubmission of the application following a disapproval or conditional approval which must be approved or disapproved by the city within 15 days of resubmission; (6) allow an applicant to challenge a conditional approval or disapproval in state court, with the city bearing the burden of proving that the city's decision meets all statutory and common law requirements; (7) provide that in a lawsuit allowed by (6), above: (a) the court may not use a deferential standard; and (b) if the applicant prevails, the applicant would be entitled to payment of their court costs, expert witness fees and attorney's fees by the city.

H.B. 2023 (Munoz) – Attorney's Fees and Costs in Litigation: would, among other things, allow a party to receive an award payable by a city for court costs, attorney's fees, and expert witness fees in litigation, if the court determines that: (1) an order, ordinance, regulatory decision, denial of an application, refusal to issue a permit, or similar measure of a city is unenforceable because it is preempted by the state constitution or a state statute; (2) a city officer has failed to perform an act of the office required by the state constitution or a state statute; or (3) a city has failed to comply with the requirements of Chapter 212 of the Texas Local Government Code.

H.B. 2071 (Jetton) – Public Facility Corporations: would provide, among other things, that: (1) a public facility corporation (PFC) or a sponsor may only finance, own, or operate a multifamily residential development located in the area of operation or jurisdictional boundaries of the sponsor; (2) a PFC must hold a public hearing before approving certain multifamily developments; (3) in order to receive beneficial tax treatment, a multifamily development must meet certain minimum affordable housing thresholds; (4) certain protections are extended tenants living in multifamily developments owned by PFCs; (5) all materials used to improve the real property of a PFC are exempt from sales and use taxes; and (6) PFCs must make annual reports to the Texas Comptroller and the chief appraiser and make certain information publicly available on their websites.

H.B. 2131 (Raymond) – Expansion of Homelessness Prevention Programs: would provide that the Texas Department of Housing and Community Affairs may administer a homeless housing and services program in Texas cities with a population of 250,000 or more to: (1) expand housing options for homeless persons; and (2) provide local programs to prevent and eliminate homelessness.

H.B. 2181 (Rose) – Grants for Youth Homeless Programs: would provide that the Texas Department of Housing and Community Affairs may administer a youth and young adult homeless housing and services grant program, which, among other things, may provide financial assistance to local providers of programs and services to prevent and eliminate homelessness.

H.B. 2198 (Hefner) - Limitation on Building Height Regulation: would, among other things, provide that a city with a population of more than 725,000 may not adopt or enforce a zoning regulation that limits the height of a building on a lot based on the lot's proximity to another lot that is located more than 50 feet from the original lot. (Companion is **S.B. 491** by **Hughes**.)

H.B. 2232 (Spiller) – Plat Cancellation in the ETJ: would provide that a person owning real property located in a portion of the city's ETJ subject to county control over platting may apply to the county commissioner's court for cancellation of certain subdivision plats.

H.B. 2256 (Turner) – Extensions of Consumer Credit: would provide that: (1) the annual percentage rate of an extension of consumer credit is calculated including the total charges charged to the consumer in connection with the extension of consumer credit, including interest, lender charges, and any fees or any other valuable consideration received by the credit services organization or a representative of the organization; (2) the annual percentage rate of an extension of consumer credit that a credit services organization obtains for a consumer or assists a consumer in obtaining may not exceed 36 percent; and (3) that a credit access business may assess fees for its services only in accordance with (1) and (2), above.

S.B. 783 (Birdwell) – Gas Powered Appliance Regulation: provides, among other things, that a city may not adopt or enforce a regulation that prohibits or restricts, directly or indirectly, the use of an appliance, system, or component that is fueled by natural gas or propane in the construction, renovation, maintenance, or alteration of a residential or commercial building. (Companion bill is **H.B. 743** by Dean.)

Elections

H.B. 2001 (Vo) – Early Voting: would, among other things, provide that: (1) the registrar’s office shall remain open for providing voter registration information during the hours that the main early voting polling place is open for voting; (2) the authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted: (a) on one or more Saturdays or Sundays during the early voting period; or (b) during an extended early voting period beginning the 19th day before election day and continuing for any number of consecutive days up to and including the third day before election day; (3) the authority ordering extended voting under (2), above, shall determine the hours during which voting is to be conducted; (4) the authority authorized to order extended early voting under (2), above, shall order voting on a Saturday or Sunday on receipt of a written request submitted by at least 15 registered voters of the territory covered by the election; (5) an authority authorized to order extended early voting under (2), above, that orders the voting during an extended early voting period shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period; and (6) the election order and the election notice must state the dates and hours that extended voting is ordered to be conducted as described in (2), above.

H.B. 2062 (Talarico) – Ballot Order: would revise the order in which offices are to appear on the ballot at an election at which offices are regularly filled at the general election for state and county officers.

H.B. 2133 (Thimesch) – Uniform Election Date: would provide that the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on the November uniform election date may, not later than December 31, 2024, change the date on which it holds its general election for officers to the May uniform election date.

H.B. 2152 (Cunningham) – Recount Petitions: would provide that: (1) a petition for an initial recount must be submitted by 5 p.m. of the third business day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the

original election returns; (2) if the deadline for submitting a petition under (1), above, falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 a.m. of the next regular business day; and (3) for a recount in an election on an office in which a majority vote is required for nomination or election and votes were cast for more than two candidates, the deadline for submitting a recount petition is 2 p.m. of the second day after the date of the local canvass. (Companion bill is **S.B. 825** by **Bettencourt**.)

H.B. 2225 (**Tepper**) – **Campaign Treasurer**: would, among other things: (1) eliminate the requirement of an individual to file a campaign treasurer appointment with the city secretary if the appointment is made for candidacy for a city office and instead require each candidate and political committee file a campaign treasurer appointment with the Texas Ethics Commission (Commission); (2) provide that the campaign treasurer appointment takes effect at the time it is filed with the Commission; and (3) eliminate provisions related to the ability of the city secretary to terminate the campaign treasurer appointment of an inactive candidate or political committee that is required to file a campaign treasurer appointment with the clerk or secretary.

S.B. 742 (**Middleton**) – **Election Contracts**: would, among other things, provide: (1) that the county election officer shall contract with the governing body of a political subdivision, including a city, situated wholly or partly in the county served by the officer to perform election services in any election ordered by an authority of the political subdivision; and (2) repeal the provision that provides that a county elections administrator is not required to enter into a contract to furnish election services for an election held on the first Saturday in May in an even-numbered year. (Companion bill is **H.B. 1306** by **Paul**.)

S.B. 808 (**Paxton**) – **Polling Locations**: would provide that if the public building selected for a polling place is located on a school campus and the board of trustees of the school district determines that the use of that building during school hours would conflict with an applicable campus security policy, the board shall not be required to make the building available for use as a polling place.

S.B. 824 (**Bettencourt**) – **Polling Locations**: would provide that if the entity that owns or controls a public building selected for a polling place is a school district and the entity fails to make the building available as a polling place in any election that covers territory in which the building is located, the district may not designate the building as a polling place for an election for the board of trustees or for a school district bond election until after the fifth anniversary of the date of the election in which the district failed to make the building available as a polling place. (Companion bill is **H.B. 453** by **Schofield**.)

S.B. 825 (**Bettencourt**) – **Recount Petitions**: would provide that: (1) a petition for an initial recount must be submitted by 5 p.m. of the third business day after the date the canvassing authority to whose presiding officer the petition must be submitted completes its canvass of the original election returns; (2) if the deadline for submitting a petition under (1), above, falls on a Saturday, Sunday, or legal state holiday, the deadline is extended to 10 a.m. of the next regular business day; and (3) for a recount in an election on an office in which a majority vote is required for nomination or election and votes were cast for more than two candidates, the deadline for

submitting a recount petition is 2 p.m. of the second day after the date of the local canvass. (Companion bill is **H.B. 2152** by **Cunningham**.)

Municipal Courts

H.B. 1977 (Morales Shaw) – **Youth Pretrial Intervention Programs**: would, among other things: (1) establish a youth pretrial intervention program for defendants who: (a) are under 18 years of age at the time of offense; (b) have been charged with a Class B misdemeanor or higher offense, with exceptions; (c) have not been previously convicted or placed on deferred adjudication community supervision for an offense other than a traffic offense punishable by fine only; and (d) choose to participate in the program instead of the criminal justice system; (2) direct the county commissioners' court to establish a youth pretrial intervention court, or, require the county community supervision and corrections department to operate the program; (3) require the county commissioners' court to make, adopt, and publish local regulations to encourage maximum participation in the program, including: (a) ensuring all eligible participants are provided legal counsel before deciding whether to participate in the program; (b) allowing a participant to withdraw from the program before commencement of a trial on the merits; and (c) providing court-ordered individualized treatment plans to each defendant; (4) allow an attorney for the state to submit a written request to the court to prohibit a defendant participating in the program, and if the attorney for the state demonstrates adequate good cause, the court shall require the defendant to proceed through the criminal justice system; (5) establish program participation and community service caps based on offense; (6) establish program reimbursement fee criteria; (7) allow defendants with the court or program's consent to transfer to a different program in the county where the defendant lives or works, subject to the same treatment plan, rules and regulations in place for the initial program; and (8) provide for automatic expunction following successful program completion, subject to consent of the attorney for the state.

H.B. 2177 (Oliverson) – **Judicial Liability for Personal Bond Release**: would: (1) establish a cause of action against a judge or magistrate who released a person on a personal bond by the victim of an offense committed by the released person, or the victim's estate if the victim is deceased, for damages incurred as a result of the released person's offense, if: (a) the person was released on a personal bond for an offense involving violence; and (b) the judge or magistrate released the person on a personal bond in violation of the Code of Criminal Procedure; and (2) for an action brought under (1), above, waive the public servant liability limit, impose a maximum \$10 million damages cap, and prohibit a judge or magistrate from asserting judicial immunity or other forms of immunity as a defense.

Open Government

H.B. 2135 (Canales) - **Public Information Act**: would, among other things, provide that:

1. business days for purposes of the Texas Public Information Act (TPIA) does not include: (a) a Saturday or Sunday; (b) a national holiday; (c) a state holiday; (d) an optional holiday if the officer for public information of the governmental body observes the optional holiday; and (e) the Friday before or Monday after a holiday described in

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

notification under (a), above, and release the requested information unless there is a compelling reason to withhold the information.

(Companion bill is **S.B. 618** by **Johnson**.)

S.B. 889 (**Perry**) – **Tax Appraisal Records**: would, among other things, provide that the information of a current or former elected public officer or the current or former employee of the officer contained in appraisal records is confidential if the information identifies the home address of the named individual and the individual chooses to restrict access to the information on the prescribed comptroller’s form.

Other Finance and Administration

H.B. 1937 (**J. Gonzalez**) – **Cannabis**: would, among other things: (1) authorize the personal use, possession, and transfer of cannabis, except for: (a) operating a motor vehicle while intoxicated; (b) smoking or otherwise consuming cannabis in an unauthorized public place, including in a motor vehicle, aircraft, or watercraft; or (c) possessing or consuming cannabis or cannabis products, or cannabis-related drug paraphernalia on the premises of a public or private child-care facility prekindergarten, primary or secondary school, school bus serving any of these facilities, or a correctional or civil commitment facility; (2) pursuant to a local ordinance or order, authorize the retail use, possession, cultivation, testing, processing, and transfer of cannabis, cannabis products, or cannabis-related drug paraphernalia; (3) create a criminal offense for selling, giving, or causing cannabis or cannabis products to be sold or given to anyone younger than 21 years old, or anyone who intends to deliver the same to anyone younger than 21 years old; (4) establish licensing requirements and procedures, including criminal history background check and conflicts of interest provisions; (5) establish a ten percent cannabis sales tax, and provide for the distribution of such tax revenue to specific cannabis-related accounts, local governments for enforcement purposes, and the foundation school fund; (6) allow a political subdivision to adopt regulations governing the hours, location, manner of conducting business, and number of cannabis growers, establishments, or testing facilities; (7) allow a health authority to inspect a cannabis establishment and all equipment, finished and unfinished materials, containers, and labeling on presenting appropriate credentials; and (8) require a political subdivision or health authority to investigate or refer complaints regarding the operations of a cannabis establishment, and maintain a record of any such complaints.

H.B. 2035 (**Slawson**) – **Evictions**: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, or measure that prohibits, restricts, or delays delivery of a notice to vacate or filing of a lawsuit to recover possession, or otherwise relates to an eviction suit; and (2) except when required by the lease or federal law, eliminate the requirement that a landlord issue a notice of proposed eviction and allow the tenant a reasonable time to respond before issuing a notice to vacate.

H.B. 2050 (**Zwiener**) – **Plastic Bag Regulation**: would repeal the provision in the Texas Health and Safety Code that the Texas Supreme Court held preempts city plastic bag regulations.

H.B. 2127 (Burrows) – Preemption: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, rule, or policy in a field occupied by a provision of the following codes, unless explicitly authorized by statute: (a) Agriculture Code; (b) Finance Code; (c) Insurance Code; (d) Labor Code; (e) Natural Resources Code; and (f) Occupations Code; (2) provide that any person adversely affected by a municipal or county ordinance, order, rule, or policy adopted or enforced in violation of the field preemption in (1), above, has standing to bring an action against a city, county, or city or county official; (3) provide that a claimant is entitled to recover declaratory and injunctive relief and costs and reasonable attorney’s fees in an action brought under (2), above; (4) waive governmental immunity, official immunity, and qualified immunity, as applicable, to the extent of liability in an action brought under (2), above, and provide that official and qualified immunity may not be asserted as a defense in such an action; and (5) provide that a claimant bringing an action under (2), above, may do so in any county in the state and the action may not be transferred to a different venue without the written consent of all parties. (Companion bill is **S.B. 814** by **Creighton**.)

H.B. 2134 (Thimesch) – Massage Establishments: would: (1) authorize a political subdivision to regulate a massage establishment through zoning requirements, including conditional use permits, and to regulate a massage establishment’s hours of operation; (2) provide that a regulation under (1), above, may be adopted: (a) under authority to regulate sexually oriented businesses; (b) if regulating the hours of operation of a massage therapist or massage establishment; or (c) if the regulation relates to the ownership or operation of a massage establishment, or the provision of massage therapy, by a person: (i) who has been arrested for on three or more occasions, or convicted of certain criminal offenses; (ii) against whom a sanction has been imposed for a violation of state law; or (iii) who has owned or operated a massage establishment against which a sanction has been imposed for a violation of state law.

H.B. 2156 (Capriglione) – Cybersecurity: would require the Department of Information Resources to employ a chief information security officer to oversee cybersecurity matters for Texas. (Companion bill is **S.B. 621** by **Parker**.)

H.B. 2178 (Hunter) – Online Public Notices: would, among other things: (1) require newspapers that publish public notices, at no additional cost to a governmental entity, publish a public notice on one or more webpages on the newspaper’s website clearly designed for public notices and accessible to the public at no cost, and deliver the same to the Texas Press Association (TPA) for publication on a TPA-controlled website, if, the TPA maintains such a website as a statewide repository of public notices; (2) if the TPA maintains a website described in (1), above, it must ensure that the website: (a) is accessible to the public at no cost; (b) is updated as notices are received; (c) is searchable and sortable by subject matter and/or location; and (d) offers a subscription service to receive e-mail notification that a notice has been published; and (3) require that any entity required to publish a public notice online archive the notice on its website in its entirety, include the notice publication date.

H.B. 2207 (Landgraf) – Grants to Address the Effects of Oil and Gas Production: would, among other things, provide for the creation of the Texas severance tax revenue and oil and natural gas (Texas STRONG) defense fund which can be used to fund grants to local governments,

including cities, to address the effects of and needs associated with significant oil and gas production. (See **H.J.R. 111**, below.)

H.B. 2226 (Reynolds) – Municipal Motor Fuels Taxes: would, among other things: (1) provide that a municipality may call an election on the question of whether to impose a municipal motor fuels tax on gasoline and diesel fuel; (2) require that revenue derived from the motor fuels taxes be spent on roads except that one-fourth of the revenue shall be allocated to the Available School Fund; (3) provide that the rate of a municipal motor fuels tax is one cent per gallon of gasoline or diesel fuel; (4) require the comptroller to adopt rules to administer the municipal motor fuels taxes; and (5) provide an annual rate change according to consumer price index.

H.B. 2236 (Schaefer) – Electric Vehicle Infrastructure: would prohibit TxDOT from accepting funding or participating in the National Electric Vehicle Infrastructure Formula Program established by the Infrastructure Investment and Jobs Act or using state money to fund a project or otherwise implement the Texas Electric Vehicle Infrastructure Plan or any other statewide plan related to electric vehicle infrastructure.

H.B. 2239 (Troclair) – Ashe Juniper Trees: would provide that a municipality may not prohibit the removal of or impose a tree mitigation fee for the removal of an Ashe juniper tree.

H.B. 2241 (Troclair) – Public Funds for Legal Services: would provide that unless required by the United States Constitution, a political subdivision may not: (1) use public money to provide legal services for an individual who is unlawfully present in the United States according to the terms of the federal Immigration and Nationality Act; or (2) provide public money to a person to be used to directly or indirectly provide legal services for an individual described in (1), above.

H.B. 2252 (Turner) – Trampoline Courts: would, among other things: (1) prohibit a person or entity from operating a trampoline court unless they obtain an annual written certificate from an insurer stating that the court has been inspected, meets the standards for insurance coverage, and has a sufficient insurance policy in effect written by an insurance company licensed to conduct business in the state or by a surplus line insurer; (2) authorize a city or county, or state law enforcement personnel to enforce (1), above, including shutting down a trampoline court for failure to provide proof of the required insurance certificate and policy, or upon a reasonable belief that the court operation was unsafe or the safety of a person on the trampoline court is threatened; (3) allow a city or county, or state law enforcement personnel to prohibit a trampoline court from reopening pursuant to (2), above, until the owner or operator provides the required insurance certificate and policy, makes the requested on-site safety corrections, and/or obtains a court order permitting them to operate; and (4) authorize the Commissioner of Insurance to adopt rules and regulations necessary to administer and enforce this statute, including imposing annual fees and requesting information regarding insurance coverage required under this statute.

H.B. 2255 (Turner) – Interactive Water Features: would, among other things: (1) provide that a county with an interactive water feature or fountain wholly or partly located in the county's unincorporated area or a municipality with an interactive water feature or fountain wholly located in the municipality shall: (a) require the person operating the interactive water feature or fountain to manually test and record the feature's or fountain's chemical levels every three to four hours

during operating hours; (b) inspect the interactive water feature or fountain at least twice annually; and (c) prepare a report containing the manual chemical level test results recorded under (1)(b), above, and make the report available to the public; and (2) provide that an interactive water feature or fountain constructed after December 31, 2023, must include a chemical controller system and automatic shut-off valves for low chemical levels.

H.B. 2258 (Cain) – Expenditure Limit: would provide that: (1) a city or county’s total expenditures from all available sources of revenue in a fiscal year may not exceed the greater of statewide changes in population and inflation, according to a formula provided in the bill, or the previous year’s expenditures; (2) a city or county may exceed the limit in (1), above, if the voters approve the additional expenditure at an election held on a uniform election date or the city or county is located in an area in which the governor declares or renews a disaster declaration; and (3) revenue received from the issuance of bonds approved by the voters or from a grant, donation, or gift is not considered an available source of revenue for the purposes of the bill.

H.B. 2265 (Leach) – Construction Contracts: would provide that a construction contract between a governmental entity and a contractor may not prohibit or limit the award of compensatory damages for a delay caused solely by the governmental entity, and that neither party may waive this prohibition. (Companion bill is **S.B. 803** by **Hughes**)

H.B. 2266 (Leach) – State License Holders: would authorize a person who, or entity that, holds a state license in order to practice the individual’s occupation or conduct the entity’s business to bring legal action against a city to enjoin the enforcement of a local law that: (1) establishes requirements for, imposes restrictions on, or otherwise regulates the occupation or business activity of the license holder in a manner that is more stringent than the requirements, restrictions, and regulations imposed on the license holder under state law; or (2) results in an adverse economic impact on the license holder.

H.J.R. 111 (Landgraf) – Texas STRONG Fund: would amend the Texas Constitution to provide for a reduction in the amount of revenue apportioned to the state economic stabilization fund, with the reapportioned funds going to the Texas severance tax revenue and oil and natural gas (Texas STRONG) defense fund, for the purpose of or the purpose of funding grants to certain entities, including cities, to address public health and safety concerns and supplement educational opportunities and workforce preparedness needs. (See **H.B. 2207**, above)

S.B. 758 (West) – Texas Food System Security and Resiliency Council: would: (1) direct the Office of Food System Security and Resiliency within the Department of Agriculture, or if not created, the Food and Nutrition Division of the Department of Agriculture, to establish the Texas Food System Security and Resiliency Council (TFSSRC); (2) direct the TFSSRC to collaborate with state agencies to develop a state food system security plan to: (a) provide for the orderly development and management of food system security throughout the state, to ensure sufficient food is available at a reasonable cost; (b) account for times of severe drought conditions, natural disaster, man-made disaster, or other calamities; and (c) make legislative recommendations to facilitate the resiliency and availability of food in the state; (3) establish the Texas Food System Security Planning Fund to administer the TFSSRC; (4) establish the Texas Food System Security and Resiliency Grant program to award grants to eligible recipients, including cities, for projects

related to food production, food system security, or food supply resiliency; and (5) establish the Texas Food System Security and Resiliency Grant Fund to administer the program and award grants under (4), above.

S.B. 759 (West) – Office of Food System Security and Resiliency: would: (1) establish the Office of Food System Security and Resiliency (OFSSR) with the Department of Agriculture to be responsible for food system security and resiliency in the state, and whose duties will include: (a) coordinating state resources and programs to help food access industry professionals meet the state’s food needs; (b) ensuring that the state’s food system is free from disruption; (c) promoting the growth, manufacture, and processing of agricultural products for farm-to-store and farm-to-table consumption; and (d) developing regional food system security and resiliency planning with state agencies, counties, cities, school districts, and local governments; (2) direct the OFSSR to make recommendations to the legislature by December 1 of each even-numbered year to improve food system security and resiliency in the state; and (3) manage the Texas Food System Security and Resiliency Planning Council, if created.

S.B. 767 (Parker) – City Fees: would:

1. require a, except those located in a county with a population of less than 30,000, to establish and maintain an email notification service to which any person may electronically subscribe to receive information regarding new or increased city fees, unless: (a) the city is located primarily in a county with a population of less than 30,000; or (b) the city does not maintain an email notification service for any purpose on January 1, 2023, in which case the city may post the notifications described in Number 2, below, on the city’s Internet website so long as the notifications are accessible from a prominently displayed link on the home page of the city’s website;
2. provide that the email notification service described in Number 1, above, must: (a) allow a subscriber to request notification of each: (i) new fee proposed to be adopted by the city; (ii) existing fee proposed to be increased by the city; (iii) proposed budget of the city that includes use of revenue from a new or increased fee; (iv) adopted budget of the city that includes use of revenue from a new or increased fee; and (v) public hearing scheduled to be held at which a fee or budget described by (i) through (iv) is scheduled to be discussed; (b) include a link in the notification to any webpage maintained by the city on which the fee or budget may be viewed; and (c) notify the subscriber by email not later than the day: (i) the city provides public notice of a public hearing at which a proposed new or increased fee or a proposed budget is scheduled to be discussed, for notification of a public hearing for a proposed fee or budget; (ii) the budget officer files a proposed budget with the city clerk, for notification of a proposed budget; or (iii) the city council files an adopted budget with the city clerk, for notification of an adopted budget;
3. provide that a city’s proposed budget that includes estimated revenue from a new fee or the increase of an existing fee must contain a cover page with the following statement in 18-point or larger type: “This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee);

4. provide that adoption of a budget that includes estimated revenue from a new fee or the increase of an existing fee requires a separate vote of the governing body to ratify the use of that revenue, and the vote is in addition to and separate from the vote to adopt the budget or a vote to adopt or increase the fee; and
5. provide that a city's adopted budget contain a cover page that includes, if applicable, the following statement in 18-point or larger type: "This budget includes estimated revenue from the following new or increased fees: (include a description of each new or increased fee, the dollar amount of each new fee, and the dollar amount of and percentage of increase of each increased fee)."

S.B. 782 (Birdwell) – Department of Information Resources: would: (1) require the executive director of the Department of Information Resources to employ a chief privacy officer to provide assistance to state agencies on legal and policy matters involving data; and (2) authorize the chief privacy officer to assist local governments and the public with data privacy and protection concerns. (Companion is **H.B. 984** by **Capriglione**.)

S.B. 785 (Birdwell) – Geothermal Energy: would provide that: (1) a landowner owns the geothermal energy and associated resources below the surface of the landowner's land as real property; and (2) a landowner and the landowner's lessee, heir, or assign is entitled to drill for and produce the geothermal energy and associated resources below the surface of the landowner's land. (Companion bill is **H.B. 1336** by **Darby**)

S.B. 797 (Middleton) – Business Relationships with Elected Officials: would, for the purposes of disclosure of a relationship between a local government officer and vendor: (1) broaden the term "agent" to also include a subcontractor; (2) eliminate the following exceptions from the term "business relationship": (a) a transaction that is subject to rate or fee regulation by a federal, state, or local governmental entity or an agency of a federal, state, or local governmental entity; (b) a transaction conducted at a price and subject to terms available to the public; or (c) a purchase or lease of goods or services from a person that is chartered by a state or federal agency and that is subject to regular examination by, and reporting to, that agency; (3) expand the term "family member" to include a person related to another person within the third degree of consanguinity or the second degree by affinity; and (4) include dividends, capital gains, or interest generated from a trust in the definition of "investment income."

S.B. 803 (Hughes) – Construction Contracts: would provide that a construction contract between a governmental entity and a contractor may not prohibit or limit the award of compensatory damages for a delay caused solely by the governmental entity, and that neither party may waive this prohibition. (Companion bill is **H.B. 2265** by **Leach**)

S.B. 812 (Zaffirini) – Food Allergen Awareness: would, among other things: (1) require a food service establishment to display a poster relating to food allergen awareness in an area of the establishment regularly accessible to the establishment's food service employees; and (2) prohibit a county, city, or public health district from adopting or enforcing an order, ordinance, rule, or other measure that is inconsistent with or exceeds the requirements under (1), above. (Companion bill is **H.B. 1445** by **Cortez**.)

S.B. 814 (Creighton) – Preemption: would: (1) prohibit a city or county from adopting or enforcing an ordinance, order, rule, or policy in a field occupied by a provision of the following codes, unless explicitly authorized by statute: (a) Agriculture Code; (b) Finance Code; (c) Insurance Code; (d) Labor Code; (e) Natural Resources Code; and (f) Occupations Code; (2) provide that any person adversely affected by a municipal or county ordinance, order, rule, or policy adopted or enforced in violation of the field preemption in (1), above, has standing to bring an action against a city, county, or city or county official; (3) provide that a claimant is entitled to recover declaratory and injunctive relief and costs and reasonable attorney’s fees in an action brought under (2), above; (4) waive governmental immunity, official immunity, and qualified immunity, as applicable, to the extent of liability in an action brought under (2), above, and provide that official and qualified immunity may not be asserted as a defense in such an action; and (5) provide that a claimant bringing an action under (2), above, may do so in any county in the state and the action may not be transferred to a different venue without the written consent of all parties. (Companion bill is **H.B. 2127** by **Burrows**.)

S.B. 829 (Kolkhorst) – Cottage Food: would, among other things: (1) add to the definition of “cottage food production operation” a nonprofit organization that produces at the individual’s home or the home of an individual who is a director or officer of the nonprofit organization, as applicable; (2) provide that to be considered a cottage food production operation, an individual operating out of the individual’s home would need to: (a) have an annual gross income of \$100,000 or less from the sale of certain foods; (b) sell the cottage foods directly to consumers or to a cottage food vendor; and (c) deliver products to the consumer or cottage food vendor at the point of sale or another location designated by the consumer or cottage food vendor; (3) provide that a local government authority, including a local health department, may not require a cottage food production operation to obtain any type of license or permit or pay any fee to sell cottage food directly to a consumer or cottage food vendor; (4) provide that a local government authority, including a local health department, may not employ or continue to employ a person who knowingly requires or attempts to require a cottage food production operation to obtain a license or permit in violation of (3), above; (5) require the label on cottage food to include: (a) the city and zip code instead of the address; and (b) at least one of the following for the cottage food production operation: (i) the phone number; (ii) the email address; or (iii) the mailing address; (6) provide that a cottage food production operation may only sell food to a cottage food vendor at wholesale; (7) provide that the operator of a cottage food production operation that sells a food at the individual’s home is not required to include the information in (5)(b), above, before the operator accepts payment for the food but must provide it after accepting payment for the food; (8) provide that a cottage food vendor may sell food directly to consumers at a farmers’ market, farm stand, food service establishment, or retail food store; and (9) provide that a cottage food vendor who sells food in (8), above, must display in a prominent place near the location where the food is offered for sale a sign with the following disclosure: “THIS PRODUCT WAS PRODUCED IN A PRIVATE RESIDENCE AND IS NOT SUBJECT TO GOVERNMENTAL LICENSING OR INSPECTION. THIS PRODUCT MAY CONTAIN ALLERGENS.”

Personnel

H.B. 1999 (Julie Johnson) – Sexual Harassment: would provide that: (1) the protections against retaliation and discrimination in employment apply to a person who engages in the following acts

in relation to a discriminatory practice based on sexual harassment: (a) opposes a discriminatory practice; (b) makes or files a charge; (c) files a complaint; or (d) testifies, assists, or participates in any manner in an investigation, proceeding, or hearing; (2) the definition of sexual harassment in employment includes an unwelcome sexual advance, a request for a sexual favor, or any other verbal or physical conduct of a sexual nature if the advance, request, or conduct has the purpose or effect of creating an intimidating, hostile, abusive or offensive working environment; (3) a person may bring a civil action for damages or other relief arising from an unlawful employment practice based on sexual harassment regardless of whether: (a) the person has filed a complaint with the Texas Workforce Commission (Commission) based on the grievance; or (b) if the person has filed a complaint with the Commission based on the grievance, the complaint is still pending or the person has not received a notice of the right to file a civil action; (4) a civil action arising from an unlawful employment practice based on sexual harassment filed without filing a complaint under (3), above, may not be brought later than the second anniversary of the date the conduct constituting an unlawful employment practice based on sexual harassment occurred; (5) the monetary caps placed on compensatory damages awarded for future pecuniary losses, emotional pain, suffering, inconvenience, mental anguish, loss of enjoyment of life, and other nonpecuniary losses and the amount of punitive damages that apply to damages arising from an unlawful employment action do not apply to an unlawful employment action based on sexual harassment; and (6) a civil action for damages arising from an unlawful employment practice based on sexual harassment is subject to uncapped compensatory damages and exemplary damages that may not exceed an amount equal to the greater of: (a) two times the amount of economic damage plus an amount equal to any noneconomic damages found by the jury, not to exceed \$750,000; or (b) \$200,000.

H.B. 2034 (Campos) – Mental Health Leave: would provide that: (1) each employer, including a city, shall develop and adopt a policy allowing the use of mental health leave by the employer's fire fighters who experience a traumatic event in the scope of performing their duties as fire fighters for the employer; (2) the mental health leave policy adopted under (1), above, must: (a) provide clear and objective guidelines establishing the circumstances under which a fire fighter is granted mental health leave and may use mental health leave; (b) entitle a fire fighter to mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health leave days available to a fire fighter; and (d) detail the level of anonymity for a fire fighter who takes mental health leave; (3) the mental health leave policy adopted (1), above, may provide a list of mental health services available to fire fighters in the area where the employer is located; (4) each employer shall ensure that a mental health professional or peer support advisor performs an annual mental health evaluation of each of the employer's peace officers and fire fighters as part of the peace officer's or fire fighter's performance review; and (5) each employer shall provide a peace officer or fire fighter who experiences a traumatic event in the scope of performing their duties as a peace officer or fire fighter for the employer: (a) a mental health evaluation performed by a mental health professional or peer support advisor; and (b) an opportunity to receive mental health counseling.

S.B. 799 (Springer) – Public Safety Employee Benefits: would, among other things, provide that:

1. a county or city shall provide to a firefighter, police officer, or emergency medical services personnel a leave of absence for an illness or injury related to the person's line of duty;
2. the line of duty leave shall be with full pay for a period commensurate with the nature of the line of duty illness or injury, and, if necessary, the county or city shall continue the leave for at least one year;
3. at the end of the one-year period under Number 2, above, the county's or city's governing body may extend the leave of absence at full or reduced pay;
4. if the firefighter's, police officer's, or emergency medical services personnel's leave is not extended or the person's salary is reduced below 60 percent of the person's regular monthly salary and the person is a member of a retirement system with disability retirement benefits, the person is considered eligible to receive the disability retirement benefits until able to return to duty;
5. if the firefighter, police officer, or emergency medical services personnel is not a member of a retirement system with disability retirement benefits and is temporarily disabled by a line of duty injury or illness and if the one-year period and any extensions granted by the governing body have expired, the person may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave;
6. if the one-year period and any extensions granted by the governing body have expired, the firefighter, police officer, or emergency medical services personnel is placed on temporary leave;
7. a firefighter, police officer, or emergency medical services personnel who is temporarily disabled by an injury or illness that is not related to the person's line of duty may: (a) use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; or (b) have another firefighter, police officer, or emergency medical services personnel volunteer to do the person's work while the person is temporarily disabled by the injury or illness;
8. if able, a firefighter, police officer, or emergency medical services personnel may return to light duty while recovering from a temporary disability and, if medically necessary, the light duty assignment may continue for at least one year;
9. after recovery from a temporary disability, a firefighter, police officer, or emergency medical services personnel shall be reinstated at the same rank and with the same seniority the person had before going on temporary leave and another firefighter, police officer, or emergency medical services personnel may voluntarily do the work of an injured firefighter, police officer, or emergency medical services personnel until the person returns to duty;

10. a collective bargaining, meet and confer, or other similar agreement that provides a benefit for an ill or injured employee must provide a benefit that, at a minimum, complies with Numbers 1-9, above;
11. for purposes of workers' compensation, lifetime income benefits shall be paid until the death of the employee for: (a) physically traumatic injury to the brain resulting in a permanent major neurocognitive disorder or a psychotic disorder; (b) third degree burns that cover at least 40 percent of the body and require grafting, or third-degree burns covering the majority of: (i) both hands; (ii) both feet; (iii) one hand and one foot; or (iv) one hand or foot and the face; or (c) serious bodily injury sustained by the employee in the course and scope of the employee's employment or volunteer service as a first responder that permanently prevents the employee from performing any gainful work;
12. a person is eligible for critical illness benefits if the person: (a) retired from employment as a firefighter or peace officer on or after January 1, 2024; and (b) not later than the fifth anniversary of the date of the person's retirement: (i) is diagnosed with cancer that originates at the stomach, colon, rectum, skin, prostate, testis, or brain, non-Hodgkin's lymphoma, multiple myeloma, malignant melanoma, and renal cell carcinoma; or (ii) suffers an acute myocardial infarction or stroke;
13. the amount of critical illness benefits to which a person is entitled under Number 12, above, is an amount equal to the greater of: (a) the person's annual salary in the final year of the person's employment as a firefighter or peace officer; or (b) \$150,000;
14. beginning January 1 of each 10-year period beginning January 1, 2034, the commissioner of insurance shall adjust the amount of critical illness benefits to which a person may be entitled under Number 13(b), above, for a retirement occurring on or after that date, by the percentage change, if any, in the Consumer Price Index for all urban consumers published by the United States Bureau of Labor Statistics of the United States Department of Labor for the preceding 10-year period;
15. an insurance carrier shall pay required critical illness benefits to a person in a lump sum;
16. disease presumption does not apply if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and: (a) the firefighter, peace officer, or emergency medical technician has used a tobacco product an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; or (b) the firefighter's, peace officer's or emergency medical technician's spouse has, during the marriage, used a tobacco product that is consumed through smoking an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; and
17. a firefighter, peace officer, or emergency medical technician who suffers an acute myocardial infarction or stroke resulting in disability or death is presumed to have

suffered the disability or death during the course and scope of employment as a firefighter, peace officer, or emergency medical technician if: (a) while on duty, the firefighter, peace officer, or emergency medical technician: (i) was engaged in a situation that involved stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, emergency medical services, or other emergency response activity; or (ii) participated in a training exercise that involved stressful or strenuous physical activity; and (b) the acute myocardial infarction or stroke occurred not later than 24 hours after the end of a shift in which the firefighter, peace officer, or emergency medical technician was engaging in the activity described under Number 17(a), above.

Purchasing

H.B. 2007 (Martinez) – Certificate of Merit: would provide that a third-party plaintiff that is a design-builder is not required to file a certificate of merit in connection with filing a third-party claim or cross-claim against a licensed or registered professional if the action or arbitration proceeding arises out of a design-build project in which a governmental entity contracts with a single entity to provide both design and construction services for the construction, expansion, extension rehabilitation, alteration, or repair of a facility, a building or associated structure, a civil works project, or a highway project.

H.B. 2182 (González) – Historically Underutilized Businesses: would expand the definition of an “economically disadvantaged person” to include: (1) persons with a disability as defined by the federal Americans with Disabilities Act; and (2) persons who identify with certain sexual orientations or gender identities for purposes of inclusion in the state’s list of historically underutilized businesses. (Companion bill is **S.B. 877** by **Eckhardt**.)

S.B. 877 (Eckhardt) – Historically Underutilized Businesses: would expand the definition of an “economically disadvantaged person” to include: (1) persons with a disability as defined by the federal Americans with Disabilities Act; and (2) persons who identify with certain sexual orientations or gender identities for purposes of inclusion in the state’s list of historically underutilized businesses. (Companion bill is **H.B. 2182** by **González**.)

Transportation

H.B. 2027 (Dean) – Electric Vehicle Tax: would provide, among other things, that: (1) a \$1,200 tax would be imposed on every retail sale of an electric vehicle; and (2) part of the tax proceeds would be used to support transportation projects.

H.B. 2028 (Dean) – Electric Vehicle Fuel Tax Recovery Fee: would provide, among other things, that: (1) at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay a motor fuel tax recovery fee; (2) the amount of the fee imposed by section (1), above, will be set annually by the comptroller and shall be no lower than \$300; and (3) part of the proceeds would be used to support transportation projects.

H.B. 2199 (Canales) - Additional Electric Vehicle Registration Fee: would provide that applicants for registration or renewal of registration for an electric vehicle shall pay an additional fee of \$400 for an initial two-year registration and an additional fee of \$200 for one-year registration or renewals with these fees to be deposited into the state highway fund. (Companion is **S.B. 505** by Nichols.)

H.B. 2224 (Hernandez) – City Speed Limits: would provide that a city is not required to perform an engineering or traffic investigation to declare a lower speed on a city street in a residential area under certain conditions.

H.J.R. 106 (Schaefer) – Freedom from Autonomous Vehicles: would provide that a person has the right to travel in a vehicle using human decision-making to operate the vehicle and that any regulation abridging this right is void.

S.B. 848 (Blanco) – Transportation Projects: would expand the definition of “transportation project” to include an urban green space or aesthetic enhancement located above, adjacent to, or connected to an interstate highway, which may include: (1) recreational, bicycle, and pedestrian facilities; (2) an intermodal hub; (3) parking areas; and (4) components that will benefit users of transit, pedestrian, and other transportation modes, and promote economic development in adjacent areas. (Companion bill is **H.B. 1379** by Ortega.)

Utilities and Environment

H.B. 2211 (Landgraf) – Greenhouse Gases: would: (1) provide that to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in Texas; and (2) preempt a city or other political subdivision from enacting or enforcing an ordinance or other measure that directly or indirectly regulates greenhouse gas emissions. (Companion bill is **S.B. 784** by Birdwell.)

H.B. 2214 (Landgraf) – Emissions Reduction Plan: would adjust the percentages for which money in the Texas Emissions Reduction Plan Fund and Account can be spent as follows: (1) increase the percentage to eight percent for use for the new technology implementation grant program; (2) increase the percentage to 7.5 percent for use for the Texas clean fleet program; (3) decrease the percentage to five percent for use for the Texas natural gas vehicle grant program; and (4) decrease the percentage to 2.5 percent for use for the light-duty motor vehicle purchase or lease incentive program.

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

implement one or more energy conservation programs under certain circumstances; and (5) require the RRC to adopt rules that require local distribution company that implements an energy conservation program under the bill to submit to the railroad commission an annual report.

S.B. 771 (Parker) – Electric Municipally Owned Utilities: would provide that a municipally owned electric utility is not required to designate a transmission operator for compliance with load shedding duties and related obligations established by ERCOT if the municipally owned utility: (1) is owned by a city with a population of less than 25,000; (2) has an annual peak demand of 25 megawatts or less; and (3) operates 10 or fewer distribution feeder circuits. (Companion bill is **H.B. 1264** by **Stucky**.)

S.B. 784 (Birdwell) – Greenhouse Gas: would: (1) provide that to the extent not preempted by federal law, the state has exclusive jurisdiction over the regulation of greenhouse gas emissions in Texas; and (2) preempt a city or other political subdivision from enacting or enforcing an ordinance or other measure that directly or indirectly regulates greenhouse gas emissions. (Companion bill is **H.B. 2211** by **Landgraf**.)

S.B. 788 (Eckhardt) – Environmental Justice Commission: would, among other things: (1) provide that when Texas Commission on Environmental Quality (TCEQ) is considering a permit within three miles of an environmental justice community, that the Office of Environmental Justice (OEJ) shall provide a recommendation not later than the 7th day after the last day of the public comment period applicable to the permit to TCEQ on whether the permit should be issued and shall, in making its recommendation, consider: (a) whether the cumulative effects of pollution from the proposed permitted facility or change to an existing facility on the affected environmental justice community exceed the statewide average; and (b) any existing or anticipated vulnerabilities in the affected environmental justice community; and (2) provide that TCEQ shall consider the recommendation of the OEJ in making its determination about whether to issue a permit in addition to other factors required by law.

S.B. 816 (Alvarado) – Concrete Plants: would provide that a person may file with the Texas Commission on Environmental Quality (TCEQ) a motion to overturn as described by TCEQ rule to challenge an executive director’s final decision on an authorization to use a standard permit for certain concrete plants. (Companion bill is **H.B. 759** by **Walle**.)

S.B. 817 (Alvarado) – Concrete Plants: would provide that the Texas Commission on Environmental Quality must allow the filing of a request for a contested case hearing on an authorization to use a standard permit for a concrete plant that performs wet batching, dry batching, or central mixing at any time during the public comment period on the authorization, including during any extension of the public comment period for public meetings. (Companion bill is **H.B. 758** by **Walle**.)

S.B. 837 (Perry) – TWDB Financial Assistance: would, among other things: (1) establish the water for Texas fund (Fund); (2) provide that the Texas Water Development Board (TWDB) may make disbursements from the Fund to another fund or account administered by the board, including a fund or account established by the bill, in the amounts the board determines necessary; (3) provide that the TWDB shall ensure that a portion of the money disbursed from the Fund is used

for: (a) water infrastructure projects for rural political subdivisions and cities with a population of less than 150,000; and (b) projects to develop new water supply sources; (4) require the TWDB to adopt rules to establish a program to provide technical assistance to retail public utilities in conducting required water audits required and in applying for financial assistance from the board to mitigate the utility system's water loss; and (5) require the TWDB to submit to the legislature a water loss report every fifth year. (See **S.J.R. 43**, below.)

S.B. 845 (Blanco) – Affirmative Defenses: would repeal the following provisions providing for affirmative defenses under Clean Air Act for emissions events: (1) the Texas Commission on Environmental Quality (TCEQ) by rule may establish an affirmative defense to a TCEQ enforcement action if the emissions event meets criteria defined by TCEQ rule, which must include the following factors: (a) the frequency of the facility's emissions events; (b) the cause of the emissions event; (c) the quantity and impact on human health or the environment of the emissions event; (d) the duration of the emissions event; (e) the percentage of a facility's total annual operating hours during which emissions events occur; and (f) the need for startup, shutdown, and maintenance activities; and (2) a person may not claim an affirmative defense to a TCEQ enforcement action if the person failed to take corrective action under a corrective action plan approved by TCEQ within the time prescribed by TCEQ and an emissions event recurs because of that failure.

S.J.R. 43 (Perry) – Water Project Funding: would amend the Texas Constitution to create the water for Texas fund to be administered by the Texas Water Development Board to assist in financing water projects in this state. (See **S.B. 837**, above.)

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