

# TML LEGISLATIVE UPDATE



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## **88<sup>th</sup> Regular Session Concludes; Governor Calls Legislators Back for Overtime**

Looking back on it, the 88<sup>th</sup> Regular Session of the Texas Legislature perhaps will be distinguished by a historic \$33 billion budget surplus and a record number of bills filed. And that's not even mentioning the rare occurrence of the Texas House removing one of its own members from office and impeaching the sitting attorney general. There was no shortage of activity this legislative session, and, as usual, Texas cities found themselves in the middle of it all.

All told there were 8,345 bills and joint resolutions filed this session. The League tracked nearly a quarter of that total as bills that impact cities in some form or fashion. By the time both chambers adjourned the regular session, they sent a total of 1,258 bills and joint resolutions to the governor for his signature. Roughly 230 of those will have a direct impact on Texas cities.

The budget surplus brought about legislation that gives voters the ability to approve significant investments in public infrastructure this November. S.B. 28 and S.J.R. 75 would provide up to \$1 billion in funding for water infrastructure and water supply projects through the establishment of the New Water Supply for Texas Fund and the Texas Water Fund. Meanwhile H.B. 9 and H.J.R. 125 would provide \$1.5 billion to the Broadband Infrastructure Fund if approved by the voters. City residents across the state stand to benefit from these investments.

Other beneficial bills passed for cities, including legislation that authorizes the transfer of real property under a Chapter 380 economic development agreement, legislation that further addresses issues relating to annexation of railroad rights-of-way for some cities, and legislation that increases penalties for catalytic converter theft, among several others.

Most city-related bills – good and bad – didn’t make it through the legislative sausage-making process. Some were casualties of the system; many more were defeated as a direct result of the engagement and hard work of city officials across the state. Among the bills that didn’t land on the governor’s desk were:

- A bill that would prohibit cities from hiring advocates or joining associations that advocate for their issues at the Capitol;
- A bill providing for the automatic disannexation of an area in a city not receiving full municipal services;
- Bills that would prevent cities from adopting regulations governing short-term rentals;
- Bills that would impose statewide neighborhood density standards by authorizing accessory dwelling units by right, preventing city regulation of small lots, and authorizing certain manufactured homes in any zoning district;
- Bills that would eliminate the use of certain debt instruments by a city, including certificates of obligation;
- A bill that would eliminate the so-called “fire truck provision” of the property tax rate setting process, giving small cities flexibility when adopting their tax rates; and
- A bill that would source all city sales taxes to the location where goods are received by the consumer.

Some legislation passed this session will undoubtedly create new challenges for Texas cities. H.B. 2127 will preempt certain present and future home rule city ordinances in ways that aren’t readily apparent from the plain language of the bill. S.B. 2038 will fragment some cities’ extraterritorial jurisdictions, restricting city growth and limiting cities’ ability to manage development. Other legislation passed that protects agricultural operations within the city limits, which brings with it the potential to limit the application of common-sense neighborhood protections. And multiple bills passed that continue to modify the labyrinth of state statutes controlling the city platting and development process.

None of these bills make will city leaders' jobs easier. But city governments in Texas remain the most transparent, accessible, and pragmatic level of government in the state, and city officials remain well-positioned to continue building strong and vibrant communities on behalf of their residents. The League stands ready to help, both in understanding the impact of the new laws and in preparing for the next legislative session in 2025.

Let's not get ahead of ourselves, though. While the regular session has ended, the governor has already called the legislature back for a special session on school property tax relief and border-related legislation. Further, the governor has announced that he will call several special sessions to tackle unfinished business from the regular session. Look for updates from TML in these pages throughout the special sessions.

All city-related bills that passed during the 88th Regular Session are summarized in this edition of the *Legislative Update*. In the coming weeks, the League will provide more detailed analyses of the major legislation impacting cities in "Post Session Update" articles on specific topics.

## **Special Session Standoff Continues**

On Wednesday, the Senate passed three border security related bills, **1S.B. 2** (Birdwell), **1S.B. 8** (Birdwell) and **1H.B. 2** (Guillen/Flores). The Senate amended 1H.B. 2, meaning the bill will need House approval if it is to pass. With the House adjourned *sine die*, the prospect of that happening appears to be very slim.

During any special session, legislators may file bills related to any subject whether or not they are included on the governor's call. However, legislation that is not germane to the governor's call cannot be considered. For this reason, the League will monitor all bills filed but will not be summarizing city-related bills that are not included in the governor's call for this special session.

The League will continue to keep the membership updated as the special session continues.

## **City-Related Bills Passed**

(Editor's Note: You will find a master list of all city-related bills filed and passed this session online at <https://www.tml.org/319/Legislative-Information>.)

### **Property Tax**

**H.B. 260** (Murr/Perry) – **Appraisal of Open Space Land**: requires the chief appraiser to take into consideration the effect that the presence of a disease or pest, or the designation of an area as a wildlife or livestock disease or pest area, has on the net income from the land when calculating net to land of open-space land located in or adjacent to an area designated as a wildlife or livestock disease or pest area. (Effective January 1, 2024.)

**H.B. 456 (Craddick/King) – Property Tax Exemption:** exempts a royalty interest owned by certain charitable organizations from property taxation if the royalty interest has not been severed from the surface estate or was donated to the organization. (Effective January 1, 2024.)

**H.B. 1228 (Metcalf/Springer) – Electronic Communications and Property Appraisals:** this bill: (1) requires a tax official, including a city, to establish a procedure that allows a property owner to elect to exchange communications with the tax official; (2) prohibits a tax official from charging a fee to accept a communication delivered electronically; (3) requires a tax official to prominently display the information necessary for proper electronic delivery of communications on the tax official’s website, if the tax official maintains a website, and on each communication sent to the property owner; (4) requires a chief appraiser or private appraisal firm to provide to a property owner a copy of the supporting data used in appraising the owner’s property; and (5) prohibits a chief appraiser or private appraisal firm to charge a fee for providing information described in (4), above. (Effective January 1, 2024.)

**H.B. 2071 (Jetton/Bettencourt) – Public Facility Corporation Exemptions:** provides, among many 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) in order to receive beneficial tax treatment for a multifamily development located in a city, a PFC must: (a) must meet certain minimum thresholds related to affordable housing availability; (b) give certain notice to the affected city; (c) obtain the consent of the city in certain circumstances; and (d) provide feasibility and other financial analyses related to the project; (3) certain protections are extended to tenants living in multifamily developments owned by PFCs; (4) all materials used to improve the real property of a PFC are exempt from sales and use taxes; (5) PFCs must make annual reports to the TDHCA and chief appraiser and make certain information publicly available on their websites; and (6) the Legislative Budget Board must conduct a study to assess the long-term effect the tax exemptions for qualifying multifamily development projects have on the state’s revenue. (Effective immediately.)

**H.B. 2121 (Paul/Springer) – Personal Property Rendition Statement:** provides 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 \$150,000. (Effective January 1, 2024.)

**H.B. 2488 (Geren/Alvarado) – Appraised Value Appeals:** provides that in an appeal of the determination of appraised value, the burden of proof is on the appraisal district to support an increase in the appraised value of property if the value of that property was lowered under a tax protest at a trial on the merits in the preceding year. (Effective September 1, 2023.)

**H.B. 3273 (Thierry/Bettencourt) – Property Tax Notices:** requires: (1) the chief appraiser to include in the notice of appraised value a notice informing each owner that the estimated amount of taxes to be imposed on the owner’s property may be found in the appraisal district’s property tax database; (2) an appraisal district that maintains a website and the assessor for each taxing unit to post the notice in (1), above, on the entity’s website; (3) the chief appraiser to publish the

notice in (1), above, in a newspaper of general circulation, if available, or at the appraisal office for the district; and (4) each appraisal district that maintains a website to deliver e-mail notifications regarding updates to the property tax database if the owner registers on the website to receive such notifications. (Effective January 1, 2024.)

**H.B. 4077 (Noble/Eckhardt) – Property Tax Exemption:** provides that a person is entitled to receive and the chief appraiser shall allow a person to receive the tax exemption for a person 65 years of age or older in the year the person turns 65 years of age without requiring the person to apply for the exemption if the person’s age is shown by information in an application for a residence homestead exemption or information provided to the appraisal district by the Texas Department of Public Safety. (Effective January 1, 2024.)

**H.B. 4645 (Flores/Zaffirini) – Property Tax Exemption:** provides, among other things, that an organization that leases land under a ground lease is entitled to a property tax exemption for the improvements owned by the organization that the organization constructs or rehabilitates and uses to provide housing to individuals or families meeting certain income eligibility requirements. (Effective January 1, 2024.)

**S.B. 539 (Campbell/Craddick) – Delinquent Tax Roll:** provides that the tax collector for a taxing unit shall indicate on each delinquent tax roll for the taxing unit that a delinquent tax included on the roll is deferred or abated, if applicable. (Effective January 1, 2024.)

**S.B. 719 (Paxton/Thierry) – Property Tax Exemption:** exempts from property taxes property owned by a charitable organization that provides services related to the placement of a child in a foster or adoptive home or providing relief to women who are or may be pregnant and who are considering placing their unborn children for adoption. (Effective January 1, 2024.)

**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 child-care 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.B. 1191 (Zaffirini/Hefner) – Open-Space Land:** provides: (1) that the chief appraiser must accept an application for appraisal as open-space land after the deadline if the land was appraised as open-space land in the preceding year, the ownership of the land changed due to the death of an owner, the application is filed not later than the delinquency date for the taxes, and the application is filed by a surviving spouse, a child, the executor or administrator of the estate, or a

fiduciary acting on behalf of a surviving spouse or child; and (2) that the penalty for a late application does not apply to a late application described in (1), above. (Effective immediately.)

**S.B. 1381 (Eckhardt/Hefner) – Application for Property Tax Exemption:** provides that the surviving spouse of an elderly person who qualified for a local option residence homestead exemption may continue to receive the exemption without applying if the appraisal district learns of the death of the individual and the surviving spouse is otherwise eligible for the exemption as shown by information in the appraisal district records or information provided to the appraisal district by the Department of Public Safety. (Effective January 1, 2024.)

**S.B. 1439 (Springer/Hefner) – Business Personal Property Tax Exemption:** provides that if a person owns income-producing tangible personal property and is a related business entity, the person’s property is aggregated with the property that is owned by each other related business enterprise that composes the same unified business enterprise to determine the taxable value of the property. (Effective January 1, 2024.)

**S.B. 1801 (Springer/Darby) – Review of Homestead Exemptions:** requires the chief appraiser to develop a program for the periodic review of residence homestead exemptions to confirm that the recipients still qualify. (Effective September 1, 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. 1999 (Bettencourt/Hefner) – Property Tax Rate Calculation:** this bill: (1) defines “foregone revenue amount” as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year’s total value; and (2) redefines the “unused increment rate” as the sum of the preceding three years’ foregone revenue amount divided by current total value. (Effective January 1, 2024.)

**S.B. 2091 (West/Sherman) – Tax Foreclosure Sale:** this bill, among other things: (1) authorizes a taxing unit, including a city, to sell land foreclosed on due to delinquent taxes to an abutting property owner in a private sale if: (a) the property is offered at a public auction and a bid equal to the lesser of the market value or the taxes due is not received; and (b) the land is: (i) a narrow strip or other parcel that cannot be used independently under its current zoning classification; (ii) landlocked without direct access to a public road; or (iii) located in a floodplain or floodway; (2) requires a taxing unit to give notice to all abutting property owners if it intends to sell property under (1), above, stating that the city will sell the property to the highest bidder; and (3) authorizes a taxing unit to sell property under (1), above, without the consent of any taxing unit entitled to receive proceeds of the sale. (Effective September 1, 2023.)

**S.B. 2289 (Huffman/Bonnen) – Property Tax Exemption:** provides a property tax exemption for certain medical or biomedical property that is located in a medical or biomedical manufacturing facility; and (2) prohibits the governing body of a taxing unit, including a city, from providing for taxation of medical or biomedical property exempted under (1), above. (Effective January 1, 2024, but only if **S.J.R. 87** is approved at the election on November 7, 2023.)

**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.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.J.R. 87 (Huffman) – Property Tax Exemption:** amends the Texas Constitution to authorize the legislature to exempt from ad valorem taxation the tangible personal property held by a manufacturer of medical or biomedical products as a finished good or used in the manufacturing or processing of medical or biomedical products. (Effective if approved at the election on November 7, 2023.)

## **Public Safety**

**H.B. 3 (Burrows/Nichols) – School Safety Measures:** this bill: (1) requires the board of trustees of each school district to ensure that at least one armed security officer is present during regular school hours at each district campus; (2) allows the board of trustees of any school district to enter into a memorandum of understanding (MOU) with a city that is the employing political subdivision of commissioned peace officers for the purpose of providing school resource officers; (3) requires the MOU in (2), above, to: (a) be in the form of an interlocal contract; and (b) use a proportionate cost allocation methodology to address any costs or fees incurred by the school district or the city, as applicable; (4) allows a city to recoup direct costs incurred as result of the MOU in (2), above, but the city may not profit under the MOU; (5) allows a city to seek funding from federal, state, and private sources to support the cost of providing school resource officers; (6) requires each school district and open-enrollment charter school to provide DPS and all appropriate local law enforcement agencies and emergency first responders: (a) an accurate map of each district campus and school building that is developed and documented in accordance with the standards described in this bill related to developing site and floor plans, access control, and exterior door numbering; and (b) an opportunity to conduct a walk-through of each district campus and school building using the map described in (6)(a), above; (7) provides that in each county under 350,000 in population, the sheriff shall call and conduct semiannual meetings to discuss: (a) school safety; (b) coordinated law enforcement response to school violence incidents; (c) law enforcement capabilities; (d) available resources; (e) emergency radio



interoperability; (f) chain of command planning; and (g) other related subjects proposed by a person in attendance of the meeting; and (8) requires the following persons to attend a meeting called under (7), above: (a) the sheriff or designee; (b) the police chief or designee for any police department in the county; (c) each elected constable or designee in the county; (d) each school police department chief or security coordinator; (e) DPS personnel assigned to the county; (f) a person appointed to a command staff position at an emergency medical service in the county; (g) a representative of each other state agency with commissioned peace officers assigned to the county; (h) county and municipal EMS and fire command staff; (i) the superintendent or designee for each district in the county; (j) any federal law enforcement official serving in the county; and (k) any other person the sheriff considers appropriate. (Effective September 1, 2023.)

**H.B. 568 (Bowers/Menendez) – Peace Officer Training:** provides that, as part of the minimum curriculum requirements, peace officer training must include instruction on interacting with persons with Alzheimer’s disease and other dementias, including: (1) techniques for recognizing symptoms; (2) communicating effectively; (3) employing alternatives to physical restraints; and (4) identifying signs of abuse, neglect, or exploitation. (Effective September 1, 2023.)

**H.B. 624 (Cody Harris/Birdwell) – Emergency Medical Transport by Firefighters:** provides that: (1) a firefighter, regardless of licensure as an emergency medical services provider, may transport a sick or injured patient to a health care facility in a vehicle other than an emergency medical services vehicle if: (a) the appropriate emergency medical services provider is notified of the patient’s clinical condition and is unable to provide emergency medical services at the patient’s location; and (b) the medical treatment and transport operating guidelines for the patient’s apparent clinical condition authorize transport of the patient in a vehicle other than an emergency medical services vehicle; and (2) each trauma service area regional advisory council shall develop medical treatment and transport operating guidelines necessary for the implementation of (1)(b), above, for the area served by the council and provide notice of the guidelines to the emergency medical services providers and fire fighters in that area. (Effective September 1, 2023.)

**H.B. 660 (Cook/Zaffirini) – Protective Orders:** provides, among other things, that: (1) a law enforcement agency shall enter a protective order in the agency’s computer records of outstanding warrants as notice that the order has been issued and is currently in effect; and (2) on receipt of an original or modified protective order from the clerk of the issuing court, or on receipt of information pertaining to the date of confinement or imprisonment or date of release of a person subject to the protective order, a law enforcement agency shall immediately, but not later than the next business day after the date the order or information is received, enter the following information into the statewide law enforcement information system maintained by the Department of Public Safety: (a) the name, sex, race, date of birth, personal descriptors, address, and county of residence of the person to whom the order is directed; (b) any known identifying number of the person to whom the order is directed, including the person’s social security number or driver’s license number; (c) the name and county of residence of the person protected by the order; (d) the residence address and place of employment or business of the person protected by the order; (e) the child-care facility or school where a child protected by the order normally resides or which the child normally attends; (f) the relationship or former relationship



between the person who is protected by the order and the person to whom the order is directed; (g) the conditions of bond imposed on the person to whom the order is directed, if any, for the protection of a victim in any family violence, sexual assault or abuse, indecent assault, stalking, or trafficking case; (h) any minimum distance the person subject to the order is required to maintain from the protected places or persons; and (i) the date the order expires. (Effective September 1, 2023.)

**H.B. 898 (Stucky/Parker) – Increased Punishment for Passing Certain Vehicles:** increases the penalties for drivers who pass certain stopped emergency or utility vehicles on a roadway without slowing down or changing lanes. (Effective September 1, 2023.)

**H.B. 914 (Hefner/Whitmire) – Temporary Vehicle Tags:** creates a criminal offense for tampering with a temporary vehicle registration tag. (Effective September 1, 2023.)

**H.B. 969 (Cook/Middleton) – Child Custody Orders:** authorizes a city or county to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for interfering with child custody. (Effective September 1, 2023.)

**H.B. 1133 (Spiller/Flores) – Volunteer Security Services:** provides, among other things, that: (1) a peace officer providing volunteer security services at a place of religious worship or on the premises where an event sponsored by a public school is taking place may: (a) with the consent of the head of the employing or appointing law enforcement agency, wear the uniform of the agency, or (b) wear another uniform or badge that gives the person the appearance of being a peace officer; and (2) the reimbursement or payment of an insurance policy insuring a peace officer who provides volunteer security services for civil liability arising from acts occurring while providing those services is not considered compensation or reimbursement. (Effective September 1, 2023.)

**H.B. 1442 (A. Johnson/Bettencourt) – Reckless Driving Exhibitions:** this bill: (1) creates a criminal offense of intentionally establishing, maintaining, or participating in a combination of or in the profits of, or as a member of a criminal street gang to conspire to operate a motor vehicle while engaging in a reckless driving exhibition; and (2) deems any property, including real, personal, or tangible property, used in the commission of or conspiracy to operate a motor vehicle while engaging in a reckless driving exhibition as contraband, subject to seizure by law enforcement. (Effective September 1, 2023.)

**H.B. 1819 (Cook/Hughes) – Juvenile Curfew:** prohibits a political subdivision from adopting or enforcing an order, ordinance, or other measure that imposes a curfew to regulate the movements or actions of persons younger than 18 years of age, except for purposes of emergency management. (Effective September 1, 2023.)

**H.B. 2195 (Noble/Parker) – Fictitious License Plates:** increases the penalties for attaching or displaying a wrong, fictitious, altered, or obscured license plate. (Effective September 1, 2023.)

**H.B. 2660 (Oliverson/Hughes) – Missing Persons:** provides, among other things, that:

1. a law enforcement agency on receiving a report of a missing person, shall: (a) not later than 48 hours after receiving the report, electronically submit to each municipal or county

law enforcement agency within 200 miles the report and any information that may help determine the present location of the person; and (b) inform the person who filed the report that the information will be submitted to each municipal or county law enforcement agency within 200 miles;

2. a law enforcement agency on receiving a report of a missing child, regardless of the jurisdiction in which the child went missing, shall: (a) immediately start an investigation to determine the present location of the child; (b) immediately, but not later than two hours after receiving the report, enter the name of the child into the clearinghouse and the national crime information center missing person file if the child meets the center's criteria, with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; (c) immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunications System or a successor system of telecommunication used by law enforcement agencies and operated by Department of Public Safety; (d) not later than 48 hours after receiving the report, electronically submit to each municipal or county law enforcement agency within 200 miles the report and any information that may help determine the present location of the child; (e) not later than the 30th day after the date the agency receives the report, enter the name of the child into the National Missing and Unidentified Persons System (NamUs), with all available identifying features such as dental records, fingerprints, other physical characteristics, and a description of the clothing worn when last seen, and all available information describing any person reasonably believed to have taken or retained the missing child; and (f) inform the person who filed the report of the missing child that the information will be: (i) entered into the clearinghouse, the national crime information center missing person file, and NamUs; and (b) submitted to each municipal or county law enforcement agency within 200 miles;
3. a law enforcement agency on receiving a report of a child missing under the circumstances involving custodial matters for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child;
4. on determining the location of the child in Number 3, above, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency shall notify the Department of Family and Protective Services (DFPS); and may take possession of the child;
5. information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and NamUs as a supplement to the original entry as soon as possible;
6. if a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information

of the person into the national crime information center wanted person file if the person meets the center's criteria;

7. the local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child and cross-reference this information with the information in the national crime information center missing person file;
8. immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall clear the entry in the national crime information center database and notify NamUs;
9. on determining the location of a child, other than a child who is subject to the continuing jurisdiction of a district court, a law enforcement officer shall take possession of the child and deliver or arrange for the delivery of the child to a person entitled to possession of the child;
10. if the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to the DFPS;
11. as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall establish a basic education and training program on missing children and missing person, including instruction on the associated reporting requirements;
12. a law enforcement officer shall complete the program not later than the second anniversary of the date the officer is licensed, unless the officer completes the program as part of the officer's basic training course; and
13. TCOLE shall make available to each law enforcement officer a voluntary advanced education and training program on missing children and missing persons and must include instruction on the associated reporting requirements.

(Effective September 1, 2023.)

**[H.B. 2899](#) (Plesa/Hall) – Street Takeovers:** requires a peace officer to impound a vehicle used in the commission of the offenses of racing on or obstructing a highway. (Effective immediately.)

**[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.)

**[H.B. 3137](#) (Isaac/Springer) – Firearm Insurance:** this bill, among other things, prohibits a city from adopting or enforcing regulations requiring a firearm owner to obtain liability insurance for damages resulting from negligent or willful acts involving the use of the firearm. (Effective September 1, 2023.)

**H.B. 3290 (Guillen/Hancock) – Next Generation 9-1-1 Service Fund:** provides, among other things, that: (1) the comptroller shall transfer to the credit of the next generation 9-1-1 service fund any amount available from federal money provide to this state from the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) or from any other state or federal governmental source for purposes of this bill, including money appropriated or otherwise credited to the fund as soon as practicable following: (a) the receipt by the state of a sufficient amount of federal money for the transfer; or (b) the effective date of the most recent legislative appropriation for purposes of this bill; (2) the Commission on State Emergency Communications (CSEC) shall distribute to each emergency communication district that does not participate in the state system a portion of the money that bears the same proportion that the population of the area served by the district bears to the population of the state; (3) the remaining money appropriated to the CSEC for purposes of this bill that is not otherwise distributed shall be deposited to the 9-1-1 services fee account; and (4) all money in the fund from the SLFRF shall be distributed in accordance with this bill not later than August 31, 2024 and must be spent not later than December 31, 2026. (Effective September 1, 2023.)

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

**H.B. 3660 (Vasut/Zaffirini) – Releasing Animals:** establishes a defense to prosecution for cruelty to non-livestock animals for a person who: (1) releases or returns a stray or feral animal pursuant to a Trap-Neuter-Return program; or (2) releases or returns a previously trapped wild animal in accordance with Texas wildlife laws and regulations. (Effective immediately.)

**H.B. 3858 (Frazier/Johnson) – Peace Officer Wellness Program:** provides, among other things, that: (1) a law enforcement agency may establish and maintain a wellness program for the agency's peace officers; (2) a law enforcement agency that establishes a wellness program must ensure the program complies with any requirements established by Texas Commission on Law Enforcement (TCOLE) and is available to each peace officer who has routinely responded to and may have been affected by a violent incident; (3) the program at a minimum must provide: (a) an initial phone call or other form of contact from a law enforcement agency representative to monitor the mental and physical well-being of a peace officer who may have been affected by a violent incident; and (b) information regarding mental health resources, including counseling and therapy services, to a peace officer who is struggling to cope with the effect on the officer of responding to a violent incident; and (4) TCOLE shall establish and administer a grant program to assist law enforcement agencies in establishing and maintaining peace officer wellness programs as required in (1), above. (Effective September 1, 2023.)

**H.B. 3981 (Paul/Middleton) – Peace Officers:** provides that fire marshals and any related officers, inspectors, or investigators of a municipality who hold a permanent peace officer license are peace officers. (Effective September 1, 2023.)

**H.B. 4073 (Lozano/Alvarado) – Expired Fire Protection Personnel Certificates:** provides that: (1) if a person’s fire protection personnel certificate issued by the Texas Commission on Fire Protection (TCFP) has been expired for more than five years, the person may not renew the certification; and (2) if a person’s fire protection personnel certificate issued by TCFP has been expired for more than one year but not more than five years, the person may renew the certificate in accordance with TCFP rules. (Effective September 1, 2023.)

**H.B. 4528 (Wilson/Whitmire) – Refusal to Consent:** repeals the requirement that a peace officer take possession of a person’s driver’s license following the person’s failure to pass or refusal to consent to a test for intoxication. (Effective September 1, 2023.)

**H.B. 4628 (Goldman/Huffman) – DNA Testing:** provides that:

1. an accredited crime laboratory that submits a DNA profile to the Department of Public Safety (DPS) to perform a database comparison shall monitor the crime laboratory’s database for any matches between the DNA profile submitted to DPS and the DNA profiles contained in the database;
2. if a match that may assist in the investigation of a criminal case is identified under Number 1, above, between biological evidence contained in an evidence collection kit and a DNA profile contained in a database, on request of the accredited crime laboratory that performed the analysis of the evidence collection kit, a law enforcement agency that submitted the evidence collection kit to the crime laboratory shall, not later than the fifth business day after the date the request is made, provide any additional information requested by the crime laboratory concerning the match;
3. not later than the 60th day after the accredited crime laboratory receives written notification that a match that may aid in the investigation of a criminal case has been identified under Number 2, above, written notification must be provided to the law enforcement agency that submitted the evidence collection kit of: (a) any case-to-case match that may assist in the investigation of a criminal case; and (b) any verified match that identifies a suspect or offender;
4. verification of a match identifying an offender may be expedited in cases involving a significant public safety concern;
5. not later than the fifth business day after receiving a notification under Number 3, above, the law enforcement agency shall acknowledge receipt of the notification;
6. not later than the 30th business day after the date a law enforcement agency receives a notification of a verified match, the law enforcement agency shall attempt to collect a

DNA sample from an identified suspect or offender and submit the sample to an accredited crime laboratory for analysis;

7. if, with respect to a sexual assault or other sex offense, a match is identified in Number 2, above, between biological evidence contained in an evidence collection kit and a DNA profile contained in a database, the law enforcement agency with jurisdiction over the offense shall, not later than the fifth business day after the law enforcement agency receives notification of the match, notify the survivor, as applicable, of: (a) the match, if disclosing the match would not interfere with the investigation or prosecution of the offense; or (b) the estimated date on which the match is expected to be disclosed, if disclosing the match would interfere with the investigation or prosecution of the offense; and
8. if a law enforcement agency is unable to notify the survivor in Number 7, above, within the required period of time, the agency shall continue to make reasonable efforts to notify the survivor.

(Effective September 1, 2023.)

**H.B. 4879 (Holland/Flores) – Crime Statistics Reporting:** provides that: (1) the Department of Public Safety (DPS) shall require all local law enforcement agencies to: (a) implement an incident-based reporting system that meets the reporting requirements of the National Incident-Based Reporting System of the FBI’s Uniform Crime Reporting Program; and (b) use the system described in (1)(a), above, to submit to DPS information and statistics concerning criminal offenses committed in the jurisdiction of the local law enforcement agency; (2) DPS by rule shall prescribe the form and manner for submitting information and statistics; (3) information and statistics submitted to DPS under this bill is confidential and not subject to disclosure under the Public Information Act; (4) DPS shall submit the information and statistics received under this bill to the FBI’s Uniform Crime Reporting Program, as required by that program; (5) DPS shall establish and maintain a computer-based Texas crime information system that includes all of the information and statistics submitted to DPS under this bill and shall restrict access to the system to authorized personnel of criminal justice agencies, as determined by DPS; and (6) DPS shall use the information included in the system to periodically publish reports regarding the nature and extent of criminal activities in the state on its Internet website and shall submit each report to the governor and each member of the legislature. (Effective September 1, 2023.)

**S.B. 133 (West/Hull) – Use of Chemical Irritant Spray:** provides that peace officers or school security personnel performing security-related duties on school property or at a school-sponsored activity may not restrain or use a chemical irritant spray or Taser on a student enrolled in fifth grade or below unless the student poses a serious risk of harm to the student or another person. (Effective immediately.)

**S.B. 224 (Alvarado/Leach) – Catalytic Converter Theft:** among other things, creates: (1) a presumption that a person in possession of two or more catalytic converters unlawfully appropriated the catalytic converters, unless the actor: (a) is the owner of each vehicle from which the catalytic converters were removed; or (b) possessed the catalytic converters in the



ordinary course of business; and (2) a new criminal felony offense for possession of a catalytic converter if: (a) the person intentionally or knowingly possesses a catalytic converter that has been removed from a vehicle; and (b) the person: (i) is not the owner of the vehicle from which the catalytic converter was removed; or (ii) does not possess the catalytic converter in the ordinary course of business. (Effective immediately.)

**S.B. 252 (Alvarado/Guillen) – Licensing Veterans as Peace Officers:** provides that: (1) a political subdivision, including a city, that appoints or employs a person to hold a position that requires the person to be licensed by the Texas Commission on Law Enforcement (TCOLE) may appoint or employ a legal permanent resident of the United States to hold the position if the person is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge and holds the appropriate license issued by TCOLE; (2) a political subdivision, including a city, may not appoint or employ a person in (1), above, to hold a supervisory position until the person becomes a United States citizen; and (3) TCOLE shall issue a license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer and TCOLE’s licensing rules; (b) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and (c) presents evidence satisfactory to TCOLE that the person has applied for United States citizenship. (Effective September 1, 2023.)

**S.B. 267 (King/Burrows) – Law Enforcement Agency Accreditation:** provides, among other things, that: (1) the Texas Commission on Law Enforcement (TCOLE) shall adopt rules requiring each law enforcement agency that employs at least 20 peace officers to become accredited and maintain accreditation through or by (a) the Texas Police Chiefs Association Law Enforcement Agency Best Practices Accreditation Program; (b) the Commission on Accreditation for Law Enforcement Agencies, Inc.; (c) the International Association of Campus Law Enforcement Administrators; (d) an accreditation program developed by the Sheriff’s Association of Texas; or (e) an association or organization designated by TCOLE; (2) the rules adopted under (1), above, must require a law enforcement agency that is not already accredited to: (a) execute a contract with an approved accrediting entity not later than September 1, 2027; and (b) become accredited not later than September 1, 2029; (3) TCOLE shall implement a program to assist law enforcement agencies in becoming accredited; (4) TCOLE shall periodically review associations and organizations that establish standards of practice for law enforcement agencies and that offer accreditation to agencies that meet those standards; (5) a law enforcement agency shall annually report the agency’s accreditation status, including the applicable accrediting entity described in (1), above, to TCOLE; (6) TCOLE shall post on its website a list of all law enforcement agencies that are currently accredited or under contract with an accrediting entity; and (7) the comptroller shall establish and administer a grant program to provide financial assistance for purposes of becoming accredited as required by (1), above, to each law enforcement agency that employs fewer than 250 peace officers. (Effective September 1, 2023.)

**S.B. 386 (Hall/Harless) – Capital Murder of Peace Officer or Firefighter:** provides that an actor charged with capital murder of a peace officer or fireman is presumed to have known that the person murdered was a peace officer or fireman if the person: (1) was wearing a distinctive

uniform or badge indicating the person's employment as a peace officer or fireman; or (2) identified themselves as a peace officer or fireman to the actor. (Effective September 1, 2023.)

**S.B. 496 (Zaffirini/Guillen) – Emergency Dispatcher Training:** requires the Texas Commission on Law Enforcement, in consultation with the Texas A&M Engineering Extension Service, to conduct a study to identify potential improvements to training provided to 9-1-1 emergency service call takers and dispatchers. (Effective September 1, 2023.)

**S.B. 533 (Paxton/Shaheen) – Peace Officer Training:** provides that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement shall require a peace officer to complete a training program on responding to and investigating child fatalities, including the protocols for reporting and investigating child fatalities, the differences between sudden unexpected infant death syndrome, and the relevant regulations applicable to child-care fatalities; and (2) a peace officer shall complete the program not later than the second anniversary of the date the officer is licensed unless they complete the program as part of the their basic training course. (Effective September 1, 2023.)

**S.B. 780 (Hughes/Hefner) – Abandoned Children:** adds fire departments and law enforcement agencies to the list of emergency infant care providers who must take possession of certain abandoned children. (Effective September 1, 2023.)

**S.B. 806 (Paxton/Manuel) – Notice to Victims of Family Violence:** provides, among other things, 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 to 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. (Effective September 1, 2023.)

**S.B. 991 (Hinojosa/Leach) – Crime Lab Portal:** provides, among other things, that: (1) the Department of Public Safety (DPS) shall by rule establish and maintain a central computerized portal that facilitates the process for requesting crime laboratory records and transferring those records among crime laboratories, attorneys representing the state, and parties authorized to access records as part of discovery; (2) the portal in (1), above, may not be used as a central repository for crime laboratory records; (3) a crime laboratory that performs a forensic analysis for use in a criminal action shall participate, in accordance with DPS rule, in the transfer of crime laboratory records using the crime laboratory portal established in (1), above; (4) DPS by rule may exempt a crime laboratory from the requirements of this bill if it determines that the crime

laboratory is located outside of this state and performs an insufficient number of forensic analyses in criminal actions in this state to warrant participation in the crime laboratory portal; and (5) a crime laboratory that violates (3), above, is subject to disciplinary action by the Texas Forensic Science Commission in the same manner as if the laboratory had otherwise violated accreditation standards. (Effective September 1, 2023.)

**S.B. 997 (West/Leach) – Human Remains Photographs:** provides that: (1) an individual may not publish a photograph of human remains that the individual obtained while acting within the course and scope of the individual’s duties as an officer or employee of this state or a political subdivision of this state, including a city; (2) an individual who violates (1), above, is liable for a civil penalty in an amount not to exceed \$10,000 for each violation; (3) the attorney general or appropriate county or district attorney may sue to collect the civil penalty provided by (2), above, and may recover attorney’s fees and costs incurred in obtaining relief under this bill; (4) it is a defense to liability if: (a) the individual published the photograph of human remains for an official law enforcement, scientific, educational, research, or medical purpose, or as part of a civil proceeding; or (b) the photograph was published in a documentary film or television show with the approval of the chief medical examiner, coroner, or commissioners court, as applicable, and the remains are unidentifiable; and (5) a defendant may not assert official immunity as a defense in an action brought under this bill. (Effective September 1, 2023.)

**S.B. 1319 (Huffman/Turner) – Overdose Information:** provides that: (1) a local health authority or law enforcement agency shall enter into a participation agreement with an entity that maintains a computerized system for mapping overdoses of one or more controlled substances for public safety purposes; (2) a local health authority or law enforcement agency shall provide certain overdose information to the entity with which the authority or agency has a participation agreement under (1), above, for purposes of entering the information into the computerized system; (3) a person who responds to an overdose incident shall report information about the incident as soon as possible to the local health authority or law enforcement agency, as applicable; (4) a report under this bill must include, if possible: (a) the date and time of the overdose incident; (b) the approximate location of the overdose incident; (c) whether an opioid antagonist was administered, and if so, the number of doses and the type of delivery; and (d) whether the overdose was fatal or nonfatal; (5) a person who reports information about an overdose incident in good faith is not subject to civil or criminal liability for making the report; (6) a law enforcement agency may only use information received from a report for mapping overdose locations for public safety purposes; and (7) information in a report described by (4), above, is confidential and not subject to disclosure under the Public Information Act. (Effective September 1, 2023.)

**S.B. 1325 (Alvarado/Goodwin) – Notice to Victims of Family Violence:** provides, among other things, that: (1) a peace officer who investigates an allegation of stalking, harassment, or terroristic threat shall advise any possible adult victim of all reasonable means to prevent the occurrence of further offenses, including by providing the written victim notification adopted by the Texas Health and Human Services Commission; and (2) in addition to the required victim notification in (1), above, a peace officer may provide any available information regarding local resources for victims of stalking, harassment, or terroristic threat. (Effective September 1, 2023.)

**S.B. 1346 (Miles/Bowers) – Littering:** creates a criminal offense for littering or illegal dumping of solid waste at a place that is not an approved solid waste site, including within 300 feet of a public highway, on a right-of-way, on other public or private property, or into inland or coastal waters of the state. (Effective September 1, 2023.)

**S.B. 1401 (Zaffirini/A. Johnson) – Sexual Assault Victim Notifications:** provides, among other things, that: (1) a law enforcement agency shall refer a victim of a sexual assault for a forensic medical examination, to be conducted if a sexual assault is reported to a law enforcement agency within 120 hours after the assault or, if the victim is a minor, regardless of when the sexual assault is reported; (2) a law enforcement agency may make the same referral with respect to any victim of a sexual assault who is not a minor and who does not report the sexual assault within the 120-hour period if the agency believes that a forensic medical examination may further a sexual assault investigation or prosecution; (3) a law enforcement agency or an office of the attorney representing the state may pay any costs related to the testimony of a licensed health care professional in a criminal proceeding regarding the results of a forensic medical examination or the manner in which the examination was performed; and (4) the Department of Public Safety shall develop procedures for the transfer and preservation of evidence collected during a forensic medical examination for a sexual assault that was not reported to a law enforcement agency, including procedures for notifying the victim of the offense through the statewide electronic tracking system before a planned destruction of evidence. (Effective September 1, 2023.)

**S.B. 1402 (Zaffirini/Howard) – Sexual Assault Survivors’ Task Force:** this bill: (1) provides that the Texas Commission on Law Enforcement (TCOLE) shall, in consultation with the Sexual Assault Survivors’ Task Force, establish a basic education and training program consisting of at least eight hours of instruction on child sexual abuse and adult sexual assault, including the best practices and trauma-informed response techniques to effectively recognize, investigate, and document those cases; (2) provides that TCOLE shall require a peace officer to complete the training program in (1), above, unless the officer has completed the training or other training equivalent to the training program as determined by TCOLE; (3) provides that as part of the minimum curriculum requirements, TCOLE shall require a peace officer to complete the basic education and training program developed in (1), above; (4) requires a peace officer to complete the program, in (3), above, not later than the second anniversary of the date the peace officer is licensed unless the officer completes the program as part of the officer’s basic training course; and (5) repeals the expiration of the Sexual Assault Survivors’ Task Force. (Effective September 1, 2023.)

**S.B. 1413 (Johnson/Frazier) – Removal of Personal Property from Roadways:** provides that: (1) a fire department may remove personal property from a roadway or right-of-way if the fire department determines that the property blocks the roadway or endangers public safety; (2) the property owner shall reimburse the fire department for any reasonable costs of removal and disposition of the property; (3) a fire department is not liable for: (a) any damage to personal property removed from a roadway or right-of-way under (1), above, unless the removal is carried out recklessly or in a grossly negligent manner; or (b) any damage resulting from the failure to exercise the authority granted by (1), above; and (4) the governing body of a political subdivision, including a city, that has a fire department shall develop and implement a policy

concerning the fire department consulting with law enforcement agencies regarding removal of personal property from a roadway or right-of-way. (Effective September 1, 2023.)

**S.B. 1445 (Paxton/Goldman) – Texas Commission on Law Enforcement:** this is the Texas Commission on Law Enforcement (TCOLE) sunset bill. The bill, among other things, provides that:

1. TCOLE continue until 2031;
2. TCOLE, with the input from an advisory committee, shall by rule establish minimum standards with respect to the creation or continued operation of a law enforcement agency based on the function, size, and jurisdiction of the agency;
3. TCOLE may compel by subpoena the production for inspection or copying of a record by an agency hiring a person to be an officer that is relevant to the investigation of an alleged violation of this bill or a TCOLE rule, and TCOLE acting through the attorney general, may bring an action to enforce a subpoena against a person who fails to comply with the subpoena; venue for an action is in a district court in Travis County or any county in which TCOLE may conduct a hearing;
4. TCOLE, with input from an advisory committee, shall adopt a model policy prescribing standards and procedures for the medical and psychological examination of a license holder or person for whom a license is sought by a law enforcement agency to ensure the license holder or person is able to perform the duties for which the license is required, and each law enforcement agency in this state shall adopt the model policy or a substantively similar policy;
5. TCOLE shall establish a database containing, for each officer licensed under state law: (a) the officer's license status, including a record of any action taken against the officer by TCOLE; and (b) personnel files provided by each law enforcement agency that employs the officer;
6. TCOLE shall make available to a law enforcement agency on request any relevant information maintained in the database;
7. TCOLE shall designate one or more national law enforcement databases that a law enforcement agency must access to complete the preemployment background check, and a database designated under this bill must be as comprehensive as possible;
8. TCOLE shall designate for purposes of this bill a national database that serves as a registry for the revocation of officer licenses in several jurisdictions based on misconduct committed by the officer;
9. TCOLE shall establish a public database containing personal service reports of each officer licensed, and a report must contain the following information with respect to each officer: (a) the date the officer completed the basic training course; (b) whether the

officer is in compliance with continuing education requirements and the continuing education courses completed; (c) the total hours of training the officer has completed; and (d) the date the officer's license was issued;

10. TCOLE shall adopt rules to exclude from the database personal service reports for certain officers if including the service report would create a safety risk for an undercover officer or an officer involved in an active sensitive operation;
11. before a law enforcement agency or governmental entity hires a person for whom a license is sought, the agency or entity must review any information relating to the person available: (a) in a database established under Number 6, above; (b) in a database designated under Number 9, above; and (c) if applicable, in a file provided to TCOLE under this bill;
12. a person who appoints an officer or a telecommunicator licensed by TCOLE shall notify TCOLE not later than the 30<sup>th</sup> day after the date of the appointment, and if the person appoints an individual who previously served as an officer or telecommunicator and the appointment occurs after the 180<sup>th</sup> day after the last date of service as an officer or telecommunicator, the person must have on file for the license holder in a form readily accessible to TCOLE, among other things, new documentation that the license holder has been fingerprinted and subjected to a search of local, state, and national records and fingerprint files to disclose any criminal record of the license holder;
13. TCOLE shall adopt a model policy establishing procedures applicable to a law enforcement agency: (a) investigating alleged misconduct by a license holder employed by the agency; and (b) hiring a license holder;
14. a law enforcement agency shall adopt the model policy described in Number 13, above, or a substantively similar policy;
15. TCOLE shall adopt a model policy regarding personnel files maintained with respect to a license holder, and a law enforcement agency shall adopt the model policy or a substantively similar policy;
16. a law enforcement agency shall provide a license holder's personnel file to TCOLE: (a) not later than the 30<sup>th</sup> day after the date the license holder separates from the agency; or (b) on request by TCOLE as part of an ongoing investigation relating to the license holder;
17. except with respect to an officer elected under the Texas Constitution, TCOLE shall revoke or suspend a law enforcement agency's authority to employ a license holder, place on probation an agency whose authority to employ a license holder has been suspended or reprimand a law enforcement agency for violating a TCOLE rule or state law with regard to law enforcement officers, or reporting requirements with regard to racial profiling.



(Effective September 1, 2023.)

**S.B. 1484 (Creighton/Holland) – Border Operations Training Program:** provides, among other things, that the Department of Public Safety, in coordination with local law enforcement agencies, shall establish and administer a border operations training program for peace officers employed by local law enforcement agencies that will prepare the officers to: (1) collaborate and cooperate with and assist any law enforcement agency in the interdiction, investigation, and prosecution of criminal activity in the Texas-Mexico border region; and (2) collaborate and cooperate with and assist district attorneys, county attorneys, the border prosecution unit, and other prosecutors in the investigation and prosecution of allegations of criminal activity in the Texas-Mexico border region. (Effective September 1, 2023.)

**S.B. 1551 (West/Frazier) – Failure to Identify:** creates a criminal offense if a person is operating a motor vehicle and is lawfully detained by a peace officer for an alleged violation of law and fails to provide or display the person’s driver’s license, or intentionally refuses to give the person’s name, driver’s license number, residence address, or date of birth on the officer’s request. (Effective September 1, 2023.)

**S.B. 1588 (Blanco/Morales) – EMS Staffing Variance:** provides that: (1) the Department of State Health Services (DSHS) shall grant to an emergency medical services provider, who is the sole provider for a service area, a variance from the minimum staffing standards for the provision of emergency medical services in that service area; and (2) an applicant for a variance in (1), above, must submit a letter to DSHS from the commissioners court of the county or the governing body of the municipality in which the provider intends to operate an emergency medical services vehicle in the provision of emergency medical services in a service area of the county or the municipality. (Effective September 1, 2023.)

**S.B. 1852 (Flores/Metcalf) – Peace Officer Training:** provides that: (1) as part of the minimum curriculum requirements, the Texas Commission on Law Enforcement (TCOLE) shall require a peace officer to complete a training program of not less than 16 hours on responding to an active shooter as developed by the Advanced Law Enforcement Rapid Response Training Center at Texas State University—San Marcos (RRTC); (2) a peace officer shall complete the program in (1), above, not later than the last day of the first full continuing education training period that begins on or after the date the officer is licensed unless the officer completes the program as part of the their basic training course; and (3) as part of the continuing education programs, a peace officer must complete not less than 16 hours of training on responding to an active shooter as developed by the RRTC. (Effective September 1, 2023.)

**S.B. 1900 (Birdwell/Guillen) – Foreign Terrorist Organizations:** provides, among other things, that: (1) a foreign terrorist organization that continuously or regularly associates in gang activities is a public nuisance; (2) if a court finds that a foreign terrorist organization constitutes a public nuisance, the court may enter an order enjoining a defendant or imposing other reasonable requirements to prevent the foreign terrorist organization from engaging in future gang activities; (3) a foreign terrorist organization is liable to the state or a governmental entity injured by the violation of a temporary or permanent injunctive order in (2), above; (4) a law enforcement agency in a municipality with a population of 50,000 or more or in a county with a population of

100,000 or more shall compile and maintain in a local or regional intelligence database certain criminal information relating to a foreign terrorist organization; (5) the agency must compile and maintain the information in (4), above, in accordance with criminal intelligence systems operating policies; and (6) the office of the attorney general shall establish an electronic gang resource system to provide criminal justice agencies and juvenile justice agencies with information about criminal street gangs and foreign terrorist organizations. (Effective September 1, 2023.)

**S.B. 2085 (Whitmire/Walle) – Crime Victim Notification System:** provides, among other things, that: (1) the governor’s criminal justice division shall establish and administer a grant program to provide financial assistance to a law enforcement agency for purposes of purchasing or developing a crime victim notification system; (2) a crime victim notification system for which a law enforcement agency seeks a grant under this bill must: (a) notify a victim or relative of a deceased victim by e-mail or text message of: (i) the names of investigators who are assigned to the case; (ii) the date an arrest is made; (iii) the date an affidavit alleging probable cause is presented to the attorney representing the state; and (iv) any other information relevant to the case; (b) interface with the law enforcement agency’s system of records; (c) provide configurable triggers to directly send messages; (d) provide the capability: (i) to attach informational brochures or other electronic attachments to the messages; and (ii) for a person to check the status of the case with the law enforcement agency; (d) monitor the number and types of messages sent and enable a user to visualize that data; and (e) provide a survey tool so the law enforcement agency can solicit feedback on victims services; (3) information in the crime victim notification system is confidential and is not subject to disclosure under the Public Information Act; and (4) as a condition of receiving a grant under this bill, a law enforcement agency shall periodically report to the criminal justice division the number and types of notifications sent using the crime victim notification system. (Effective September 1, 2023.)

**S.B. 2101 (Miles/Morales) – Crime Victims’ Rights:** provides that a judge, attorney representing the state, peace officer, or law enforcement agency that is required to notify, inform, or disclose certain information to a victim, guardian of a victim, or close relative of a deceased victim in accordance with a right granted by law shall provide the notification or information in the following manner: (1) electronically, including by text message, videoconference, or e-mail; (2) by mail; (3) through an anonymous, online portal; or (4) by contacting by telephone or otherwise making personal contact with the victim, guardian, or relative, as applicable. (Effective September 1, 2023.)

**S.B. 2429 (Hancock/Klick) – Missing Persons:** provides, among other things, that:

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

information describing any person reasonably believed to have taken or retained the missing child; (c) immediately, but not later than two hours after the agency receives the report, enter the applicable information into the Texas Law Enforcement Telecommunication System or a successor system of telecommunication used by law enforcement agencies and operated by the Texas Department of Public Safety; and (d) inform the person who filed the report of the missing child that the information will be entered into the clearinghouse, the national crime information center missing person file, and NamUs;

2. a local law enforcement agency, on receiving a report of a child missing under the circumstances described in this bill for a period of not less than 48 hours, shall immediately make a reasonable effort to locate the child and determine the well-being of the child;
3. on determining the location of the child, if the law enforcement agency has reason to believe that the child is a victim of abuse or neglect, the agency shall notify the Department of Family and Protective Services (DFPS) and may take possession of the child;
4. DFPS, on receiving notice under Number 3, above, may initiate an investigation into the allegation of abuse or neglect and take possession of the child;
5. information not immediately available when the original entry is made shall be entered into the clearinghouse, the national crime information center file, and NamUs as a supplement to the original entry as soon as possible;
6. if a local law enforcement agency investigating a report of a missing child obtains a warrant for the arrest of a person for taking or retaining the missing child, the local law enforcement agency shall immediately enter the name and other descriptive information of the person into the national crime information center wanted person file if the person meets the center's criteria;
7. the local law enforcement agency shall also enter all available identifying features, including dental records, fingerprints, and other physical characteristics of the missing child;
8. the information shall be cross referenced with the information in the national crime information center wanted person file;
9. immediately after the return of a missing child, the local law enforcement agency having jurisdiction of the investigation shall clear the entry in the national crime information center database and notify NamUs;
10. on determining the location of a child, other than a child who is subject to the continuing jurisdiction of a District Court, a law enforcement officer shall take possession of the child and shall deliver or arrange for the delivery of the child to a person entitled to

possession of the child, but if the person entitled to possession of the child is not immediately available, the law enforcement officer shall deliver the child to DFPS;

11. the Texas Commission on Law Enforcement (TCOLE) shall establish a basic education and training program on missing children and missing persons, including instructions on the associated reporting requirements, and a law enforcement officer shall complete the program not later than the second anniversary of the date the officer is licensed unless the officer completes the program as part of their basic training course; and
12. TCOLE shall make available to each officer a voluntary advanced education and training program on missing children and missing persons, which must include instruction on the associated reporting requirements under this bill.

(Effective September 1, 2023.)

**S.B. 2479 (Zaffirini/Moody) – Mental Illness or Intellectual Disability:** this bill, among other things: (1) requires that a sheriff or municipal jailer having custody of a defendant receives credible information that may establish probable cause that the defendant has a mental illness or intellectual disability, the sheriff or jailer shall provide notice to the magistrate; (2) if the magistrate determines there is reasonable cause to believe the defendant has a mental illness or intellectual disability, requires the magistrate to order the jail’s mental health or intellectual disability service provider to interview the defendant to determine to collect information regarding whether the defendant has a mental illness or intellectual disability, and provide the magistrate with a written report of this information, unless: (a) the defendant is no longer in custody; (b) has been previously interviewed within the past year; or (c) was only arrested or charged with a Class C misdemeanor; (3) provides that a peace officer who transports an apprehended person to a mental health facility is not required to remain at the facility while the person is being medically screened or treated, and may leave immediately after the person is taken into custody by appropriate facility staff; and (4) allows a physician or a mental health professional employed by a licensed local mental health authority to request an order for emergency detention and/or medical treatment, including authorizing the taking of a patient’s blood sample to conduct reasonable and medically necessary evaluations and laboratory tests to safely administer a psychoactive medication authorized by the order (Effective September 1, 2023.)

### **Sales Tax**

**S.B. 65 (Zaffirini/Noble) – Sales Tax Exemption:** exempts the furnishing of an academic transcript from sales taxes. (Effective October 1, 2023.)

**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.)

**S.B. 1122 (Schwertner/Turner) – Sales Tax Exemption:** exempts from the sales tax a medical service performed to determine the appropriate level of workers’ compensation benefits. (Effective immediately.)

### **Community and Economic Development**

**H.B. 5 (Hunter/Schwertner) – Economic Development:** this bill provides a replacement economic development program for the former school property tax limitation program located in Chapter 313 of the Tax Code and, among other things, provides that: (1) a person may apply for approval of an agreement for a limitation on taxable value of property between the governor, a school district, and the applicant for an eligible economic development project; (2) the comptroller shall recommend an application for approval if the comptroller finds that the application meets certain criteria; and (3) the governor must determine whether to agree to entering into the agreement that is the subject of the application. (Effective January 1, 2024.)

**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. 73 (Murr/Springer) – Landowner Liability:** this bill, among other things, provides that a landowner or lessee is not liable for damages arising from any incident or accident involving their livestock due to an act or omission of a firefighter or a peace officer who has entered the landowner’s property with or without the permission of the landowner, regardless of where the damage occurs. (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.)

**H.B. 1193 (Turner/Miles) – Housing Discrimination Prevention:** provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts a property owner from renting a dwelling to a person based on the person's method of payment. (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. 1515 (Clardy/Springer) – Texas Economic Development and Tourism Office:** this is the Texas Economic Development and Tourism Office (TEDTC) sunset bill. The bill, among other things, continues TEDTC until 2035. (Effective September 1, 2023.)

**H.B. 1526 (Cody Harris/Hughes) – Parkland Dedication:** provides, among other things, that in a city with a population of more than 800,000: (1) by January 1, 2024, the city must designate every area within the city as either suburban, urban, or central business district; (2) by January 1, 2024, the relevant appraisal district must calculate average land values for each district in the city; (3) a city that requires a landowner to dedicate a portion of the landowner's property for parkland use or pay a parkland fee under a development application may require the landowner to: (a) pay a fee in lieu of land dedication in accordance with a formula based on the average land values calculated in (2), above; (b) dedicate up to ten percent of the land subject to the development application for park use; or (c) require both a fee and a dedication of land in amounts calculated according to a formula, which can result, under certain circumstances, in the city paying money to the landowner; (4) a landowner may make a written request to the city requesting a determination of the dedication amount required by (3), above; (5) if the city fails to respond to the request from (4), above, within 30 days, the city may not require a parkland dedication or charge a fee-in-lieu of dedication; (6) a city cannot require a parkland dedication or fee for commercial development; (7) an alternative process for calculating parkland dedications



or fees-in-lieu for cities with low fees; and (8) an appeal process to allow the landowner to appeal a city's dedication requirement. (Effective immediately.)

**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. 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 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. 2371 (Turner/Hancock) – Cemeteries:** this bill, among other things, provides: (1) that a city may make additional burial spaces available in a city cemetery if: (a) the city has had possession and control of the cemetery for at least 25 years; (b) the city holds a public hearing; (c) the cemetery has been consistently maintained in accordance with other law; and (d) selling of additional spaces will not endanger public health, safety, comfort, and welfare; and (2) for a process to determine whether a burial plot has been abandoned. (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. 3323 (Goodwin/West) – Texas Food System Security and Resiliency Council:** this bill: (1) directs the Office of Food System Security and Resiliency within the Texas 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) directs 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; and (3) establish the Texas Food System Security Planning Fund to administer the TFSSRC. (Effective September 1, 2023.)

**H.B. 3514 (Burns/Birdwell) – Annexation of Property in Water or Sewer District:** allows a city with a population of 3,000 or less to annex an area within a water or sewer district if the governing body of the district consents. (Effective September 1, 2023.)

**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.)

**H.B. 3536 (Manuel/Paxton) – Landlord Repossession:** this bill, among other things, establishes that a landlord has a right to recover possession of leased premises if the tenant is using or allowing the premises to be used for operating, maintaining, or advertising a massage establishment that: (1) is not exempt from licensing requirements under state or federal law and: (a) has never been issued a license by the Texas Department of Licensing and Regulation (TDLR); or (b) the license for which was suspended, revoked, or refused renewal by TDLR after the establishment obtained a right of possession in the leased premises; or (2) was issued a citation, administrative penalty, civil penalty, or other civil or criminal sanction for: (a) violating a local ordinance relating to prostitution or trafficking of persons; (b) operating a sexually oriented business; or (c) violating state law relating to prohibited practices by a massage establishment. (Effective September 1, 2023.)

**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 30<sup>th</sup> 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. 4051 (Goldman/Huffman) – Media Production Development Zone:** this bill provides that to be approved as a media production development zone, an area must be in a metropolitan statistical area, the principal city of which has adequate workforce, infrastructure, facilities, or

resources to support the production and completion of moving image projects. (Effective September 1, 2023.)

**H.B. 4539 (Goldman/Huffman) – Moving Image Industry Incentive Program:** this bill reduces the percentage of production crew, actors, and extras that must be Texas residents from 70 to 55 to qualify for a grant for the Moving Image Industry Incentive Program, unless the Music, Film, Television, and Multimedia Office determines and certifies in writing that a sufficient number of qualified crew, actors, and extras are not available to the company at the time principal photography begins. (Effective September 1, 2023.)

**H.J.R. 126 (Burns/Perry) – Right to Farming, Ranching, and Wildlife Management:** amends the Texas Constitution to, among other things: (1) protect the right of individuals in Texas to engage in farming, ranching, timber production, horticulture and wildlife management practices on their property; and (2) allow cities to regulate these activities if there is clear and convincing evidence that regulation is necessary to protect public health and safety from imminent danger. (Effective if approved at the election on November 7, 2023.)

**S.B. 186 (Miles/Reynolds) – Group Homes:** prohibits: (1) a hospital or other health facility from discharging or otherwise releasing a patient to the care of an unpermitted group home, boarding home, facility, or similar group-centered facility, unless: (a) there is no permitted group-centered facility located in the county in which the patient is discharged; or (b) the patient voluntarily elects to reside at the unpermitted facility; and (2) a local health authority from issuing an order authorizing a hospital or health facility to discharge or release a patient to a group-centered facility in a manner that violates (1), above. (Effective September 1, 2023.)

**S.B. 349 (Springer/Anderson) – Housing Authority:** requires any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code. (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. 580 (Zaffirini/T. King) – County Cancellation of Plats:** extends a county’s power to cancel a subdivision plat for undeveloped property to subdivisions located in a city’s extraterritorial jurisdiction (ETJ) if the city is not authorized to regulate plats and approve related permits in that area of the ETJ through an applicable agreement with the county. (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. 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. 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 90<sup>th</sup> 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 15<sup>th</sup> 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.)

**[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 a governmental entity, including a city, to adopt a regulation regarding the building 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 relates to: (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.)

**[S.B. 2493](#) (Middleton/Bryant) – Landlord Repairs:** this bill, among other things: (1) requires that repairs made in response to a tenant’s notice of intent to repair must be performed by an independent company, contractor, or repairman; and (2) provides that if the rental unit is located in a city requiring the company, contractor, or repairman to be licensed, the person or entity performing the repair must be licensed in accordance with the city’s requirements. (Effective September 1, 2023.)

## **Elections**

**[H.B. 357](#) (Bucy/Hughes) – Runoff Elections:** the bill: (1) provides that a runoff election shall be held on a Saturday designated by the secretary of state instead of on a date during a different time period that is selected by the city; (2) provides that a date designated by the secretary of state under (1), above, for a runoff election: (a) must be not earlier than the 30th day after the date of the main election and not later than the 45th day after the date of the main election (current law allows the city to choose an election date as early as 20 days after the main election); and (b) may not be a national or state holiday or have an early voting period that includes a national or state holiday; (3) repeals the provision that provides that a runoff election date later than the period prescribed by state law may be prescribed by a home-rule city charter; and (4) provides that the online tool developed or provided by the secretary of state to each early voting clerk that enables a person who submits an application for a ballot to be voted by mail to track the location and status of the person’s application and ballot on the secretary’s website and on an applicable county’s website must require the voter to provide the following additional information, before permitting the voter to access the information: (a) the voter’s date of birth; and (b) the voter’s driver’s license number, personal identification card number or the last four digits of the voter’s social security number. (Effective September 1, 2023.)

**H.B. 1299 (Noble/Paxton) – Mail in Ballots:** provides that: (1) a voter, after marking a ballot voted by mail, must sign the certificate on the carrier envelope using ink on paper, and that an electronic signature or photocopied signature is not permitted; and (2) a person other than the voter who assists a voter by depositing the carrier envelope in the mail or with a common or contract carrier or who obtains the carrier envelope for that purpose must sign the envelope using ink on paper, and that an electronic signature or photocopied signature is not permitted. (Effective September 1, 2023.)

**H.B. 1434 (Buckley/Flores) – Staggered Terms:** provides that if the aldermen of the governing body of a Type A general law city are not serving staggered terms of office, the governing body, by majority vote, may establish staggered terms by requiring the aldermen to draw lots. (Effective immediately.)

**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.)

**H.B. 3613 (Cain/Bettencourt) – City Elections:** provides that: (1) a city that is divided into districts, wards, or other areas from which members of its governing body are elected shall elect all members of the city council following each apportionment on the first uniform election date that allows sufficient time to comply with applicable requirements of the law; and (2) if members

of city council described in (1), above, serve staggered terms, the city shall adopt an equitable process to determine which members of the council serve shorter terms to accommodate an election following apportionment that accounts for the remaining time in each member's term and whether the term of any member elected from a particular district, ward, or area was previously shortened. (Effective September 1, 2023.)

**H.B. 5180 (Wilson/Hughes) – Voted Ballots:** provides that: (1) beginning on the first day after the date the final canvass of an election is completed, the general custodian of election records shall make available for public inspection election records that are: (a) images of voted ballots, if a county maintains images of voted ballots; or (b) cast vote records; and (2) beginning on the 61st day after election day, the general custodian of election records shall make available for public inspection election records that are original voted ballots and shall adopt procedures to ensure the redaction of any personally identifiable information of the voter contained on a ballot before making the voted ballot available for public inspection. (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.)

**S.B. 825 (Bettencourt/Cunningham) – Recount Petitions:** provides 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. (Effective September 1, 2023.)



**[S.B. 1052](#) (Springer/J. Gonzalez) – Compensation:** provides that an election judge or clerk may not be paid for more than two hours of work before the polls open. (Effective September 1, 2023.)

**[S.B. 1661](#) (Hughes/Smith) – Central Counting Stations:** provides that an authority operating a central counting station may only purchase or use a ballot scan system if the system is only capable of using a data transfer media device that: (1) once a cast vote record is written, is incapable of being modified without automatic: (a) detection of the modification; and (b) rejection of the cast vote record; and (2) does not allow for the process under (1), above, to be overridden or circumvented. (Effective September 1, 2023.)

### **Emergency Management**

**[H.B. 3097](#) (Leo-Wilson/Middleton) – Anticipation Notes:** authorizes a city located within 70 miles of the Gulf of Mexico to authorize the issuance of an anticipation note or other obligation in the event of an emergency notwithstanding certain credit rating requirements that that would normally apply. (Effective immediately.)

**[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/Bettencourt) – 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.)

**[S.B. 2133](#) (Miles/Oliverson) – Dialysis Patient Transportation During Disaster:** requires an emergency medical services provider to adopt and implement a plan to provide dialysis patients who call 9-1-1 during a declared disaster an alternative mode of transportation to and from an outpatient end-stage renal disease facility if the patient's normal and alternative modes of transportation cannot be used during the disaster. (Effective September 1, 2023.)

### **Municipal Courts**

**[H.B. 291](#) (Murr/Hughes) – Driver's License Renewal:** this bill, among other things, requires that a city immediately notify the Department of Public Safety that there is no cause to continue to deny renewal of a person's driver's license for failure to appear or satisfy a judgment or on a finding by the court that the person is indigent and not required to pay a reimbursement fee. (Effective September 1, 2023.)

**[H.B. 1603](#) (Guillen/Hinojosa) – Appointing Prosecutors:** authorizes a justice or judge to appoint any competent attorney to represent the state in a criminal case if the state is not

represented by counsel when the case is called for trial and to pay a reasonable fee for such services. (Effective September 1, 2023.)

**H.B. 3186 (Leach/Zaffirini) – Youth Diversion Program:** this bill, among other things: (1) establishes a youth diversion program for juvenile defendants charged with a misdemeanor other than a traffic offense, punishable by fine only; (2) establishes program eligibility requirements, including the defendant and a defendant’s parent’s written consent to participate, the attorney representing the state’s consent, and court approval under certain circumstances; (3) requires each justice and municipal court to adopt a program plan under (1), above, that includes: (a) requiring a defendant to enter into a diversion agreement with the court outlining the program agreement terms and duration; (b) providing for the program’s diversion strategies, which may include: (i) paying restitution up to \$100; (ii) performing community service, participating in a court-approved teen court program, a school-related program, a community-based program, an educational program, a rehabilitation program, a self-improvement program, or similar third-party service provider programs; (iii) submitting to alcohol and drug testing, substantially comply with a course of a treatment prescribed by a physician or other licensed medical or mental health professional; and (iv) participating in mediation or other dispute resolution processes; (4) requires each justice and municipal court to maintain its youth diversion plan on file for public inspection; (5) authorizes a court or local government to adopt rules necessary to implement and coordinate the services described in (3), above, and enter into a contract with a third-party service provider to provide such services; (6) authorizes a court to designate a youth diversion coordinator or juvenile case manager to assist the court in implementing, coordinating, and monitoring the program described in (1), above; (7) provides for program procedures, including deadlines, consent requirements, hearing rules, recordkeeping requirements, and program-related agreements and order requirements; (8) allows a court to refer a defendant to criminal court for failure to comply with a diversion agreement or order; (9) allows the clerk or a justice or municipal court to impose a \$50 local youth diversion administrative fee, but prohibits making a defendant’s ability to participate in (1), above, contingent upon paying the fee, and allowing for fee waiver for financial hardship; (10) for cases involving an eligible defendant where the court has determined the evidence presented would support a finding of guilt, requires the court to allow a defendant and defendant’s parent to accept placement in (1), above, instead of entering a finding of guilt; (11) allows a city that does not employ or contract with a juvenile case manager, in consultation with the court, to direct the fees described in (10), above, to be used for the support of a local mental health authority, juvenile alcohol and substance abuse programs, educational and leadership programs, teen court programs, and any other project designed to prevent or reduce the number of juvenile criminal referrals to the court; and (12) requires each justice and municipal court to implement a youth diversion plan described in (1), above, by not later than January 1, 2025 and to apply the plan to offenses committed on or after January 1, 2025. (Effective January 1, 2024.)

**S.B. 338 (Hinojosa/Leach) – Hypnotically Induced Testimony:** provides that the statement of a person obtained by hypnotizing the person is not admissible against a defendant in a criminal trial, whether offered in the guilt or innocence phase or the punishment phase of the trial. (Effective September 1, 2023.)

**S.B. 372 (Huffman/Leach) – Confidentiality of Non-Judicial Work Product:** this bill: (1) creates a criminal offense if a person other than a justice or a judge knowingly discloses, wholly or partly, the contents of any non-judicial work product to a person who is not a justice, judge, court staff attorney, court clerk, law clerk, an employee of an agency of the Texas Judicial Council or Office of Court Administration, or other court staff routinely involved in crafting an opinion or decision for an adjudicatory proceeding; and (2) establishes certain defenses to prosecution for violations. (Effective September 1, 2023.)

**S.B. 904 (Springer/Landgraf) – Handicapped Parking Restrictions:** this bill: (1) prohibits a political subdivision from dismissing a violation for a person parking in a space or area explicitly designated for persons with disabilities because the parking space marking did not comply with state law, if the parking space is in general compliance and compliance and clearly distinguishable as a designated accessible parking space for persons with disabilities; and (2) provides that a political subdivision may only issue a warning for unlawful parking in such a space if there is no above-grade sign as provided by law. (Effective September 1, 2023.)

### **Open Government**

**H.B. 30 (Moody/King) – Law Enforcement Records:** provides that information, records, or notations held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime that did not result in a conviction or deferred adjudication may not be withheld under the Public Information Act if: (1) a person who is described by or depicted in the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (2) each person who is described by or depicted in the information, record, or notation, other than a person who is deceased or incapacitated, consents to the release of the information, record, or notation. (Effective September 1, 2023.)

**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. 3130 (Guerra/Zaffirini) – Withholding Information:** provides that: (1) a governmental body may not sell or otherwise release the name, home or business address, place of employment, telephone number, electronic mail address, social security number, date of birth, driver's license or state identification number, passport number, emergency contact information, or numeric identifier of a person who: (a) holds, previously held, or is an applicant for a license issued by the governmental body; and (b) notifies the governmental body on a form provided by the office of the attorney general or the governmental body that the person: (i) is a current or former client of a family violence shelter center, victims of trafficking shelter center, or sexual assault program or is a survivor of family violence, domestic violence, or sexual assault; and (ii) chooses to restrict public access to the information; and (2) a governmental body may redact information described by (1), above, from a response to a request for a list or directory of license holders, former license holders, or license applicants without the necessity of requesting a decision from the attorney general. (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.)

**H.B. 4759 (Campos/Menendez) – Dangerous Dogs:** this bill, among other things, provides that the identifying information of a witness who gives a sworn statement relating to a dangerous dog attack: (1) is confidential and not subject to disclosure under the Public Information Act; and (2) may be disclosed for purposes of enforcing state law related to dangerous dog determinations to the governing body of a city or county in which the incident occurred, as applicable, and any other governmental or law enforcement agency. (Effective September 1, 2023.)

**S.B. 435 (Middleton/Bonnen) – Medical Examiner Report:** provides, among other things, that: (1) a prosecutor may permit a person to view the following evidence of a crime that resulted in the death of a person and that occurred in the prosecutor's jurisdiction: (a) a medical



examiner's report (including an autopsy report and toxicology report, but excluding a photograph or medical image contained in a report), if the person viewing the report is a family member of the person who is the subject of the report and the person who is the subject of the report was a victim of the crime; and (b) video evidence of the crime, if the person viewing the video is a victim of the crime or a family member of a victim of the crime; and (2) a permitted viewing of a medical examiner's report or video evidence under (1), above, is not a voluntary disclosure under the Public Information Act, and a governmental body, by providing information under (1), above, that is confidential or otherwise excepted from required disclosure, does not waive or affect the confidentiality of the information for purposes of state or federal law or waive the right to assert exceptions to required disclosure of the information in the future. (Effective immediately.)

**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. 983 (Paxton/Holland) – Utility Competitive Matters:** the bill: (1) expands the definition of "competitive matters" to allow for withholding from public disclosure under the Public Information Act (PIA) the following: (a) utility-related matter, including for an entity described in (b), below, a cable, Internet, or broadband service matter, that is related to the public power utility's competitive activity, including commercial information, and would, if disclosed, give advantage to competitors or prospective competitors; (b) a matter reasonably related to information involving the provision of cable, Internet, or broadband services by a municipally owned utility (MOU) that provided electricity services and cable, Internet, or broadband services on or before January 1, 2003, including: (i) a capital improvement plan; (ii) an expense related to the installation of a facility to provide those services; (iii) bidding and pricing information for installation of the facility; (iv) risk management information, contracts, and strategies; (v) plans, studies, proposals, and analyses for: (A) system improvements, additions, or sales; or (B) establishing pricing for providing those services; and (vi) customer billing, contract, and usage information; (2) requires a MOU that provides electricity and broadband services and that provided electricity services and cable, Internet, or broadband services on or before January 1, 2003 to: (a) maintain separate books and records of broadband service operations; and (b) ensure that the rates charged for provision of electric service do not include any broadband service costs or any other costs not related to the provision of electric service; and (3) provides that information included in the separate books and records required to be kept as described by (2),

above, is not “competitive matters” that may be withheld under the PIA. (Effective September 1, 2023.)

**S.B. 1495 (Johnson/Davis) – Airport Parking Facility:** provides that: (1) the following information collected by a local government, including a city, is confidential and not subject to public disclosure if the information collected is in relation to a person’s use of an airport parking facility that includes: (a) the person’s name, address, e-mail address, phone number, and zip code; (b) the person’s license plate number, toll tag number, and credit, debit or other payment card number; or (c) the dates the person’s vehicle was parked at the facility, the date the person’s vehicle exited the facility, and the amount the person paid to park in the facility; and (2) the information described in (1), above, collected by a joint board for which the constituent public agencies are home-rule cities with a population of more than 400,000 is confidential and not subject to public disclosure. (Effective September 1, 2023.)

### **Other Finance and Administration**

**H.B. 4 (Capriglione/Hughes) – Data Privacy:** among other things, expressly preempts any local ordinance, resolution, rule, or other regulation regarding the processing of personal consumer data but also exempts political subdivisions from such regulations. (Effective July 1, 2024.)

**H.B. 59 (Goodwin/Zaffirini) – Child Water Safety Requirements:** this bill: (1) provides that an organization, including a school, preschool, kindergarten, nursery school, day camp, or youth camp that takes a child in its care or under its supervision to a body of water (including a pool) or otherwise allows a child access to a body of water shall: (a) determine whether the child is able to swim or is at risk when swimming; and (b) if the organization does not own or operate the body of water, provide the owner or operator of the body of water a written or electronic disclosure that clearly identifies each child who is unable to swim or is at risk when swimming; and (2) requires the organization, during the time each child who is unable to swim or is at risk when swimming has access to a body of water, to: (a) provide the child an approved personal flotation device; and (b) ensure the child is wearing the appropriate personal flotation device and the device is properly fitted for the child. (Effective September 1, 2023.)

**H.B. 1038 (Cain/Sparks) – Bond Review Board Assistance:** this bill, among other things, requires cities to submit any information to the Bond Review Board necessary for the board’s preparation of the Biennial Report on State Lending and Credit Support Programs to the legislature. (Effective September 1, 2023.)

**H.B. 1550 (Goldman/Springer) – Office of State-Federal Relations Sunset:** this bill, among other things, extends the operation of the Office of State-Federal Relations until September 1, 2035. (Effective September 1, 2023.)

**H.B. 1740 (Leach/Hancock) – State Park Entrance Fees:** waives state park entrance fees for active-duty U.S. armed services members, honorably discharged veterans, and surviving spouses, parents, children, and siblings of a person who died while serving in the U.S. armed services. (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. 2127 (Burrows/Creighton) – Preemption:** this bill, known as the Texas Regulatory Consistency Act, preempts certain city and county regulatory authority in specific fields of regulation. Specifically for cities, the bill:

1. may not be construed to prohibit: (a) a city from building or maintaining a road, imposing a tax, or carrying out any authority expressly authorized by statute; or (b) a home-rule city from providing the same services and imposing the same regulations that a general-law city is authorized to provide or impose;
2. does not affect the authority of a city to: (a) adopt, enforce, or maintain an ordinance or rule that relates to the control, care, management welfare, or health and safety of animals, except as expressly provided by the bill; (b) conduct a public awareness campaign; (c) enter into or negotiate terms of a collective bargaining agreement with its employees or adopt a policy related to its employees; and (d) repeal or amend an existing ordinance, order, or rule that violates provisions of the bill for the limited purpose of bringing that ordinance, order, or rule in compliance with the bill;
3. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Agriculture Code;
4. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Business and Commerce Code;
5. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Finance Code, except that a city may enforce or maintain an ordinance regulating a credit services organization or a credit access business if the city adopted the ordinance before January 1, 2023 and the ordinance would have been valid under the law as it existed before the enactment of the bill;
6. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Insurance Code;

7. provides that: (a) unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Labor Code; and (b) a field occupied by a provision of the Labor Code includes employment leave, hiring practices, breaks, employment benefits, scheduling practices, and any other terms of employment that exceed or conflict with federal or state law for employers other than a city;
8. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Natural Resources Code;
9. provides that, unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Occupations Code, though city authority to regulate a massage establishment is not preempted;
10. provides that: (a) unless expressly authorized by another statute, a city may not adopt, enforce, or maintain an ordinance, order, or rule regulating conduct in a field of regulation that is occupied by a provision of the Property Code; and (b) a field occupied by a provision of the Property Code includes an ordinance regulating evictions or otherwise prohibiting, restricting, or delaying delivery of notice to vacate or filing a suit to recover possession of the premises;
11. provides that an ordinance, order, or rule that violates Numbers 3 through 10, above, is void, unenforceable, and inconsistent with the specified code;
12. prohibits a city from adopting, enforcing, or maintaining an ordinance or rule that restricts, regulates, limits, or otherwise impedes: (a) a business involving the breeding, care, treatment, or sale of animals or animal products, including a veterinary practice, or the business's transactions if the person operating the business holds a license for the business that is issued by the federal government or a state; or (b) the retail sale of dogs or cats, except that a city may enforce or maintain an ordinance or rule adopted before April 1, 2023, that restricts, regulates, limits, or otherwise impedes the retail sale of dogs or cats until the state adopts statewide regulations for the retail sale of dogs or cats, as applicable;
13. provides that a city council may adopt, enforce, or maintain an ordinance or rule only if the ordinance or rule is consistent with the laws of the state;
14. provides that any person or trade association representing a person who has sustained an injury in fact, actual or threatened, from a city ordinance, order, or rule adopted in violation of Numbers 3 through 12, above, may bring an action against the city, and governmental immunity to suit and from liability is waived to the extent of any liability;

15. provides that a claimant is entitled to recover declaratory and injunctive relief and costs and reasonable attorney's fees in an action brought under Number 14, above;
16. provides that a city is entitled to recover costs and reasonable attorney's fees in an action brought under Number 14, above, if the court finds the action to be frivolous;
17. entitles a city to receive notice of a claim against it under Number 14, above, not later than three months before the date a claimant files an action, and the notice must reasonably describe the injury claimed and the ordinance, order, or rule that is the cause of the injury;
18. provides that a claimant may bring an action against a city under Number 14, above, in the county in which all or a substantial party of the events giving rise to the cause of action occurred or in a county in which the city is located; and
19. prohibits an action from being transferred to a different venue without the written consent of all parties.

(Effective September 1, 2023.)

**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. 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. 3065 (Bailes/Perry) – Wildlife:** this bill, among other things, provides that: (1) an employee of the Texas Parks and Wildlife Department (TPWD) acting within the scope of the employee’s authority may discharge a firearm on a public road or right-of-way if the wildlife is mortally injured or behaving in a manner consistent with the wildlife being diseased; and (2) a person or agent of the person, other than an employee of TPWD, may take wildlife on the person’s property if the person: (a) has written authorization from the TPWD; and (b) is participating under the supervision of a TPWD employee in a program or event designated by the director as being conducted for the diagnosis, management, or prevention of a disease in wildlife. (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.)

**H.B. 3579 (Bumgarner/King) – Massage Establishments:** provides that:

1. the statutes governing massage therapy do not affect a local regulation that relates to: (a) zoning requirements, including conditional use permits; (b) hours of operation; or (c) other similar regulations for massage establishments;
2. except as provided for in state law governing city and county authority to regulate sexually oriented business, a political subdivision may not adopt a regulation of the type described by Number 1, above, that is more restrictive for massage therapists than for other health care professionals;



3. a political subdivision may not adopt a regulation of the type described by Number 1, above, that is more restrictive for massage establishments than for other health care establishments, except that a more restrictive regulation may be adopted: (a) as provided by state law governing city and county authority to regulate sexually oriented business; or (b) if the regulation relates to the location, ownership, hours of operation, or operation of a massage establishment: (i) where three or more arrests have occurred or citations in lieu of arrest have been issued for certain offenses that were committed at the massage establishment; (ii) where certain offenses were committed that resulted in a conviction; (iii) that is operating at a location where another massage establishment against which a sanction was imposed for a violation of this chapter previously operated; or (iv) that is operating at a location where another massage establishment owned or operated by an individual against whom a sanction was imposed for a violation of this chapter previously operated;
4. the owner or operator of a massage establishment that is operating at a location where another massage establishment against which a sanction was imposed previously operated subject may submit a request to the applicable political subdivision for an exemption from the regulation;
5. the governing body of a political subdivision that receives a request under Number 4, above, shall: (a) consider, but is not required to approve, the requested exemption at the governing body's next regularly scheduled meeting to be held on a date after the date on which the request is received and that allows sufficient time to comply with the Open Meetings Act in certain circumstances; or (b) approve the requested exemption as soon as practicable after the date on which the request is received in certain circumstances; and
6. the executive director of the Texas Department of Licensing and Regulation (TDLR) shall issue an emergency order halting the operation of a massage establishment if: (a) a law enforcement agency gives notice to TDLR or TDLR otherwise learns that the law enforcement agency is investigating the massage establishment for an offense for trafficking of persons; or (b) TDLR has reasonable cause to believe that an offense of trafficking of persons is being committed at the massage establishment.

(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. 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.)

**H.B. 4559 (Darby/Huffman) – Population Brackets:** modifies the population brackets for political subdivisions throughout the statutes to conform to the most recent census data. (Effective September 1, 2023.)

**S.B. 12 (Hughes/Shahen) – Sexually Oriented Performances:** this bill, among other things: (1) defines “sexually oriented performance” as a visual performance that features a nude performer or any other performer who engages in sexual conduct and appeals to the prurient interest in sex; (2) establishes a civil penalty for a person who controls the premises of a commercial enterprise for allowing a sexually oriented performance to be presented on the premises in the presence of an individual younger than 18 years of age; (3) creates a criminal offense for a person who engages in a sexually oriented performance: (a) on public property at a time, in a place, and in a manner that could reasonably be expected to be viewed by a child; or (b) in the presence of an individual younger than 18 years of age; (4) authorizes a city or county to regulate sexually oriented performances as the city or county considers necessary to promote public health, safety, or welfare; and (5) prohibits a city or county from authorizing a sexually oriented performance on public property or in the presence of an individual younger than 18 years of age. (Effective September 1, 2023.)

**S.B. 26 (Kolkhorst/Jetton) – Mental Health Early Intervention Grant Program:** provides, among other things, that a city is eligible to receive a grant awarded under the Innovation Matching Grant Program for Mental Health Early Intervention and Treatment to fund community-based initiatives that promote identification of mental health issues and improve access to early intervention and treatment for children and families. (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. 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. 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.)

**S.B. 577 (Springer/Cody Harris) – Food Regulation:** this bill, among other things, provides: (1) a city or public health district of which the city is a member may not conduct an inspection to determine compliance with an ordinance the municipality adopts that differs from state law or department rules or orders before the 60th day following the date the municipality or district submits a copy of the ordinance to the department for inclusion in the registry under (3), below; (2) the Department of State Health Services (DSHS), a county, a city, or a public health district, including an authorized agent or employee, that conducts an inspection may not take disciplinary action against or otherwise penalize a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment for failing to adhere to easily cleanable surface requirements for wall and ceiling surfaces, decorative items, or attachments in a consumer area, provided the surfaces, items, or attachments are kept clean; (3) DSHS shall establish and maintain on DSHS’s Internet website a registry for municipal ordinances submitted under (1), above; (4) a county or a city with a public health district that requires the payment of a fee for issuing or renewing certain permits for a premises permitted or licensed by the Texas Alcoholic Beverage Commission may not also charge certain fees under the Alcoholic Beverage Code for an alcoholic beverage permit or license issued for premises located in the county or city; (5) DSHS, a county, a city, or a public health district may not restrict the type or quantity of packaging, utensils, or straws a food service establishment, retail food store, mobile food unit, roadside food vendor, or temporary food service establishment provides to customers; and (6) a local health jurisdiction may not require a food manager who holds a food manager certificate issued under this subchapter to hold a local food manager card or charge a fee for issuance of the certificate. (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. 643 (Zaffirini/S. Thompson) – Charitable Bingo:** requires, among other things, a licensed authorized organization or unit that collects a prize fee for a bingo game conducted in a city or county that was entitled to receive a portion of a bingo prize fee as of January 1, 2019, to remit 50 percent of the amount collected as the prize fee to the Texas Lottery Commission and: (1) remit 50 percent of the amount collected to the county if the location at which the bingo game is conducted is not within the city limits and the county voted to impose the prize fee by November 1, 2019; (2) remit 50 percent of the amount collected as the prize fee in equal shares to the city and county if the bingo game is conducted within a county and within the city limits of a city that both voted before November 1, 2019 to impose the prize fee; or (3) if the county in which the bingo game is conducted did not vote before November 1, 2019 to impose the prize fee and the location at which the bingo game is conducted is within the boundaries of a city that voted before November 1, 2019 to impose the prize fee, remit 25 percent of the amount collected to the city and deposit the remaining amount in the general charitable fund of the organization organizations conducting the bingo game. (Effective September 1, 2023.)

**S.B. 1097 (Parker/Stucky) – Municipal Hospitals:** this bill: (1) limits the total of all available damages in a breach of contract suit against a municipal hospital authority located in a county with a population under 70,000 involving the sale of a municipal hospital authority-owned hospital to the amount due and owing under the contract; (2) allows the municipal hospital authority to indemnify the hospital purchaser under the contract; and (3) waives governmental immunity for (1), above. (Effective immediately.)

**S.B. 812 (Zaffirini/Cortez) – Food Allergen Awareness:** this bill, among other things: (1) requires 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; (2) prohibits 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; and (3) prohibits that a county, city, or public health district from adopting or enforcing an order, ordinance, rule, or other measure related to food allergens that is inconsistent with or exceeds the requirements of state law on public health measures relating to food. (Effective September 1, 2023.)

**S.B. 1420 (Birdwell/Anderson) – 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.)

**S.B. 1766 (Creighton/Paul) – Appraiser Indemnity:** this bill: (1) mandates that a contract for appraiser services for real property (Appraiser Contract) require that a licensed appraiser perform the contract services: (a) with the professional skill and care ordinarily provided by competent appraisers under the same or similar circumstances and professional license; and (b) as expeditiously as is prudent considering the ordinary professional skill and care of a competent appraiser; (2) allows a governmental entity to require the reimbursement of its reasonable attorney’s fees in proportion to an appraiser’s liability, name the governmental agency as an



additional insured on, and assert any defense provided by, the appraiser's liability insurance policy; (3) renders a provision of or promise in connection with an Appraiser Contract void and unenforceable if: (a) the provision requires a licensed appraiser to indemnify or hold harmless the governmental agency harmless against liable for damage under such contract, except to the extent that the damages are caused by or result from negligence, intentional tort, intellectual property infringement, or failure to pay a subcontractor, supplier, consultant, or other person or entity over which the appraiser exercises control; (b) the provision requires a licensed appraiser to defend a person against a claim based wholly or partly on the negligence or fault of, or breach of contract by the governmental agency or its employees, agents, or other persons or entities over whom the governmental entity exercises control outside of the appraiser; or (c) contains a different standard of care than that provided in (1), above; and (4) does not apply to including in and enforcing a provision in an Appraiser Contract relating to project scope, fees, and scheduling. (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.)

**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.)

**S.B. 2035 (Bettencourt/Capriglione) – Local Debt:** this bill: (1) prohibits the governing body of an issuer, including a city council, from authorizing an anticipation note to pay a contractual obligation to be incurred if a bond proposition to authorize bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved; (2) provides an exception to (1), above, if: (a) the governing body of an issuer is issuing the note for: (i) a case of public calamity if it is necessary to act promptly to relieve the necessity of the residents or to preserve the property of the issuer; (ii) a case in which it is necessary to preserve or protect the public health of the residents of the issuer; or (iii) a case of unforeseen damage to public machinery, equipment, or other property; (b) to finance the cleanup, mitigation, or remediation of a natural disaster; (c) to comply with a federal court order; and (d) to comply with a state or federal law, rule, or regulation if the issuer has been officially notified of noncompliance with the law, rule, or regulation; and (3) prohibits the governing body of an issuer, including a city council, from authorizing certificate of obligation to pay a contractual obligation to be incurred if a bond proposition to authorize the issuance of bonds for the same purpose was submitted to the voters during the preceding five years and failed to be approved. (Effective September 1, 2023.)

**S.B. 2476 (Zaffirini/Oliverson) – Municipal Ambulance Billing:** this bill, among other things: (1) allows a political subdivision to submit fixed rates that insurers must pay for certain



emergency medical services to the Texas Department of Insurance (TDI); (2) establishes a base rate for certain emergency medical services if the political subdivision does not submit such rates to TDI, which is the lesser of the provider's billed charge or 325 percent of the current Medicare rate plus any applicable extenders or multipliers; and (3) provides that the changes in (1) and (2), above, only apply to emergency medical services performed on or after January 1, 2024. (Effective September 1, 2023, city-related sections expire September 1, 2025.)

## **Personnel**

**H.B. 471 (Patterson/Schwertner) – Illness or Injury Leave:** provides, among other things, that: (1) a political subdivision, including a city, shall provide to a firefighter (including a fire chief), a police officer (including a police chief) or emergency medical services personnel leave of absence for an illness or injury related to the person's line of duty; (2) the 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 political subdivision shall continue the leave for at least one year; (3) at the end of the leave of absence under (2), above, the governing body of the political subdivision may extend the leave of absence at full or reduced pay; (4) if the firefighter, police officer, or emergency medical services personnel is temporarily disabled by a line of duty injury or illness and the leave of absence and any extension granted by the governing body has expired, the person may use accumulated sick leave, vacation time, and other accrued benefits before the person is placed on temporary leave; (5) if the leave of absence and any extension granted by the governing body has expired, a firefighter, police officer, or emergency medical services personnel who requires additional leave described by this section shall be placed on temporary leave; (6) 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; (7) 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; (8) another firefighter, police officer, or emergency medical services personnel may voluntarily do the work of the injured firefighter, police officer, or emergency medical services personnel until the person returns to duty; (9) workers' compensation benefits shall be offset, to the extent applicable, by any amount for incapacity received as provided by (1) through (7), above; and (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 the provisions of this bill. (Effective immediately.)

**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.)

**H.B. 1486 (Gerdes/Whitmire) – Mental Health Leave Policy:** provides that: (1) each law enforcement agency, and each state agency or political subdivision, including a city, that employs a full-time telecommunicator, shall develop and adopt a policy allowing the use of mental health leave by a full-time telecommunicator employed by the agency who experienced a traumatic event in the scope of that employment; (2) the mental health leave policy adopted under (1), above, must: (a) provide clear and objective guidelines establishing the circumstances under which a telecommunicator is granted and may use mental health leave; (b) entitle a telecommunicator to mental health leave without a deduction in salary or other compensation; (c) enumerate the number of mental health leave days available to a telecommunicator; and (d) detail the level of anonymity for a telecommunicator who takes mental health leave; and (3) the mental health leave policy adopted under (1), above, may provide a list of mental health services available to telecommunicators in the area of the law enforcement or employing agency. (Effective September 1, 2023.)

**H.B. 1661 (Burns/King) – Police Maximum Hiring Age:** repeals the provision that prohibits a person who is 45 years of age or older from being certified for a beginning position in a police department. (Effective September 1, 2023.)

**H.B. 2468 (Burrows/Perry) – Workers' Compensation:** this bill, among other things, provides that a first responder who sustains a serious bodily injury in the course and scope of the employee's employment or volunteer services as a first responder that renders the employee permanently unemployable is entitled to receive lifetime income benefits paid until the employee's death for the employee's injury. (Effective September 1, 2023.)

**H.B. 3335 (Canales/Kolkhorst) – Scope of Employment:** provides that for purposes of workers' compensation, the travel of a peace officer en route to an emergency call is considered to be in the course and scope of the peace officer's employment. (Effective immediately.)

**H.B. 4227 (Goldman/Hancock) – Civil Service Repeal:** provides that if the governing body of a city with a population of less than 950,000 that has operated under civil service for its police officers or firefighters for at least one year receives a petition requesting an election to repeal civil service that is signed by at least 10 percent of the qualified voters of the city, the governing body shall order an election submitting to the voters the question on whether civil should be repealed. (Effective September 1, 2023.)

## **Purchasing**

**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. 1440 (Button/Hall) – Contract Change Orders:** this bill: (1) allows a city council in a city with a population of 240,000 or more (previously 300,000 or more) to grant general authority to a city administrative official to approve a change order for a public works contract if it involves a decrease or an increase of \$100,000 or less; and (2) provides generally that the change order procedures apply only to a contract awarded through a competitive procedure. (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. 2007 (Martinez/Parker) – Certificate of Merit:** provides that a third-party plaintiff that is a design-build firm or a design-build team, or an architect, engineer, or other member of a design-build firm or design-build team, 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. (Effective September 1, 2023.)

**H.B. 2518 (K. Bell/Nichols) – Public Work Contracts:** provides, among other things, that: (1) a lease between a governmental entity, including a city, and another person regarding public property must contain lease terms requiring the person to: (a) include in each contract for the construction, alteration, or repair of an improvement to the leased property a condition that the contractor: (i) execute a payment bond; and (ii) execute a performance bond in an amount equal to the amount of the contract for the protection of the governmental entity and conditioned on the faithful performance of the contractor’s work in accordance with the plans, specifications, and contract documents; and (b) provide to the governmental entity a notice of commencement at least 90 days before the date the construction, alteration, or repair of any improvement to the leased property begins; (2) a notice of commencement under (1)(b), above, must: (a) identify the

public property where the work will be performed; (b) describe the work to be performed; (c) state the total cost of the work to be performed; (d) include copies of the performance and payment bonds; and (e) include a written acknowledgement signed by the contractor stating that copies of the required performance and payment bonds will be provided to all subcontractors not later than the fifth day after the date a subcontract is executed; (3) on or before the tenth day after the date a governmental entity receives a notice of commencement for the construction, alteration, or repair of an improvement to leased property, the governmental entity may notify the leaseholder that the construction, alteration, or repair may not proceed; (4) a person commits a Class A misdemeanor if the person materially misrepresents information in a notice of commencement; (5) a governmental entity is not liable as a surety if a person leasing property from the governmental entity fails to submit to the governmental entity the notice of commencement required in (1)(b), 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. 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.)

## **Transportation**

**H.B. 718 (Goldman/West) – Temporary License Plates:** this bill, among other things: (1) authorizes the Texas Department of Public Safety to issue a temporary one-trip or 30-day license plate in lieu of registration for a vehicle subject to registration that is not authorized to travel on a public highway because of the lack of state registration or lack of reciprocity with the state or country in which the vehicle is registered; (2) allows federal, state, or local governmental agencies to issue a temporary license plate for a surplus vehicle sold or disposed of under state law; and (3) creates criminal offenses for: (a) operating a vehicle displaying a dealer-issued license plate in violation of the Transportation Code; and (b) selling or distributing a dealer-

issued license plate if the person is not a dealer issuing such plates in connection with the sale of a vehicle. (Effective July 1, 2025.)

**H.B. 1885 (Canales/Nichols) – Variable Speed Limit Program:** provides, among other things, that: (1) the Texas Transportation Commission may establish a variable speed limit program allowing the temporary lowering of a speed limit to address inclement weather, congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway for which the commission has the authority to establish a speed limit; and (2) a speed limit established under the program: (a) must be based on an engineering and traffic investigation; (b) may not be more than 10 miles per hour below the existing prima facie speed limit for the roadway; (c) may be effective for all or part of the highway for any period of day or night as Texas Department of Transportation determines necessary; and (d) is only effective when notice of the speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the new speed limit begins. (Effective September 1, 2023.)

**H.B. 3444 (Canales/Hinojosa) – Transportation Districts:** directs the Texas Transportation Commission to establish criteria for classifying each transportation district as metropolitan, urban, or rural, with a transportation district with a population of more than one million classified as metropolitan. (Effective September 1, 2023.)

**S.B. 505 (Nichols/Canales) – Additional Electric Vehicle Registration Fee:** provides 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. (Effective September 1, 2023.)

**S.B. 1023 (Nichols/Canales) – Notice of Maximum Bridge Load Capacity:** provides that if required or authorized under federal law, the Department of Transportation, after inspecting a city bridge, determines that the bridge qualifies for a lower maximum load than is currently posted, the department may post notice of the maximum load permitted, on the road or highway approaching the bridge. (Effective immediately.)

**S.B. 1260 (Creighton/Romero) – Airport Infrastructure Contracts:** this bill (1) prohibits a city or a person operating an airport on a city’s behalf from entering into an airport infrastructure or equipment contract with an entity that a federal court has determined has misappropriated another entity’s intellectual property or trade secrets and is: (a) owned in whole or part by, is controlled by, or receives subsidies from a government of a priority foreign country under the Trade Secrets Act of 1974; (b) subject to monitoring by the Office of the U.S. Trade Representative; or (c) under common ownership with, or is a successor to an entity described in (1)(a) or (b), above; (2) requires that any contract for airport infrastructure or equipment goods or services entered into by a city or city airport operator contain a written statement by the contractor verifying that it is not an entity described under (1)(a) through (c), above, and renders any contract without such verification or where such verification is found to be false voidable by the city or city airport operator; and (3) extends the possible term of an agreement between a city and city airport operator from 40 years to 99 years. (Effective immediately.)



**S.B. 1716 (Zaffirini/Gerdes) – Airport Operator and Lease Agreements:** extends the term limits for: (1) a local government contract with a qualified person or entity to operate, or a lease involving, a local government-owned or controlled airport or air navigation facility from 40 years to 50 years; and (2) a local government lease for nonaeronautical property on an airport with active federal government aircraft operations on federal government property. (Effective September 1, 2023.)

**S.B. 2144 (Parker/Cook) – Advanced Air Mobility Committee:** this bill, among other things: (1) creates an advisory committee including representatives from various industries, local government, and the general public, to assess state law and make recommendations for implementing advanced air mobility technology in Texas; and (2) requires the Texas Department of Transportation to: (a) review aviation standards and guidelines to ensure they are applicable to the new technology; (b) develop a statewide plan for vertiports and associated infrastructure; and (c) provide resources and assistance to local governments and industry. (Effective September 1, 2023.)

### **Utilities and Environment**

**H.B. 9 (Ashby/Huffman) – Broadband Funding:** this bill, among other things: (1) establishes the Broadband Equity, Access, and Deployment (BEAD) program and Broadband Infrastructure Fund (BIF); (2) provides for eligible uses of BIF funds, which include: (a) creating statewide broadband service access map; (b) broadband service access-related infrastructure projects; (c) 9-1-1 and next generation 9-1-1 service centers; (d) universal service fund-eligible expenditures; and (e) improving public safety telecommunications connectivity; and (3) directs the comptroller to adopt necessary BEAD and BIF rules. (Effective January 1, 2024.)

**H.B. 1500 (Holland/Schwertner) – Public Utility Commission:** this is the Public Utility Commission (PUC) sunset bill. The bill, among other things:

1. continues the PUC until 2029;
2. requires the PUC to prepare a written report on the scope of competition in the electric and telecommunications markets;
3. requires the PUC to adopt rules to require a provider of electric generation service to provide to the independent organization certified for the Electric Reliability Council of Texas (ERCOT) power region the reason for each unplanned service interruption;
4. provides that for certain generators in the ERCOT power region, not later than December 1 of each year, an owner or operator of an electric generation facility, other than a battery energy storage resource, shall demonstrate to the PUC the ability of the owner or operator's portfolio to operate or be available to operate when called on for dispatch at or above the seasonal average generation capability during the times of highest reliability risk, as determined by the PUC, due to low operation reserves, as determined by the PUC;



5. provides that the PUC may not require retail customers or load-serving entities in the ERCOT power region to purchase credits designed to support a required reserve margin or other capacity or reliability requirement unless the PUC ensure certain requirements are met;
6. provides that the PUC, in consultation with the independent organization for the ERCOT power region, shall prepare and submit to the legislature an electric industry report not later than January 15 of each odd-numbered year;
7. provides that the PUC shall file a report on dispatchable and non-dispatchable generation facilities with the legislature each year;
8. provides that each retail electric provider that offers electricity for sale shall report to the PUC: (a) its annual retail sales in this state; (b) the annual retail sales of its affiliates by number of customers, kilowatts per hour sold, and revenue from kilowatts per hour sold by customer class; and (c) any other information the PUC requires relating to affiliations between retail electric providers;
9. provides that the PUC may adopt rules requiring renewable power facilities to have reactive power control capabilities or any other feasible technology designed to reduce the facilities' effects on system reliability;
10. repeals the provisions requiring the PUC to prepare a report including a statement of: (a) the number of telephone numbers included on the Texas no-call list; (b) the number of no call lists distributed; and (c) the amount collected for requests to place telephone numbers and renew entries on the list and for distribution of the list; and
11. repeals the statute encompassing the goal for renewable energy and phases out the program by September 1, 2025.

(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. 1598 (Darby/Perry) – Solid Waste Facilities:** this bill, among other things, provides that: (1) an applicant for a permit under the Solid Waste Disposal Act is not required to obtain a permit for the siting, construction, or operation of a municipal solid waste facility from a local government or other political subdivision of the state as a prerequisite to a permit being issued by the Texas Commission on Environmental Quality (TCEQ); (2) a local government or other political subdivision may not adopt an order that conflicts with or is inconsistent with: (a) the

requirements for hazardous waste management or municipal solid waste facilities as specified by: (i) the rules of TCEQ; or (ii) a permit issued by TCEQ; or (b) the requirements for a municipal solid waste facilities; (3) the bill may not be construed to prevent or limit the right of: (a) a county or city to exercise the authority granted under state law to prohibit the processing or disposal of municipal solid waste; (b) a county to exercise the authority granted state law to prohibit the disposal of municipal solid waste; or (c) a local government or other political subdivision to adopt or enforce a rule, order, or ordinance under the authority of the National Flood Insurance Program governing permits or other approvals for the development of land in areas prone to floods or mudslides; (4) numbers (1) through (3), above, apply only to an order, ordinance, or other regulation related to the siting or location of a solid waste disposal facility adopted by a local government or other political subdivision after the effective date of the bill; and (5) an order, ordinance, or other regulation related to the siting or location of a solid waste disposal facility adopted before the effective date of the bill is governed by the law in effect on the date it was adopted, and the former law is continued in effect for that purpose. (Effective immediately.)

**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.)

**H.B. 2073 (Price/Schwertner) – Electricity Costs:** this bill, among other things: (1) requires the Public Utility Commission (PUC) to adopt rules to provide for the timely adjustment of an electric utility’s fuel factor without a hearing that ensures that: (a) the utility collects as contemporaneously as reasonably possible the electric fuel and purchased power costs that the utility incurs and the PUC determines are eligible; (b) the total of the utility’s eligible electric fuel and purchased power costs, including any under-collected or over-collected amounts to be recovered through an interim fuel adjustment, is allocated among customer classes based on actual historical calendar month usage; (c) any material balance of amounts under-collected or over-collected for eligible electric fuel and purchased power costs is collected from or refunded to customers through an interim fuel adjustment: (i) not later than the 90th day after the date the balance is accrued; or (ii) if the adjustment would result in a total bill increase of ten percent or more compared to the total bill in the month before implementation, not later than a date ordered by the PUC which must be after the 90th day after the date the balance is accrued; and (d) an affected party will receive notice and have the opportunity to request a hearing before the PUC; (2) provides that the PUC is not required to hold a hearing on the adjustment of an electric utility’s fuel factor under the bill; (3) provides that a customer of the electric utility, a municipality with original jurisdiction over the utility, or the office may protest a fuel factor established under the bill and the sole issue of the protest that may be considered is whether the factor reasonably reflects costs the electric utility will incur so that the utility is not substantially over-collecting or under-collecting the utility’s reasonably stated fuel and purchased power costs on an ongoing basis; and (4) requires the PUC to hold a hearing on a protest of an interim fuel adjustment under (3), above, if the adjustment would result in a total bill increase of ten percent

or more as described or if the adjustment results from extraordinary electric fuel and purchased power costs. (Effective September 1, 2023.)

**H.B. 2263 (Darby/Hughes) – Natural Gas Energy Conservation Programs:** this bill, among other things: (1) provides that a local distribution company may offer to customers and prospective customers and provide to customers an energy conservation program; (2) provides that the Railroad Commission (RRC) has exclusive original jurisdiction over energy conservation programs implemented by local distribution companies; (3) provides 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) provides that a local distribution company may recover costs of energy conservation programs if approved by the RRC; and (5) requires 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. (Effective immediately.)

**H.B. 2442 (Guillen/Flores) – Certificates of Convenience and Necessity:** this bill, among other things, provides that, for a municipally owned utility (MOU) that applies to obtain a certificate of convenience and necessity for newly incorporated or annexed areas, on the day a MOU submits an application for single certification to the Public Utility Commission, the MOU shall send, via certified mail or hand-delivery, a copy of the application to the retail public utility that provides water or sewer service to all or part of the area pursuant to a certificate of convenience and necessity. (Effective September 1, 2023.)

**H.B. 2460 (T. King/Perry) – Water Availability Models:** provides that not later than December 1, 2026, the Texas Commission on Environmental Quality shall obtain or develop updated water availability models for the Guadalupe, Lavaca, Nueces, San Antonio, San Jacinto, and Trinity River basins. (Effective September 1, 2023.)

**H.B. 2555 (Metcalf/Schwertner) – Electricity Resiliency Planning and Cost Recovery:** this bill, among other things, provides that: (1) an electric utility may file, in a manner authorized by Public Utility Commission (PUC) rule, a plan to enhance the resiliency of the utility's transmission and distribution system through at least one of the following methods: (a) hardening electrical transmission and distribution facilities; (b) modernizing electrical transmission and distribution facilities; (c) undergrounding certain electrical distribution lines; (d) lightning mitigation measures; (e) flood mitigation measures; (f) information technology; (g) cybersecurity measures; (h) physical security measures; (i) vegetation management; or (j) wildfire mitigation and response; (2) an electric utility may file with a plan an application for a rider to recover the electric utility's distribution investment that is made to implement a plan and is used and useful to the electric utility in providing service to the public; (3) if the PUC approves or modifies the plan in (1), above, the PUC shall determine the appropriate terms of the rider in the approval order; (4) the PUC may approve the rider application before the electric utility places into service the distribution investment to implement an approved plan; (5) if an electric utility that files a plan with the PUC does not apply for a rider under (2), above, the utility may defer all or a portion of the distribution-related costs relating to the implementation of the plan for future

recovery as a regulatory asset, including depreciation expense and carrying costs at the utility's weighted average cost of capital established in the PUC's final order in the utility's most recent base rate proceeding in a manner consistent with state law, and use PUC authorized cost recovery alternatives or another general rate proceeding; and (6) plan costs considered by the PUC to be reasonable and prudent may include only incremental costs that are not already being recovered through the electric utility's base rates or any other rate rider and must be allocated to customer classes pursuant to the rate design most recently approved by the PUC. (Effective immediately.)

**H.B. 2664 (Tepper/Perry) – Customer Information:** provides that a government-operated utility may disclose personal information in a customer's account record to: (1) another entity as necessary to facilitate the transition of customers among retail electric providers or to comply with rules, guidelines, and procedures established by an independent organization certified for the Electric Reliability Council of Texas (ERCOT) power region; or (2) a retail electric provider. (Effective immediately.)

**H.B. 2774 (E. Thompson/Nichols) – Water Rate Proceedings:** this bill, among other things, provides that for the purposes of rate proceedings for water and sewer utilities: (1) if an expense is allowed to be included in utility rates or an investment is included in the utility rate base, the related income tax benefit must be included in the computation of income tax expense to reduce the rates; (2) if an expense is not allowed to be included in utility rates or an investment is not included in the utility rate base, the related income tax benefit may not be included in the computation of income tax expense to reduce the rates; and (3) the amount of income tax that a consolidated group of which a utility is a member saves, because the consolidated return eliminates the intercompany profit on purchases by the utility from an affiliate, shall be applied to reduce the cost of the property or service purchased from the affiliate. (Effective September 1, 2023.)

**H.B. 2815 (Jetton/Creighton) – Water Districts:** this bill, among other things: (1) provides that a city may only remove a board member of a municipal management district appointed by the city for misconduct or failure to carry out the director's duties on petition by a majority of the remaining directors; (2) provides that the board of a water district, on its own motion or on receipt of a petition signed by the owner or owners of a majority of the assessed real property in the district, may adopt an order dividing the district; (3) provides that city consent to the creation of the water district and to the inclusion of land in the district acts as municipal consent to the creation of any new district created by the division of the district and to the inclusion of land in the new district; (4) provides that an agreement between a city and a municipal utility district is an allocation agreement only if: (a) the agreement strictly complies with the requirements of state law governing city consent for inclusion of land in a district that is initially located wholly or partly outside the corporate limits of the city; and (b) the agreement is specifically designated by the parties to the agreement as an "allocation agreement" under state law; (5) provides that on the petition of a municipal utility district regarding road powers, if the Texas Commission on Environmental Quality issues an order approving the petition, the municipal utility district may undertake a road project if: (a) the municipality or county with platting jurisdiction has approved the plans and specifications of the road project; or (b) the Texas Transportation Commission has approved the plans and specifications of the road project, if the state is to operate and maintain

the road; and (6) repeals the hearing requirement for the creation of a municipal management district. (Effective immediately.)

**H.B. 2847 (Darby/Sparks) – Hydrogen Storage:** this bill: (1) grants the Railroad Commission of Texas jurisdiction over pipeline transportation and underground storage of hydrogen; (2) establishes the Texas Hydrogen Production Policy Council (THPPC); and (3) directs the THPPC to: (a) study the development of hydrogen industries in the state; (b) monitor regional efforts to develop a regional clean hydrogen hub authorized under the federal Infrastructure Investment and Jobs Act (IIJA) or other federal law; and (c) develop a state plan for hydrogen production oversight and make recommendations to the legislature about such plan (Effective September 1, 2023.)

**H.B. 4742 (J. Lopez/LaMantia) – Flood Infrastructure Fund:** authorizes the Texas Water Development Board to study issues faced by communities with artificial drainage systems by January 1, 2025. (Effective September 1, 2023.)

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

**H.B. 3390 (Hunter/Schwertner) – Distributed Generation Resources:** this bill, among other things, provides that: (1) the independent organization for the Electric Reliability Council of Texas (ERCOT) power region may require a person who owns or operates a distributed generation facility interconnected to a utility system operating in the power region served by ERCOT, or who seeks to interconnect such a facility, to provide to the interconnecting transmission and distribution utility, municipally owned utility, or electric cooperative information about the distributed generation facility that ERCOT determines is necessary for maintaining system reliability; (2) the independent organization certified for the ERCOT power region may establish protocols to require a transmission service provider operating in the power region served by the independent organization to report to the independent organization, in aggregate by delivery point, information the independent organization determines is necessary for maintaining system reliability regarding distributed generation facilities and distribution-connected loads that: (a) are not registered with the independent organization; and (b) are connected to the utility systems served by the transmission service provider; and (3) the independent organization for the ERCOT power region may require a transmission and distribution utility, municipally owned utility, or electric cooperative that is not required to report load information directly to the independent organization regarding the delivery points interconnected with its facilities to provide information to the utility's or cooperative's transmission service provider for purposes of the report in (2), above. (Effective immediately.)

**H.B. 3582 (Cody Harris/Perry) – Flood Infrastructure Fund:** this bill: (1) defines “rural political subdivision” as, among others, a municipality: (a) with a population of 10,000 or less no part of the service area of which is located in an urban area with a population of 50,000 or more;



or (b) located wholly in a county in which no urban area has a population of more than 50,000; (2) provides that the Texas Water Development Board (TWDB) may use the flood infrastructure fund only to, among other things, make a grant or loan at or below market interest rates to an eligible political subdivision for a flood project to serve a rural political subdivision in order to ensure that the flood project is implemented; (3) provides that with certain exceptions, after the adoption of the initial state flood plan, the TWDB may use the infrastructure fund to provide financing only for flood projects included in the state flood plan; (4) provides that money from the infrastructure fund may be awarded to several eligible political subdivisions for a single flood project; and (5) provides that the remaining balance in the Hurricane Harvey Account on September 2, 2031 is transferred to the flood infrastructure fund. (Effective September 1, 2023.)

**H.B. 3810 (Landgraf/Perry) – Public Water Systems:** provides that an owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes water for public or private use or a wastewater system that provides wastewater services for public or private use shall maintain internal procedures to notify the Texas Commission on Environmental Quality immediately of an unplanned condition that has caused a public water supply outage or the public water supply system to issue a do-not-use advisory, do-not-consume advisory, or boil water notice if the system is a nonindustrial public water supply system. (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.)

**H.J.R. 125 (Ashby/Huffman) – Broadband Funding:** amends the Texas Constitution to: (1) establish the Broadband Infrastructure Fund (BIF) to be administered by the comptroller to provide financing for projects to develop and improve broadband and telecommunications services, including the construction, reconstruction, and expansion of broadband and telecommunications infrastructure or services, the operation of broadband and telecommunications infrastructure, and the provision of such services, as determined by the comptroller and the Public Utility Commission; and (2) direct the appropriation of up to \$5 billion from the economic stabilization fund to the BIF. (Effective if approved at the election on November 7, 2023.)

**S.B. 28 (Perry/T. King) – Water Supply Financial Assistance:** this bill, among other things: (1) establishes the new water supply for Texas fund; (2) requires the Texas Water Development



Board (TWDB) by rule to finance projects through the new water supply for Texas fund that will lead to the acquisition or creation of seven million acre-feet of new water supplies by December 31, 2033; (3) provides that the new water supply for Texas fund may be used to, among other things, provide financial assistance to political subdivisions and wholesale water providers to develop water supply projects that create new water sources for the state including: (a) desalination projects, including marine and brackish water desalination; (b) produced water treatment projects; (c) aquifer storage and recovery projects; and (d) the development of infrastructure to transport water made available by a qualified project; (4) establishes the Texas water fund; (5) requires the TWDB to use the Texas water fund to transfer money to various water funds administered by TWDB, including the new water supply for Texas fund; and (6) requires the TWDB to ensure that a portion of the money transferred from the fund is used for: (a) water infrastructure projects, prioritized by risk or need, for rural political subdivisions and cities with a population of less than 150,000; (b) projects for which all required state or federal permitting has been substantially completed; (c) the statewide water public awareness program; (d) water conservation strategies; and (e) water loss mitigation projects. (Effective January 1, 2024, but only if **S.J.R. 75** is approved at the November 7, 2023 election.)

**S.B. 365 (Zaffirini/Landgraf) – Electricity:** provides that when the utility applies for a certificate of convenience and necessity (CCN) to construct a transmission line that connects to the utility’s existing transmission facilities to a substation or metering point, an electric utility must provide written notice of each substation proposed to be authorized by a CCN to each owner of: (1) property adjacent to the property on which the substation will be located; and (2) property located directly across a highway, road, or street that is adjacent to the property on which the substation will be located. (Effective September 1, 2023.)

**S.B. 469 (Springer/T. King) – Water Infrastructure:** this bill: (1) defines “rural political subdivision” as, among others, a municipality: (a) with a population of 10,000 or less no part of the service area of which is located in an urban area with a population of 50,000 or more; or (b) located wholly in a county in which no urban area has a population of more than 50,000; and (2) provides that of the money disbursed from the State Water Infrastructure Fund for Texas during the five-year period between the adoption of a state water plan and the adoption of a new plan, the Texas Water Development Board (TWDB) shall undertake to apply not less than: (a) 10 percent to support projects that are for: (i) rural political subdivisions; or (ii) agricultural water conservation; and (b) 20 percent to support projects, including agricultural irrigation projects, that are designed for water conservation or reuse; and (3) provides that the TWDB may direct the comptroller to transfer amounts from the financial assistance account to the rural water assistance fund to provide financial assistance to rural political subdivisions. (Effective September 1, 2023.)

**S.B. 594 (Zaffirini/Lozano) – Public Drinking Water:** this bill, among other things, requires: (1) each public drinking water supply system to have a water supply that must provide a quantity of water or capacity of water sufficient to serve the number of connections served by the public drinking water supply system; and (2) the Texas Commission on Environmental Quality to establish by rule connection equivalency values for each meter size used to serve a recreational vehicle park for use in determining the number of connections served by a public drinking water supply system that provides service through meters. (Effective September 1, 2023.)

**S.B. 784 (Birdwell/Landgraf) – Greenhouse Gas:** this bill: (1) provides 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) preempts a city or other political subdivision from enacting or enforcing an ordinance or other measure that directly or indirectly regulates greenhouse gas emissions. (Effective September 1, 2023.)

**S.B. 785 (Birdwell/Darby) – Geothermal Energy Rights:** provides that: (1) except as otherwise provided by a conveyance, contract, deed, reservation, exception, limitation, lease, or other binding obligation, 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. (Effective immediately.)

**S.B. 893 (Zaffirini/T. King) – Water Certificate of Public Convenience and Necessity:** provides that: (1) the executive director of the Public Utility Commission (PUC), at the discretion of the executive director or at the request of the certificate holder, may make a correction to a certificate of public convenience and necessity, without observing formal amendment procedures, by reissuing the certificate or issuing an endorsement to the certificate; (2) the executive director shall notify the certificate holder that the correction has been made and ensure that the reissued certificate or endorsement is recorded in the PUC's records; (3) the executive director may make a correction under (1), above, only: (a) to correct a clerical or typographical error; (b) to change the name of an incorporated certificate holder on a certificate if: (i) an amendment to the certificate holder's articles of incorporation or certificate of formation, as applicable, is filed with the secretary of state that only changes the name of the certificate holder; and (ii) the certificate holder provides verification from the secretary of state to the PUC that the amendment only changed the name of the certificate holder; (c) to correct a mapping error in a certificate to reflect the metes and bounds of the certificated area; or (d) to correct another similar non-substantive error or matter if authorized by the PUC by rule; (4) the executive director of the PUC may not make a correction under (3)(c), above, unless the certificate holder: (a) submits to the executive director of the PUC a written agreement between the certificate holder and any other retail water or sewer service provider whose service area is directly affected by the correction; and (b) provides notice of the correction to any water or sewer service customers whose retail service is directly affected by the correction; and (5) the notice and hearing requirements to not apply to a correction under (1), above. (Effective immediately.)

**S.B. 947 (King/Hunter) – Criminal Offense for Damaging Critical Infrastructure:** this bill: (1) creates a criminal offense if, without the effective consent of the owner or operator of a critical infrastructure facility, the person: (a) intentionally or knowingly damages, destroys, vandalizes, or impairs the function of any critical infrastructure facility; and (b) as a result of the conduct described by (1)(a), above, causes an extended power outage; (2) provides that an offense under (1), above, is a felony of the second degree, except that the offense is a felony of the first degree if: (a) the amount of pecuniary damage to the critical infrastructure facility is \$100,000 or more; or (b) the actor uses a firearm, drone, cyber-attack, or explosive weapon in the commission of the offense; and (3) provides that it is a felony of the first degree for

manslaughter if it is shown on the trial of the offense that the defendant committed an offense under (1), above, and that conduct caused the death of an individual. (Effective September 1, 2023.)

**S.B. 1002 (Schwertner/Hernandez) – Electric Vehicle Charging Outside ERCOT:** this bill, among other things: (1) provides that (2) through (6), below, apply only to an electric utility that operates solely outside of the Electric Reliability Council of Texas (ERCOT); (2) provides that, with limited exceptions, an electric utility may not provide electric vehicle charging service directly to a customer; (3) provides that an electric utility may be affiliated with an entity that provides electric vehicle charging service from a public electric vehicle charging station if the affiliate: (a) is not subject to regulation by the Public Utility Commission (PUC); and (b) is subject to prohibitions on market power abuse, cross-subsidizations, co-branding, and preferential treatment between regulated and competitive activities; (4) requires the PUC to determine whether the provision of electric vehicle charging service under a proposal submitted by an electric utility to provide electric vehicle charging service directly to a customer is in the public interest because the service is adequate for the needs of the area; (5) provides that the PUC may adopt rules to establish a distance that constitutes reasonable proximity to a type of location for the purposes of (4), above; (6) requires the PUC to set the rates the electric utility may charge for electric vehicle charging service; (7) provides that a municipality that is a customer of an electric utility may enter into an agreement with the utility under which: (a) the utility owns and operates a public electric vehicle charging station and provides electric vehicle charging service on the municipality’s property; and (b) none of the costs of constructing, financing, operating, or maintaining the public electric vehicle charging station described in (a), above, are recovered from the other customers of the utility; and (8) provides that a transmission and distribution utility: (a) may not directly own, operate, or provide electric vehicle charging service from a public electric vehicle charging station; (b) may not include costs of a public electric vehicle charging station for recovery through rates approved by the PUC; (c) may be affiliated with a competitive affiliate that provides electric vehicle charging service from a public electric vehicle charging station through a separate entity or third party only in certain circumstances; and (d) shall offer the same nondiscriminatory rates, terms, and conditions offered to the affiliate described in (c), above, to other electric vehicle charging providers in the transmission and distribution utility’s service area for the operation of public electric vehicle charging stations. (Effective September 1, 2023.)

**S.B. 1015 (King/Spiller) – Electric Utility Rates:** this bill, among other things, removes regulatory authorities (including cities) from the electricity rate-making process for periodic rate adjustments. (Effective immediately.)

**S.B. 1016 (King/Dean) – Electric Utility Rates:** this bill: (1) defines “employee compensation and benefits” to include base salaries, wages, incentive compensation, and benefits, but not pension or other postemployment benefits, or incentive compensation for an officer of an electric utility related to attaining financial metrics or metrics adverse to customers’ interests as determined by the Public Utility Commission; and (2) provides that, when establishing an electric utility’s rates, the regulatory authority, including a city, shall presume that employee compensation and benefits expenses are reasonable and necessary if the expenses are consistent

with recent market compensation studies not earlier than three years before the initiation of the proceedings to establish the rates. (Effective immediately.)

**S.B. 1017 (Birdwell/Landgraf) – Engine and Energy Source Regulations:** provides that a political subdivision may not: (1) adopt or enforce an ordinance, order, regulation, or similar measure that: (a) limits access to or effectively prohibits the use of, an energy source wholesaler, retailer, or producer, including a retail service station, that is necessary to provide to a specific energy source, subject to exceptions for siting requirements involving certain geographic areas; and (2) directly or indirectly, prohibit or restrict the use, sale, or lease of an engine based on its fuel source, unless the action does not effectively prohibit or restrict, the use, sale, or lease of the engine and is not preempted by state or federal law, subject to a political subdivision’s agreement with the Texas Commission on Environment Quality regulating motor vehicle idling, or compliance with the federal Clean Air Act. (Effective September 1, 2023.)

**S.B. 1093 (Schwertner/Metcalf) – Electricity Supply Chain:** this bill: (1) requires each electric utility, transmission and distribution utility, electric cooperative, and municipally owned utility to provide the utility’s service area boundary map, using good faith efforts, in a geographic information system format to the Public Utility Commission; (2) adds to the definition of “electricity supply chain” roads necessary to access facilities in the electricity supply chain; (3) provides that a reference to the “electricity supply chain” includes water and wastewater treatment plants; (4) adds the executive director of the Texas Department of Transportation to the Texas Electricity Supply Chain Security and Mapping Committee (Committee); and (5) provides that, on request, the Committee shall provide view-only access to the electricity supply chain map to: (a) an electric utility, a transmission and distribution utility, an electric cooperative, or a municipally owned utility; (b) an operator of a gas supply chain facility; or (c) an operator of a gas pipeline facility. (Effective immediately.)

**S.B. 1170 (Perry/Tepper) – Customer Choice:** this bill, among other things: (1) provides that a municipally owned utility (MOU) that opts for customer choice and does not sell electric energy to retail customers is not required to bill directly for distribution, transmission, and generation services provided to retail electric customers located in its certificated service area and a retail electric provider may provide billing services for distribution, transmission, and generation services provided to those customers; (2) repeals existing law that authorizes certain MOU customers to opt into being billed directly by each service provider or to receive a single bill for distribution, transmission, and generation services; (3) provides that on its initiation of customer choice, a MOU may designate itself or one or more other entities as the provider or providers of last resort for customers within the MOU’s certificated service area as that area existed on the date of the utility’s initiation of customer choice; (4) provides that the MOU shall fulfill the role of default provider of last resort in the event no other entity is available to act in that capacity if the MOU continues to sell electric energy to retail customers after the initiation of customer choice; and (5) provides that if customer is unable to obtain service from a retail electric provider or a MOU or electric cooperative offering customer choice, on request by the customer, the applicable provider of last resort shall offer the customer the standard retail service package for the appropriate customer class, with no interruption of service, at a fixed, non-discountable rate that is at least sufficient to cover the reasonable costs of providing that service, as approved by the governing body of the MOU that has the authority to set rates. (Effective immediately.)

**S.B. 1243 (Huffman/Ashby) – Broadband Service Franchise Tax Exemptions:** provides that a taxable entity: (1) for franchise tax purposes shall exclude from its total revenue certain broadband grant proceeds; (2) may include as a cost of goods sold any expense paid using qualifying broadband grant proceeds for broadband deployment; and (3) may include as compensation any expense paid using qualifying broadband grant proceeds for broadband deployment. (Effectively immediately.)

**S.B. 1238 (Nichols/Ashby) – Broadband Service Funding:** this bill, among other things: (1) defines “broadband service” as: (a) service of at least 25 mbps for a download and 3 mbps for an upload, and; (b) network round-trip latency less than or equal to 100 milliseconds based on 95 percent of speed measurements; (2) authorizes the comptroller to adopt FCC broadband speed standards by rule if different than (1), above; (3) defines unserved areas, underserved areas, and served areas for the comptroller’s broadband development office’s (BDO) broadband development map for funding eligibility purposes; (4) authorizes the BDO to award grants, low-income loans, and other financial incentives to applicants to deploy eligible broadband infrastructure projects in unserved and underserved areas, and certain parts of served areas; (5) authorizes the BDO to award grants to applicants to deploy non-broadband infrastructure projects that expand the adoption, accessibility, or affordability, of broadband service, including education, training, community outreach, remote learning, telehealth facilities, equipment purchases, or other permitted uses; (6) prohibits the BDO from awarding grants, loans, or other financial incentives to applicants to deploy last-mile broadband service to a location already subject to a federal commitment to deploy qualifying broadband service, except under certain circumstances; and (7) directs the BDO to prioritize broadband infrastructure projects that connect each end-user location using end-to-end fiber optic cable. (Effective immediately.)

**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.

(Effective September 1, 2023.)

**S.B. 1399 (Schwertner/K. Bell) – Renewal of Air Quality Permits:** this bill applies to certain concrete plants that perform wet batching, dry batching, or central mixing and provides that: (1) the Texas Commission on Environmental Quality (TCEQ) shall at least once every six years conduct a protectiveness review of the permit regarding the operation of a permanent concrete plant, including by reviewing available background concentrations of air pollutants; (2) if TCEQ amends the permit after a protectiveness review, TCEQ shall allow facilities authorized to emit air contaminants under the permit as it read before the amendment to continue to operate until a date provided by TCEQ; and (3) each authorization to use a permit is subject to review at least once every six years to determine whether the authority to operate the facility authorized by the permit should be renewed. (Effective September 1, 2023.)

**S.B. 1425 (Perry/Smithee) – Small and Rural Incumbent Local Exchange Companies:** this bill, among other things, extends monthly payments to small and rural local telephone exchange companies under the Small and Rural Incumbent Local Exchange Company Universal Service Plan through September 1, 2033. (Effective immediately.)

**S.B. 1699 (Johnson/Hunter) – ERCOT Market Participation:** this bill, among other things: (1) allows a retail electric provider to aggregate distributed energy resources; (2) entitles electric customers to participate in available provider demand response programs and receive emergency energy alerts; and (3) directs the PUC to establish by rule goals to reduce average total residential energy load, including adopting a program that: (a) provides demand response participation to residential customers where reasonably available; (b) promotes the use of smart metering technology; (c) is capable of responding to an emergency energy alert about low operating reserves; (d) ensures the program does not impact the critical needs of vulnerable populations; and (e) facilitates widespread deployment of smart responsive appliances and devices

in a manner that enables enrollment in provider demand response program. (Effective September 1, 2023.)

**S.B. 1710 (Perry/Burrows) – Universal Service Fund:** this bill, among other things: (1) extends universal service funding for local rural telecommunications exchange carriers on a reducing tiered basis of 75 percent support in 2024, 50 percent support in 2025, 25 percent support in 2026, and 0 percent support in 2027; (2) extends deadlines for an exchange carrier to petition to challenge reduced funding; (3) provides that Health and Human Services Commission shall review and adjust funding standards and criteria by no later than September 1 of every fourth year; and (4) authorizes reducing support to exchange carriers if before December 31, 2022, support to the exchange carrier had been reduced to 25 percent of the support the company or cooperative was eligible to receive. (Effective immediately.)

**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.)

**S.B. 1860 (Hughes/Craddick) – Climate Provisions in City Charters:** provides that a city may not hold an election for voter approval of a charter provision or charter amendment establishing a comprehensive rule or policy statement that purports to address climate change or the city’s environmental impact, including water and energy use and air pollution, unless the legislature adopts a resolution approving the proposed provision or amendment. (Effective September 1, 2023.)

**S.B. 1965 (Alvarado/S. Thompson) – Purchase of Water and Sewer Systems:** provides that, for the purposes of a utility or a water supply or sewer service corporation purchasing, acquiring, leasing, or renting a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity, the Public Utility Commission shall approve the transaction if the owner has abandoned operation of the facilities that are the subject of the transaction and cannot be located or does not respond to an application filed for the transaction, among other things. (Effective September 1, 2023.)

**S.B. 2627 (Schwertner/Hunter) – Electricity:** this bill creates the Texas Energy Fund to be administered by the Public Utility Commission to provide grants and loans to support the construction, maintenance, modernization, and operation of electric generating facilities. (Effective November 7, 2023, but only if **S.J.R. 93** is approved at the election on November 7, 2023.)

**S.B. 2119 (Schwertner/Hunter) – Broadband Service Maps:** directs the comptroller’s Broadband Development Office (BDO) and the Public Utility Commission to: (1) jointly create, publish, and annually update a map showing areas that are: (a) eligible for BDO broadband funding; (b) served by an eligible broadband service provider that receives support from the state universal service fund; and (c) qualify under both (a) and (b); and (2) provide an annual report making recommendations for withdrawing support from areas under (1)(c), above, through a reasonable transition period. (Effective September 1, 2023.)

**S.J.R. 75 (Perry/T. King) – Texas Water Fund:** amends the Texas Constitution to establish the Texas water fund to be administered by the Texas Water Development Board. (Effective if approved at the election on November 7, 2023.)

**S.J.R. 93 (Schwertner/Hunter) – Electricity:** amends the Texas Constitution to create the Texas Energy Fund to support the construction, maintenance, modernization, and operation of electric generating facilities. (Effective if approved at the election on November 7, 2023.)

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