

# **City of Dripping Springs – Legislative Update Bill**

## **Summary List – 2023**

All summaries were obtained from the Texas Municipal League Legislative Website.

<https://www.tml.org/DocumentCenter/View/3790/city-related-bills-passed>

### **Finance and Economic Development**

**S.B. 1145 (West/Talarico) – Property Tax Exemption:** this bill: (1) authorizes a city or county to adopt an exemption of a percentage of the appraised value of property used to operate a childcare facility if the owner or operator participates in the Texas Workforce Commission’s Texas Rising Star Program and at least 20 percent of the children enrolled receive subsidized child-care services through the Texas Workforce Commission; (2) provides that the percentage specified by the city or county under (1), above, may not be less than 50 percent; (3) provides that if the property is leased to a person to operate a child-care facility and the owner claims an exemption under (1), above, the owner must provide a disclosure statement to the child-care facility stating the amount by which the taxes on the property are reduced as a result of the exemption and the method the owner will implement to ensure that the rent charged fully reflects the reduction; and (4) requires that rent charged for the lease of property used as a child care facility reflects the reduction in taxes resulting from the exemption. (Effective January 1, 2024, but only if S.J.R. 64 is approved at the election on November 7, 2023.)

**S.J.R. 64 (West/Talarico) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to authorize a city or county to exempt from property tax a percentage of the appraised value of property used to operate a child-care facility and provides that the percentage adopted under that provision may not be less than 50 percent. (Effective if approved at the election on November 7, 2023.)

**S.B. 1998 (Bettencourt/Shine) – Property Tax Rate Calculation:** this bill requires: (1) a taxing unit to calculate adjustments made to the value of taxable property due to tax revenue the taxing unit pays into a tax increment reinvestment zone fund separately for each reinvestment zone in which the taxing unit participates; and (2) the designated officer or employee of a taxing unit to include a hyperlink to a document that evidences the accuracy of an entry in the tax rate calculation form for each entry on the form, other than an entry making a mathematical calculation. (Effective January 1, 2024.)

**S.B. 2350 (Bettencourt/Shine) – Voter-Approval Tax Rate Calculation:** defines “voter approval tax rate” for purposes of the unused increment rate calculation as a taxing unit’s voter approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year. (Effective immediately.)

**S.B. 379 (Huffman/Howard)** – Sales Tax Exemption: exempts from the sales tax certain wound care dressing products, adult or children’s diapers, feminine hygiene products, maternity clothing, breast milk pumping products, and baby bottles. (Effective September 1, 2023.)

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

**H.B. 2464 (Price/Hughes) – TMRS Optional Cost of Living Adjustment:** provides that: (1) the city council of a participating Texas Municipal Retirement System (TMRS) city may adopt an ordinance providing for increased annual annuities for certain retirees and beneficiaries effective January 1 of 2024, 2025, or 2026; and (2) the provisions of (1), above, only apply to: (a) a participating TMRS city that as of January 1, 2023: (i) does not provide by ordinance an annual annuity increase because the city passed an ordinance before January 1, 2023, that rescinded a previous ordinance authorizing annual increases or has not passed an ordinance authorizing annual increases; or (ii) does provide by ordinance an annual annuity increase if the city council elects to provide increased annuities recomputed in accordance with (1), above, for purposes of maintaining or increasing the amount of the annuity increase otherwise authorized by the ordinance; and (b) the annuity of: (i) a retiree who retired not later than the last day of December of the year that is 13 months before the effective date of the ordinance providing the increase; or (ii) a beneficiary of a deceased retiree whose death occurred not later than the last day of December of the year that is 13 months before the effective date of the ordinance providing the increase. (Effective immediately.)

**H.B. 4082 (Goldman/Bettencourt) – Local Debt:** provides that a “public work” for purposes of a certificate of obligation issued by a city or county: (1) means the following public improvements: (a) a street, road, highway, bridge, sidewalk, or parking structure; (b) a landfill;

(c) an airport; (d) a utility system, water supply project, water treatment plant, wastewater treatment plant, or water and wastewater conveyance facility; (e) a wharf or dock; (f) a flood control and drainage project; (g) a public safety facility, including a police station, fire station, emergency shelter, jail, or juvenile detention facility; (h) a judicial facility; (i) an administrative office building housing the governmental functions of the city or county; (j) an animal shelter; (k) a library; or (l) a park or recreation facility that is generally accessible to the public and is part of the city or county park system; (2) means the rehabilitation, expansion, reconstruction, or maintenance of an existing stadium, arena, civic center, convention center, or coliseum that is owned and operated by the city or county or by an entity created to act on behalf of the city or county; and (3) does not include: (a) a facility for which more than 50 percent of the average annual usage is or is intended to be for professional or semi-professional sports; (b) a new stadium, arena, civic center, convention center, or coliseum that is or is intended to be leased by a single for-profit tenant for more than 180 days in a single calendar year; or (c) a hotel. (Effective September 1, 2023.)

**S.B. 543 (Blanco/Ordaz) – Real Property for Economic Development:** this bill, among other things: (1) provides that a city that has entered into an economic development agreement authorized by Chapter 380 of the Local Government Code with an entity may transfer to the entity real property or an interest in real property for consideration if: (a) the agreement requires the entity to use the property in a manner that primarily promotes a public purpose relating to economic development; and (b) the agreement includes provisions under which the city is granted sufficient control to ensure that the public purpose is accomplished and the city receives the return benefit; (2) prohibits the city from transferring for consideration real property or an interest in real property the city owns, holds, or claims as a public square or park; (3) provides that before a city may transfer real property or an interest in real property under an agreement as provided by the bill, the city must provide notice to the public published in a newspaper of general circulation in the county in which the property is located or, if there is no such newspaper, by any means for the city to provide public notice authorized by statute or by ordinance of the city; (4) provides that the notice in (3), above, must: (a) include a description of the property, including its location; (b) be provided within 10 days before the date the property or an interest in the property is transferred; and (c) be published for two separate days within the period prescribed by (4)(b), above, if the notice is published in a newspaper; and (5) prohibits the city from transferring real property for consideration if the property was acquired by the city from the previous owner by the exercise of eminent domain authority or the threat of the exercise of eminent domain authority. (Effective immediately.)

**S.B. 1340 (Zaffirini/Meyer) – Incentive Agreement Database:** this bill, among other things: (1) requires information related to property tax abatement agreements to be included in the comptroller's Local Development Agreement Database; (2) requires the database to include, for each local development agreement: (a) the name and contact information of any entity or the entity's agent that entered into the agreement with the local government, including the business address and any assumed names of the entity; (b) the date on which the agreement went into effect and the date and terms on which the agreement expires; (c) the total monetary value of the agreement; and (d) the source of the money used or type of tax implicated by the

agreement, including a sales and use tax, property tax, or hotel occupancy tax; (3) authorizes the comptroller to prescribe the form and manner in which a local government must submit required incentive agreement information; and (4) provides that a taxing unit that maintains an Internet website and that executes a property tax abatement agreement shall provide on the website a direct link to the location of the agreement information that is published on the comptroller's Local Development Agreement Database. (Effective January 1, 2024.)

**S.B. 1916 (Parker/Shine) – Public Improvement Districts:** requires a city: (1) to post a copy of a public improvement district (“PID”) service plan and certain other information on the city’s website within seven days of approving, amending, or updating the plan; (2) to submit an assessment roll for each city PID to each appraisal district in which property subject to assessment is located within seven days of levying the assessment; and (3) to post on its website certain information about city PIDs. (Effective January 1, 2024.)

## **Planning and Building**

**H.B. 3699 (Wilson/Bettencourt) – Platting Shot Clock:** this bill, among other things, provides that: 1. subdivision development plans, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan are no longer subject to the 30-day review and approval shot clock; 2. the state statute governing city regulation of subdivisions may not be construed to restrict a city from establishing a submittal calendar to be used by an applicant to facilitate compliance with the shot clock for plat review; 3. a city council, by ordinance and after notice is published in a newspaper of general circulation in the city, may: (a) adopt reasonable specifications relating to the construction of each street or road based on the amount and kind of travel over each street or road in a subdivision; and (b) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices; 4. a landowner subdividing property must prepare a plat when the owner intends parts of the subdivided tract to be dedicated to public use; 5. a plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements to the city council or the municipal authority responsible for approving plats; 6. the city council or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law; 7. the city authority responsible for approving plats must approve a plat or replat that is required to be prepared pursuant to Subchapter A, Chapter 212 of the Local Government Code, and that subchapter may not be construed to convey any authority to a city regarding the completeness of an application or the approval of a plat or replat that is not explicitly granted by the subchapter; 8. a city council or city planning commission may delegate the ability to approve, approve with conditions, or disapprove a plat to municipal officers or employees; 9. an applicant has the right to appeal a delegated plat application disapproval decision under Number 8, above, to the city council or the city planning commission; 10. by January 1, 2024, a city shall adopt and make available to the public a complete, written list of all documentation

and other information that the city requires to be submitted with a plat application; 11. an application submitted to the city that contains all documents and other information on the list provided by Number 10, above, is considered complete; 12. a city that operates a website must publish and continuously maintain the list described by Number 10, above, on the website not later than the 30th day after the date the city adopts or amends the list; 13. a city that does not operate a website must publish the list described by Number 10, above, in a newspaper of general circulation in the city and a public place in the location in which the city council meets; 14. the statutory approval timeframes may be extended for multiple 30-day periods under certain circumstances; 15. the city authority responsible for approving plats may not require dedication of land within a subdivision for a future street or alley that is not: (a) intended by the owner of the tract; and (b) included in the city's capital improvement plan; 16. a city authority responsible for approving plats may not refuse to review a plat or to approve a plate for recordation for failure to identify a roadway corridor unless the corridor is part of an agreement between the Texas Department of Transportation and a county in which the city is located; and 17. if a city authority responsible for approving plats fails or refuses to approve a complying plat application, the owner of the tract may bring an action in district court for: (a) a writ of mandamus to compel the city to approve the plat; and (b) reasonable attorney fees and costs. (Effective September 1, 2023.)

**H.B. 1381 (Hernandez/Alvarado) – Zoning Hearing:** requires a zoning commission to hold at least one public hearing on a preliminary report related to a proposed change in zoning classification before submitting a final report to the city's governing body, whereas current law requires multiple hearings. (Effective September 1, 2023.)

**H.B. 1707 (Klick/Hughes) – Open-Enrollment Charter Schools:** provides, among other things, that: (1) to be considered a school district by a city for the purposes below, the governing body of an open-enrollment charter school must certify in writing to the city that no administrator, officer, or employee the school and no member of the governing body of the charter school or its charter holder derives any personal financial benefit from a real estate transaction with the charter school; (2) a city shall consider an open-enrollment charter school that qualifies under (1), above, a school district for purposes of, among other things, zoning, permitting, platting, subdivision, construction and site development, land development regulation, application processing and timelines, regulation of architectural features, business licensing, franchises, utility services, signage, the requirements for posting bonds or securities, contract requirements, and fees and assessments; (3) a city may not consider an open enrollment charter school a school district for the purpose of collection of impact fees; (4) a city may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (5) the provisions above apply to property owned or leased by the charter school; and (6) charter schools are treated the same as school districts with regard to development agreements between a city and a school located in an area annexed for limited purposes. (Effective September 1, 2023.)

**H.B. 14 (Cody Harris/Bettencourt) – Third Party Inspections and Review of Development**

**Applications:** provides: (1) for a third-party review of certain development documents, permits, and inspections if a city fails to approve, conditionally approve, or disapprove the documents or conduct the inspection by the 15th day following the time prescribed by law for the review or inspection; (2) that a third-party document review may be performed by certain qualified persons, including: (a) a licensed engineer; or (b) a reviewer employed by the city or any other political subdivision, if the city approves the person; (3) that a third-party inspection may be performed by certain qualified persons, including: (a) a certified building inspector; (b) a licensed engineer; or (c) an inspector employed by the city or any other political subdivision, if the city approves the person; (4) that the city cannot collect an additional fee for the third-party review or inspection; (5) that the person performing the review or inspection must satisfy all applicable regulations and provide notice to the regulatory authority within 15 days of completion; and (6) that a person may appeal to the governing body of a political subdivision a decision to conditionally approve or disapprove a development document made by the regulatory authority for the political subdivision or a third party reviewer or inspector. (Effective September 1, 2023.)

**H.B. 586 (E. Thompson/Bettencourt) – Annexation of Roadways:** provides that: (1) a city may annex a road right-of-way (ROW) that: (a) is contiguous to the city’s boundary or to an area being simultaneously annexed by the city; (b) is either: (i) parallel to the boundary of the city or to an area being simultaneously annexed by the city; or (ii) connects the boundary of the city to an area being simultaneously annexed by the city or to another point on the city’s boundary; and (c) does not result in the city’s boundaries surrounding any area that was not already in the city’s extraterritorial jurisdiction (ETJ) immediately before the annexation of the ROW; (2) a city may annex a ROW under (1), above, only if: (a) the owner of the ROW or the governing body of the political subdivision that maintains the ROW requests the annexation of the ROW in writing; or (b) both: (i) the city provides written notice of the annexation to the owner of the ROW or the governing body of the political subdivision that maintains the ROW not later than the 61st day before the date of the proposed annexation; and (ii) the owner or the governing body of the political subdivision that maintains the ROW does not submit a written objection to the city before the date of the proposed annexation; and (3) an annexation of ROW described by (1)(b)(ii), above, does not expand the city’s ETJ. (Effective immediately.)

**H.B. 783 (Meza/West) – Cemeteries:** provides that in a city in a county with a population of more than 750,000 or a city in a county adjacent to a county with a population of more than 750,000: (1) an individual, corporation, partnership, firm, trust, or association may file a written application with the city council to establish or use a cemetery located inside the city limits; and (2) the city council by ordinance shall prescribe the information to be included in the application in (1), above, and may authorize the establishment or use of the cemetery if the city council determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare. (Effective September 1, 2023.)

**S.B. 2038 (Bettencourt/C. Bell) – Extraterritorial Jurisdiction Release:** provides, among other things that: 1. the ability to pursue release from city’s extraterritorial jurisdiction (ETJ) by petition or election, as described below, does not apply to an area located: (a) within five miles of the boundary of a military base at which an active training program is conducted; (b) in an area that was voluntarily annexed into the ETJ that is located in a specific county; (c) within the portion of the ETJ of a specific city that is within 15 miles of the boundary of a military base; (d) in an area designated as an industrial district; or (d) in an area subject to a strategic partnership agreement; 2. the owner or owners of the majority in value of an area consisting of one or more parcels of land in a city’s extraterritorial jurisdiction may file a written petition with the city to be released from the ETJ; 3. a petition requesting release must be signed by: (a) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or (b) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district; 4. a person filing a petition must satisfy the signature requirement in Number 3, above, not later than the 180th day after the date the first signature for the petition is obtained; 5. a petition under Number 3, above, must include a map of the land to be released and describe the boundaries of the land to be released by metes and bounds or lot and block number, if there is a recorded map or plat; 6. a petition requesting removal from the ETJ shall be verified by the city secretary or other person responsible for verifying signatures; 7. a city shall notify the residents and landowners of the area described by the petition of the results of the petition; 8. if a resident or landowner obtains the number of signatures on the petition required by Number 3, above, to release the area from the city’s ETJ, the city shall immediately release the area from the ETJ; 9. if a city fails to take action to release the area from the ETJ under Number 7, above, by the later of the 45th day after the date the city receives the petition or the next meeting of the city council that occurs after the 30th day after the date the city receives the petition, the area is released by operation of law; 10. an area released from a city’s ETJ by petition may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city’s ETJ or corporate boundaries; 11. a resident of an area in a city’s ETJ may request the city to hold an election to vote on the question of whether to release the area from the city’s ETJ by filing with the city a petition that includes the signatures of at least five percent of the registered voters residing in the area as of the date of the preceding uniform election date; 12. a resident may not request another election on the question of releasing the same or substantially same area from the city’s ETJ before the second anniversary of the date the city receives a petition under Number 11, above; 13. a petition under Number 11, above, must include a map of the land to be released and describe the boundaries of the land to be released by metes and bounds or lot and block number, if there is a recorded map or plat; 14. a city shall order an election on the question of whether to release an area from the city’s ETJ to be held on the first uniform election date that falls on or after the 90th day after the date the city receives a petition under Number 11, above; 15. the city shall hold an election described by Number 14, above, in the area described by the petition at which the qualified voters of the area described by the petition may vote on the question of the release; 16. not later than 48 hours after the canvass of an election held under Number 14, above, the city shall notify the residents of the area proposed to be released from the city’s ETJ of the results of the election; 17. if a majority of

qualified voters of the area to be released from the ETJ approve the proposed release at the election held under Number 14, above, the city shall immediately release the area from the ETJ; 18. if a city fails to take action to release the area from the ETJ under Number 17, above, by the later of the next meeting of the city council or the 15th day after the canvass date for the election, the area is released by operation of law; 19. an area released from a city's ETJ by election may not be included in the ETJ or the corporate boundaries of a city, unless the owner or owners of the area subsequently request that the area be included in the city's ETJ or corporate boundaries; 20. instead of holding an election under Number 14, above, a city may voluntarily release an area for which the election is to be held from the city's ETJ before the date on which the election would have been held; 21. an annexation commenced after January 1, 2023 does not automatically expand a city's ETJ unless contemporaneously with the annexation the owner or owners of the area that would be included in the city's ETJ as a result of the annexation request that the area be included in the city's ETJ; 22. cities must take action to release any ETJ acquired from an annexation commenced after January 1, 2023, as necessary to comply with Number 21, above; and 23. if an area subject to an agreement reached between a city and a county authorizing the city to regulate subdivisions in the ETJ is removed from a city's ETJ, the agreement is terminated as to the area and the county is the political subdivision authorized to regulate subdivisions in the removed area. (Effective September 1, 2023.)

**H.B. 1750 (Burns/Perry) – Regulation of Agricultural Operation:** this bill, among other things:  
1. expands the definition of “agricultural operation” to include:

(a) producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, plantings seed or fiber; and (b) the raising or keeping livestock or poultry, including veterinary services; 2. provides that a city may not impose a governmental requirement that applies to agricultural operations located in the corporate boundaries of the city unless: (a) the city council makes a finding by resolution, based on a report described in Number 3, below, that there is clear and convincing evidence that the purposes of the requirement cannot be addressed through less restrictive means and that the requirement is necessary to protect persons who reside in the immediate vicinity or persons on public property in the immediate vicinity of the agricultural operation from the danger of: (i) the likelihood of an explosion; (ii) flooding; (iii) an infestation of vermin or insects; (iv) physical injury; (v) the spread of an identified disease that is directly attributable to the agricultural operation; (vi) the removal of lateral or subjacent support; (vii) an identified source of contamination of water supplies; (viii) radiation; (ix) improper storage of toxic materials; (x) crops planted or vegetation grown in a manner that will cause traffic hazards; or (xi) discharge of firearms or other weapons subject to local restrictions; (b) the governing body of the city makes a finding by resolution, based on the report described in Number 3, below, that the requirement is necessary to protect public health; and (c) the requirement is not otherwise prohibited by the statute governing limitations on city governmental requirements applicable within corporate boundaries; 3. provides that before making a finding described in Number 2, above, the city council must obtain and review a report prepared by the city health officer or a consultant that: (a) identifies evidence of the health hazards related to agricultural operations; (b) determines the necessity of regulation and the manner in which agricultural operation



should be regulated; (c) states whether each manner of regulation under (3)(b), above, will restrict or prohibit a generally accepted agricultural practice; and (d) if applicable, includes an explanation why the report recommends a manner of regulation that will restrict the use of a generally accepted agricultural practice; 4. prohibits a city from imposing a governmental requirement that directly or indirectly: (a) prohibits the use of generally accepted agricultural practices listed in a manual prepared by the Texas A&M AgriLife Extension Service; (b) prohibits or restricts the growing or harvesting of vegetation for animal feed, livestock forage, or forage for wildlife management except as provided by Number 5, below; (c) prohibits the use of pesticides or other measures to control vermin or disease-bearing insects to the extent necessary to prevent an infestation; or (d) requires an agricultural operation be designated for an agricultural use or farm, ranch, wildlife management, or timber production under the Texas Constitution; 5. provides that a city may impose a maximum height for vegetation that applies to agricultural operations only if: (a) the maximum vegetation height is at least 12 inches; and (b) the requirement applies only to portions of an agricultural operation located no more than 10 feet from a property boundary that is adjacent to: (i) a public sidewalk, street, or highway, or (ii) a property that is owned by a person other than the owner of the agricultural operation and has a structure that is inhabited; and 6. provides that a governmental requirement of a city relating to the restraint of a dog that would apply to an agricultural operation does not apply to a dog used to protect livestock on property controlled by the property owner; and 7. provides that a city may require a person to provide a written management plan that meets certain specifications to establish that activities constitute an agricultural operation on the basis of being wildlife management activities. (Effective September 1, 2023.)

**H.B. 2308 (Ashby/Perry) – Enforcement Against Agricultural Operations:** this bill, among other things, provides that: (1) the definition of “agricultural operation” includes producing crops or growing vegetation for human food, animal feed, livestock forage, forage for wildlife management, planting seed, or fiber; and (b) raising or keeping livestock or poultry, including veterinary services; (2) the date an agricultural operation is established is the date on which an agricultural operation commenced; (3) a “substantial change” to an agricultural operation means a material alteration to the operation of or type of production at an agricultural operation that is substantially inconsistent with the operational practices since the established date of operation; (4) no action to restrain an agricultural operation may be brought against an operation that has been in operation and substantially unchanged for at least one year; (5) remedies for an agricultural operator against whom an action is brought are expanded to include any damages found by the trier of fact; (6) an occupant of any land on which agricultural operations exist or take place is not liable to the state or a governmental unit for the construction or maintenance on the land of an agricultural improvement if the construction is not expressly prohibited by state statute in effect at the time the improvement is constructed; and (7) any other law is preempted to the extent of a conflict with the law governing governmental requirements on agricultural operations. (Effective September 1, 2023.)

**H.B. 2947 (Cain/Perry) – Agricultural Operation:** expands the definition of “agricultural operation” to include the commercial sale of poultry, livestock, and other domestic and wild

animals for purposes of preempting certain nuisance actions and governmental requirements on preexisting agricultural operations. (Effective immediately.)

**H.B. 2956 (Shine/Flores) – Annexation Across Railway Right-of-Way:** this bill, among other things, allows a city that is annexing property under certain conditions to annex an additional area adjacent to railroad rights-of-way if the railroad right-of-way is: (1) contiguous, and runs parallel to the city’s boundaries; and (2) contiguous to the area being annexed. (Effective immediately.)

**H.B. 3526 (Raymond/Springer) – Solar Pergolas:** prohibits a city from applying a local building code to the construction of a solar pergola. (Effective September 1, 2023.)

**S.B. 929 (Parker/Rogers) – Nonconforming Use Compensation:** provides, among other things: (1) that in addition to other notices, a city shall provide written notice containing certain language of any public hearing regarding any proposed zoning change that could result in the creation of a nonconforming use; (2) that the notice required in (1), above, must: (a) be sent by mail to certain addresses; (b) contain the time and place of the hearing; and (c) include specific notice language; (3) a person using property in a manner considered to be a nonconforming use as a result of a change in an applicable zoning regulation may continue that nonconforming use unless required to stop by the city; (4) that a requirement to stop a nonconforming use includes: (a) an official action by the city; or (b) a determination by the city that the nonconforming use has an adverse effect or another necessary determination that the city must make prior to imposing a requirement to stop a nonconforming use; (5) that if a nonconforming use is required by a city to cease operation, the owner or the lessee of the property is entitled to receive a certain, calculated payment for damages associated with closing the operation or additional time to engage in the nonconforming use; and (6) for a process to appeal determinations to the board of adjustment, along with a process to seek judicial review of the final decision of the board of adjustment. (Effective immediately.)

**S.B. 2440 (Perry/Burrows) – Certification of Groundwater Supply:** this bill: (1) requires certain plats for the subdivision of land to include proof of groundwater supply; and (2) allows a city to waive the requirement from (1), above, if: (a) the entire tract will be supplied with groundwater from certain aquifers; or (b) the tract is being subdivided into not more than 10 parts. (Effective January 1, 2024.)

**S.B. 2453 (Menendez/Hernandez) – Exceptions to Building Material Preemption:** allows the use or installation of a building product, material, or aesthetic method in construction, renovation, maintenance, or other alteration of a residential or commercial building if that product, material or method is allowed by: (1) certain energy codes adopted by the State Energy Conservation Office; (2) certain energy and water conservation design standards established by the State Energy Conservation Office; or (3) certain high-performance building standards approved by the board of regents of an institute of higher education. (Effective September 1, 2023.)

**H.B. 1922 (Dutton/Bettencourt) – Reauthorization of Building Permit Fees:** abolishes a city fee charged as a condition to constructing, renovating, or remodeling a structure on the 10th anniversary after the date the fee is adopted or most recently reauthorized unless the governing body of the city holds a public hearing and reauthorizes the fee by a vote of the governing body. (Effective January 1, 2024.)

**H.B. 2334 (Burns/Paxton) – Plumbers:** this bill provides that: (1) a person is not required to be licensed under the plumbing licensing law to perform plumbing work consisting of installing, servicing, or repairing service mains or service lines that provide water, sewer, or storm drainage services on private property in an area that extends from a public right-of-way or public easement to not less than five feet from a building or structure; and (2) the exemption to licensure in (1), above, does not apply to plumbing work performed on private property designated for use as a one-family or two-family dwelling. (Effective September 1, 2023.)

**H.B. 3492 (Stucky/Springer) – Value-Based Fees:** this bill, among other things: (1) prohibits cities from considering the cost of constructing or improving public infrastructure for a subdivision, lot, or related property development in determining the amount of an application, review, engineering, inspection, acceptance, administrative, or other fee imposed by the city related to the processing of engineering or construction plans or for the inspection of improvements for construction of a subdivision or lot or a related improvement required in conjunction with that construction; (2) provides that a city shall determine a fee described in (1), above, by considering the city's actual cost to review and process the engineering or construction plan or to inspect the public infrastructure improvement; (3) provides that, in determining the city's actual cost for reviewing and processing an engineering or construction plan or inspecting a public infrastructure improvement, a city may consider: (a) the fee that would be charged by a qualified, independent third-party entity for those services; (b) the hourly rate for the estimated actual direct time of the city's employees performing those services; or (c) the actual costs assessed to the city by a third-party entity that provides those services to the city; (4) prohibit a city from requiring the disclosure of information related to the value of or cost of constructing or improving a residential dwelling or the public infrastructure improvements for a subdivision, lot, or related property development as a condition of obtaining approval for subdivision construction or for the acceptance of public infrastructure improvements except as required by the federal Emergency Management Agency for participation in the National Flood Insurance Program; and (5) require a city that imposes a fee for reviewing or processing an engineering or construction plan or inspecting a public infrastructure improvement to annually publish the fee and the hourly rate and estimated direct time incurred by city employees under (3)(b), above, on the city's website or if the city does not maintain a website, in a newspaper of general circulation in the county in which the city is located. (Effective September 1, 2023.)

## **Public Works and Utilities**

**H.B. 679 (K. Bell/Schwertner) – Soliciting and Awarding Construction Contracts:** provides that: (1) with respect to a contract: (a) an offer to contract may not contain a term requiring a person to have a specified experience modifier in order to accept the offer; and (b) a contract solicitation may not require a person to have a specified experience modifier in order to submit a response to the contract solicitation; (2) a contract or an agreement collateral to or affecting a contract may not require the contractor to have a specified experience modifier; (3) provides that a contract solicitation, an offer, a contract, or an agreement collateral to or affecting a contract that violates (1) or (2), above, is voidable as against public policy; and (4) defines “experience modifier” as a factor expressed as a value that: (a) is assigned to an employer seeking to purchase a workers’ compensation insurance policy in this state; (b) affects the premium amount for the policy; and (c) is based on the employer’s past loss experience. (Effective September 1, 2023.)

**H.B. 1817 (Capriglione/Hancock) – Contract Disclosure:** provides that a governmental entity or state agency contract that requires an action or vote by the governing body before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist is voidable for failure to provide the required disclosure of interested parties if: (1) the governmental entity or state agency submits to the business entity written notice of the business entity’s failure to provide the required disclosure; and (2) the business entity fails to submit the required disclosure on or before the 10th business day after the date the business entity receives the written notice in (1), above. (Effective September 1, 2023.)

**H.B. 2965 (Vasut/Creighton) – Construction Liability Waiver:** this bill: (1) provides that the state law governing certain claims for damages arising from damage to, or loss of, real or personal property caused by an alleged construction defect that is a public building or public work does not apply to certain civil works projects; and (2) prohibits the waiver of this process when contracting between governmental entities and contractors, subcontractors, suppliers, or design professionals. (Effective September 1, 2023.) **H.B. 3485 (K. Bell/Johnson) – Unsigned Change Orders:** this bill: (1) allows a contractor or subcontractor performing work under a government contract elect to not to proceed with a request for additional work if: (a) the contractor or subcontractor has not received a written, fully-executed change order; or (b) the aggregate actual or anticipated value of the additional work requested without a change order exceeds ten percent of the original contract amount; and (2) exempts a contractor or subcontractor for damages associated with (1), above. (Effective September 1, 2023.)

**H.B. 1565 (Canales/Perry) – Texas Water Development Board:** this is the Texas Water Development Board (TWDB) sunset bill. The bill, among other things: (1) continues the TWDB until 2035; and (2) provides that the TWDB may adopt procedures allowing the use of different standards of review and approval of design criteria for plans and specifications for sewerage collection, treatment, and disposal systems that require an individualized assessment that

applies risk-based considerations to each project associated with the plans and specifications. (Effective September 1, 2023.)

**H.B. 1845 (Metcalf/Perry) – Public Water Systems:** provides that for a Class D license for wastewater operators or public water system operators, the Texas Commission on Environmental Quality by rule shall establish a provisional certification program by which a person who does not possess a high school diploma or its equivalent may act as a provisional operator if the person: (1) has completed all commission-required training associated with the license; (2) has passed any commission-required examinations associated with the license; and (3) acts under the direct supervision of a license holder. (Effective September 1, 2023.)

**S.B. 1289 (Perry/T. King) – Reclaimed Wastewater:** this bill: (1) provides that a wastewater treatment facility or reclaimed water production facility that treats domestic wastewater for reuse may dispose of the treated wastewater without a permit for an alternative means of disposal if the facility: (a) disposes of the treated wastewater through a wastewater collection system; and (b) has the consent of the operator of: (i) the wastewater collection system that will receive the treated wastewater; and (ii) any wastewater treatment facility that will further treat the treated wastewater; (2) provides that the owner of a reclaimed water production facility that meets the requirements of (1), above, may not be required to be the owner of an associated domestic wastewater treatment facility that is permitted by the Texas Commission on Environmental Quality (TCEQ); and (3) requires TCEQ to adopt rules to implement and enforce the bill. (Effective immediately.)

**S.B. 1397 (Schwertner/K. Bell) – Texas Commission on Environmental Quality:** this is the Texas Commission on Environmental Quality (TCEQ) sunset bill. The bill, among other things: 1. continues TCEQ until 2035; 2. creates a new standard permit for temporary concrete plants that provides that TCEQ shall issue a temporary concrete plant that performs wet batching, dry batching, or central mixing to support a public works project; 3. provides that a plant operating under Number 2, above: (a) may not support a project that is not related to the public works project; and (b) must be located in or contiguous to the right-of-way of the public works project; 4. requires TCEQ to provide outreach and education to the public on participating in the permitting process under the air, waste, and water programs within the TCEQ's jurisdiction; 5. requires TCEQ to establish an enforcement diversion program for small businesses and local governments that must include, among others: (a) compliance assistance training; and (b) on-site technical assistance and training performed by TCEQ staff; 6. provides that before TCEQ initiates an enforcement action for a violation committed by a small business or local government, TCEQ may enroll the business or government into the enforcement diversion program in Number 4, above; 7. provides that TCEQ may not initiate against a small business or local government an enforcement action for a violation that prompted enrollment in the enforcement diversion program after the business or government has successfully completed the program; 8. provides that a small business or local government is not eligible to enroll in the enforcement diversion program if the small business or local government: (a) committed a violation that: (i) resulted in an imminent threat to public health; or (ii) was a major violation; or (b) was enrolled in the program in the two years preceding the date of the violation; 9. provides

that if TCEQ holds a public meeting for a permit application in certain circumstances, TCEQ shall hold open the public comment period for the permit application for at least 36 hours after the end of the meeting; 10. provides that TCEQ by rule shall provide for each public notice issued or published by TCEQ or by a person under the jurisdiction of TCEQ as required by law or by TCEQ rule to include to the extent applicable, the name of the permit applicant, the type of permit applied for, and the address of each proposed or existing site subject to the proposed permit; 11. requires TCEQ to develop and make accessible on TCEQ's Internet website recommended best management practices for aggregate production operations that operate under the jurisdiction of the TCEQ, which must include operational issues related to: (a) dust control; (b) water use; and (c) water storage; 12. requires TCEQ to post on its website at the time a permit application becomes administratively complete: (a) the permit application and any associated materials; and (b) for a permit application for a permit to use state water, any map accompanying the permit application; 13. provides that TCEQ shall require each applicant for a permit, permit amendment, or permit renewal that requires notice be published to include in the notice the address of the website where the public can access information about the permit as described by Number 10, above; 14. sets requirements for programs and permits arising under the air, waste, or water programs within TCEQ's jurisdiction, including: (a) in addition to any other notice requirement, TCEQ shall of a permit application on TCEQ's website and may provide additional electronic notice through other means, including direct e-mail; and (b) TCEQ shall consider and accommodate residents of each area affected by a proposed permit, permit amendment, or permit renewal who may need assistance accessing notice published by electronic means because of a lack of access to Internet services, particularly when there is a heightened public interest or in response to public comment; and 15. provides that periodically, the environmental flows advisory group shall review the environmental flow standards for each river basin and bay system adopted by TCEQ.

**S.B. 1778 (Alvarado/Rogers) – Water and Sewer Service:** provides that a retail public utility, including a municipally owned utility, may initiate, transfer, or terminate a customer's retail water or sewer service on receipt of a customer request by mail, by telephone, through an Internet website, or another electronic transmission. (Effective September 1, 2023.)

**H.B. 4087 (Kuempel/Zaffirini) – Temporary Sewage Disposal Permits:** this bill: (1) allows a city, under certain circumstances to issue a permit for the use of a temporary on-site sewage disposal system that operates in conjunction with pumping and hauling of wastewater produced by the system; and (2) limits the term of the permit of six months from the date of issuance and prohibits renewal. (Effective September 1, 2023.)

**H.B. 4385 (Guillen/Alvarado) – Sewer Service:** provides that the Public Utility Commission may by rule allow a city or utility or water supply corporation to render retail sewer service without a certificate of public convenience and necessity if the city has given notice under state law for single certification in incorporated or annexed areas that it intends to provide retail sewer service to an area, or if the utility or water supply corporation has less than 15 potential connections and is not within the certificated area of another retail public utility. (Effective September 1, 2023.)

## **Elections and Open Government**

**H.B. 2626 (Tepper/Paxton) – Political Reporting:** the bill: (1) provides that the clerk or secretary of a political subdivision’s governing body or, if the governing body does not have a clerk or secretary, the governing body’s presiding officer shall make a political contributions and expenditures report filed with the political subdivision by a candidate, officeholder, or specific purpose committee available to the public on the political subdivision’s Internet website not later than the 10th business day after the date the report is received; (2) provides that before making a report available on the Internet as required by (1), above, the authority with whom the report is filed may remove each portion, other than city, state, and zip code, of the address of a person listed as having made a political contribution to the person filing the report and the address information removed must remain available on the report maintained in the authority’s office; (3) provides that a report made available on an Internet website under (1), above, must be accessible on that website until the fifth anniversary of the date the report is first made available; and (4) repeals the provision that requires the clerk of a city with a population of 500,000 or more to make a report filed with the clerk by a candidate, officeholder, or specific-purpose committee in connection with the office or mayor or councilmember available to the public on the city’s website. (Effective September 1, 2023.)

**H.B. 3372 (Thimesch/Parker) – Political Reports:** provides that: (1) a candidate or officeholder who accepts a political contribution made using a credit card shall: (a) for a political contribution for which a processing fee is deducted by the credit card issuer from the political contribution amount: (i) report as a political contribution the full amount, including the deducted amount; and (ii) report as a political expenditure the deducted amount; and (b) for a political contribution for which a processing fee is paid by the person making the political contribution in excess of the political contribution amount, report only as a political contribution the full amount the candidate or officeholder accepts, not including the amount paid in excess of the political contribution amount; and (2) a candidate or officeholder who accepts a political contribution described by (1)(b), above, is not required to report the excess amount paid as a processing fee by the person making the political contribution. (Effective September 1, 2023.)

**S.B. 477 (Zaffirini/Morales) – Disabled Voters:** provides, among other things, that: (1) an election officer shall accept a person with a mobility problem that substantially impairs a person’s ability to ambulate who is offering to vote before accepting others offering to vote at the polling place who arrived before the person; (2) notice of the priority given to persons with a mobility problem that substantially impairs a person’s ability to ambulate shall be posted at each entrance to a polling place where it can be read by persons waiting to vote; (3) at each polling place an area for parking not smaller than the size of one parking space shall be reserved for voting; (4) the area described in (3), above, may not be designated specifically for persons with disabilities and must be clearly marked with a sign: (a) indicating that the space is reserved for use by a voter who is unable to enter the polling place; and (b) displaying, in large

font that is clearly readable from a vehicle, a telephone number that a voter may call or text to request assistance from an election officer at the polling place; (5) as an alternative to displaying a telephone number under (4), above, a parking space may comply by providing the voter with a button or intercom that the voter may use to request assistance from an election officer; and (6) the early voting clerk: (a) shall post the official application form for an early voting ballot on the clerk's Internet website, if the clerk maintains an Internet website, in a format that allows a person to easily complete the application directly on the website before printing; and (b) may use the application form provided by the secretary of state or the early voting clerk's own application form. (Effective immediately.)

**H.B. 3033 (Landgraf/Zaffirini) – Public Information:** provides, among other things, that: 1. for purposes of the Public Information Act (PIA): (a) a "business day" means a day other than a Saturday or Sunday, a national holiday or a state holiday; (b) the fact that an employee works from an alternative work site does not affect whether a day is considered a business day; (c) an optional holiday (days on which Rosh Hashanah, Yom Kippur, or Good Friday falls) is not a business day of a governmental body if the officer for public information of the governmental body observes the optional holiday; (d) the Friday before or Monday after a national holiday or state holiday is not a business day of a governmental body if the holiday occurs on a Saturday or Sunday and the governmental body observes the holiday on that Friday or Monday; (e) 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, and such designation must be made by the executive director or other chief administrative officer; and (f) a governmental body may designate not more than 10 nonbusiness days under (1)(e), above, each calendar year; 2. the attorney general: (a) may require each public official of a governmental body to complete open records training if the attorney general determines that the governmental body has failed to comply with a requirement of the PIA; and (b) must notify each public official in writing of the attorney general's determination and the requirement to complete the training; 3. a public official who receives notice from the attorney general under (2), above, must complete the training not later than the 60th day after the date the official receives the notice; 4. the exception related to litigation involving a governmental body or an officer or employee of a governmental body does not apply to information requested under the PIA if: (a) the information relates to a general, primary, or special election; (b) the information is in the possession of a governmental body that administers elections; and (c) the governmental body is not a board, commission, department, committee, institution, agency, or office that is within or is created by the executive or legislative branch of state government and that is directed by one or more elected or appointed members; 5. a governmental body shall promptly release basic information about an arrested person, an arrest, or a crime responsive to a request unless the governmental body seeks to withhold the information as provided by another provision of the PIA, and regardless of whether the governmental body requests an attorney general decision regarding other information subject to the request; 6. for purposes of cost provisions regarding requests requiring a large amount of personnel time: (a) a requestor who has exceeded a limit established by a governmental body on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication without recovering its costs attributable to that personnel time may



not inspect public information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the governmental body; (b) if a governmental body establishes a time limit on the amount of time that personnel of the governmental body are required to spend producing public information for inspection or duplication without recovering its costs attributable to that personnel, time may not include the amount of time spent preparing a written statement to the requestor unless the requestor's time limit for the period has been exceeded; (c) a governmental body may request photo identification from a requestor for the sole purpose of establishing that the requestor has not: (i) exceeded a limit established by the governmental body; and (ii) concealed the requestor's identity; (d) a request for photo identification under (c), above, must include a written estimate of the total cost applicable to the requestor who has exceeded a limit established by the governmental body and a statement that describes each specific reason why (c), above, may apply to the requestor; (e) the governmental body shall accept as proof of a requestor's identification physical presentment of photo identification or an image of the photo identification that is transmitted electronically or through the mail; (f) a requestor from whom a governmental body has requested photo identification under (c), above, may decline to provide identification and obtain the requested information by paying the charge assessed in the statement; 7. a governmental body that requests an attorney general decision must submit the request through the attorney general's designated electronic filing system unless: (a) the governmental body requesting the decision: (i) has fewer than 16 full-time employees; or (ii) is located in a county with a population of less than 150,000; (b) the amount or format of responsive information at issue in a particular request makes use of the attorney general's electronic filing system impractical or impossible; or (c) the request is hand delivered to the office of the attorney general; 8. a governmental body shall as soon as practicable but within a reasonable period of time after the date the attorney general issues an opinion regarding requested information: (a) provide the requestor of the information an itemized estimate of charges for production of the information if an estimate is required; (b) if the requested information is voluminous: (i) take the following actions if the governmental body determines that it is able to disclose the information in a single batch: (A) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time; (B) include in the notice the date and hour that the governmental body will disclose the information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; and (C) produce the information at the date and time included in the notice; or (ii) take the following actions if the governmental body determines that it is unable to disclose the information in a single batch: (A) provide a written certified notice to the requestor and the attorney general that it is impractical or impossible for the governmental body to produce the information within a reasonable period of time and in a single batch; (B) include in the notice the date and hour that the governmental body will disclose the first batch of information to the requestor, which may not be later than the 15th business day after the date the governmental body provides the notice; (C) provide a written certified notice to the requestor and the attorney general when each subsequent batch of information is disclosed to the requestor of the date and hour that the governmental body will disclose the next batch of information to the requestor, which may not be later than the 15th business day after the date

the governmental body provides the notice; and (D) produce the requested information at each date and time included in a notice; (c) produce the information if it is required to be produced; (d) notify the requestor in writing that the governmental body is withholding the information as authorized by the opinion; or (e) notify the requestor in writing that the governmental body has filed suit against the attorney general regarding the information; 9. a governmental body is presumed to have complied with the requirements of Number 8, above, if the governmental body takes an action regarding information that is the subject of an opinion issued by the attorney general not later than the 30th day after the date the attorney general issues the opinion; and 10. the office of the attorney general shall make available on the office's Internet website an easily accessible and searchable database: (a) consisting of information identifying each request for an attorney general decision and the attorney general's opinion issued for the request; (b) that at a minimum allows a person to search for a request or opinion by the name of the governmental body making the request and the exception that a governmental body asserts in the request; and (c) that allows a person to view the current status of a request and an estimated timeline indicating the date each stage of review of the request will be started and completed. (Effective September 1, 2023.)

**H.B. 3440 (Canales/Hinojosa) – Agenda Posting:** provides that certain governmental bodies, including a city or economic development corporation, must concurrently post an agenda and notice of the meeting of the body on the website of the governmental body. (Effective September 1, 2023.)

**S.B. 943 (Kolkhorst/Hunter) – Online Public Notices:** provides, among other things, that: (1) a newspaper that publishes a notice shall, at no additional cost to a governmental entity placing the notice: (a) publish the notice on one or more webpages on the newspaper's website, if the newspaper maintains a website, that are: (i) clearly designed for notices; and (ii) accessible to the public at no cost; and (b) deliver the notice 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, the TPA 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 an e-mail notification service to which a person may electronically subscribe to receive notifications that a notice has been published on the website and that allows the subscriber to limit the notifications by subject matter and/or location; and (3) any entity required to publish a public notice on a website under (1), above, shall archive the notice on its website in its entirety, including the notice publication date. (Effective September 1, 2023.)

**S.B. 232 (Hinojosa/Geren) – Removal From Office:** this bill, among other things: (1) provides that a person who holds an elected or appointed office of a political subdivision is automatically removed from and vacates the office on the earlier of the date the person enters a plea of guilty or nolo contendere, receives deferred adjudication, or is convicted of one of the following offenses: (a) bribery; (b) theft of public money; (c) perjury; (d) coercion of public servant or vote; (e) tampering with governmental record; (f) misuse of official information; (g) abuse of official capacity; or (h) conspiracy or the attempt to commit any of the offenses in (a) – (g); (2)

requires the governing body of a political subdivision at the first regularly scheduled meeting of the governing body for which notice is required under the Open Meetings Act following the date an officer is removed from office under (1), above, to: (a) order an election on the question of filling the vacancy to be held on the first day that allows sufficient time to comply with other requirements of law, if an election is required to fill the vacancy; or (b) fill the vacancy in the manner provided by law, if an election is not required; and (3) provides that, for an offense described in (1), above, an appeal does not supersede the order of removal if the removed officer appeals the judgment. (Effective September 1, 2023.)

**S.B. 569 (Springer/Stucky) – Responding to Third-Party Subpoenas:** provides that: (1) a city may impose a fee in the same amount and manner as provided by the Public Information Act for providing a copy of public information or produce a record in response to a subpoena, request for production, or other instrument issued under the authority of a tribunal relating to a civil action to which the city is not a party; and (2) that the city custodian of a record who produces records under (1), above, but who is not required to appear in court, is not entitled to a witness fee. (Effective September 1, 2023.)

**H.B. 1817 (Capriglione/Hancock) – Contract Disclosure:** provides that a governmental entity or state agency contract that requires an action or vote by the governing body before the contract may be signed, has a value of at least \$1 million, or is for services that would require a person to register as a lobbyist is voidable for failure to provide the required disclosure of interested parties if: (1) the governmental entity or state agency submits to the business entity written notice of the business entity’s failure to provide the required disclosure; and (2) the business entity fails to submit the required disclosure on or before the 10th business day after the date the business entity receives the written notice in (1), above. (Effective September 1, 2023.)

## **Additional Bills**

**H.B. 3222 (Guillen/Kolkhorst) – Disaster Recovery Loan Program:** increases the number of days from 15 to 30 days that a governing body of a political subdivision, including a city, has to submit its operating budget for the most recent fiscal year as part of the application process to Texas Department of Emergency Management for a disaster recovery loan. (Effective September 1, 2023.)

**S.B. 29 (Birdwell/Lozano) – COVID-19 Preventative Measures:** provides that a governmental entity may not implement, order, or otherwise impose a mandate requiring: (1) a person to wear a mask or other face covering to prevent the spread of COVID-19; (2) a person to be vaccinated against COVID-19; and (3) the closure of a private business, public school, open-enrollment charter school, or private school to prevent the spread of COVID-19. (Effective September 1, 2023.)

**H.B. 3125 (Gamez/Zaffirini) – Emergency Vehicle Equipment:** allows governmental entities to equip an authorized emergency vehicle with alternating or flashing white light signal lamps. (Effective September 1, 2023.)

**S.B. 271 (Johnson/Shahen) – Local Government Security Incidents:** this bill provides that: (1) a local government that owns, licenses, or maintains computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law shall, in the event of a security incident: (a) comply with the notification requirements of the Identify Theft Enforcement and Protection Act, to the same extent as a person who conducts business in Texas; (b) not later than 48 hours after the discovery of the security incident, notify: (i) the Department of Information Resources (DIR), including the chief information security officer; or (ii) if the security incident involves election data, the secretary of state; and (c) comply with all DIR rules relating to security incidents; (2) not later than the 10th business day after the date of the eradication, closure, and recovery from a security incident, a local government shall notify the DIR, including the chief information security officer, of the details of the security incident and include in the notification an analysis of the cause of the security incident; and (3) numbers (1) and (2), above, do not apply to a security incident that a local government is required to report to the independent organization certified for the ERCOT power region. (Effective September 1, 2023.)

**S.B. 621 (Parker/Capriglione) – Cybersecurity:** this bill, among other things: (1) requires the Department of Information Resources to employ a chief information security officer to oversee cybersecurity matters for Texas; and (2) provides that the chief information officer shall collaborate with state agencies, local governmental entities, and other entities operating or exercising control over state information systems or state-controlled data to strengthen Texas’s cybersecurity and information security policies, standards, and guidelines. (Effective September 1, 2023.)

**S.B. 1893 (Birdwell/Anderson) – TikTok Ban:** this bill, among other things, requires a city to adopt a policy prohibiting the installation or use and requiring the removal of TikTok or any successor application, or any other social media application specified by the Department of Information Resources and Department of Public Safety, on any city-owned or leased electronic device, subject to certain exceptions for law enforcement or information security purposes. (Effective immediately.)

**H.B. 4553 (Longoria/Johnson) – Department of Information Resources:** provides, among other things, that if the executive director of the Department of Information Resources (DIR) determines that participation is in the best interest of the state, cities, volunteer fire departments, and city-owned public hospitals, among other entities, are eligible customers for certain DIR services, including: (1) network security services; (2) regional cybersecurity support and network security services; (3) the availability of commodity items for purchase; and (4) consolidated telecommunication systems. (Effective September 1, 2023.)

**H.B. 567 (Bowers/Miles) – Hair Discrimination:** provides, among other things, that: (1) discrimination because of race or on the basis of race in employment includes discrimination because of or on the basis of an employee’s hair texture or protective hairstyle (braids, locks, and twists) commonly or historically associated with race; and (2) an employer, including a city, commits an unlawful employment practice if the employer adopts or enforces a dress or grooming policy that discriminates against a hair texture or protective hairstyle commonly or historically associated with race. (Effective September 1, 2023.)

**H.B. 915 (Craddick/Parker) – Workplace Violence Hotline:** provides that: (1) each employer, including a city, shall post a notice to employees of the contact information for reporting instances of workplace violence or suspicious activity to the Department of Public Safety (DPS); (2) the notice must be posted: (a) in a conspicuous place in the employer’s place of business; (b) in sufficient locations to be convenient to all employees; and (c) in English and Spanish, as appropriate; and (2) the Texas Workforce Commission, in consultation with DPS, by rule shall prescribe the form and content of the notice required under (1), above. (Effective September 1, 2023.)