



**AGENDA
CITY COUNCIL RETREAT
CITY OF LEANDER, TEXAS**

Pat Bryson Municipal Hall
201 North Brushy Street - Leander, Texas
Friday - January 27, 2023 at 8:30 AM



Mayor – Christine DeLisle
Place 1 – Kathryn Pantalion-Parker
Place 2 – Esme Mattke Longoria
Place 3 – David McDonald

Place 4 – Na'Cole Thompson, *Mayor Pro Tem*
Place 5 – Chris Czernek
Place 6 – Becki Ross
City Manager – Rick Beverlin

City Council of the city of Leander, Texas will convene on Friday, January 27, 2023, at the time stated above to hold a retreat to allow the city councilmembers to communicate and assess the current status of issues, programs and policies that affect the city of Leander and to engage in comprehensive planning regarding the city's anticipated future issues and needs for its citizens regarding the items listed in this agenda. The items listed below are for discussion purposes only and no formal action or votes will be taken. As a quorum of the members of the city council will be present, this agenda is being posted in compliance with chapter 551 Texas Government Code and the Texas Open Meeting Act. **The meeting will be live-streamed at the following link:** <https://www.leandertx.gov/video>. A brief lunch break is anticipated around 12:00 p.m. along with a 15 minute mid-morning and mid-afternoon break.

1. Open Meeting.
2. Roll Call.
3. Discuss City Council vision and mission statements and 2023 goals.
4. Discuss the city's fiscal year 2023 financial outlook.
5. Review Resolutions No. 22-012-00 and 22-031-00 regarding management of the city's water system.
6. Discuss current and potential short-term rental regulations in the city.
7. Discuss local priorities related to the Texas Legislature's 88th regular session.
8. Adjournment

CERTIFICATION

This meeting will be conducted pursuant to the Texas Government Code Section 55 1.001 et seq. At any time during the meeting the Council reserves the right to adjourn into Executive Session on any of the above posted agenda items in accordance with the Sections 55 1.071 [litigation and certain Consultation with attorney], 551.072 [acquisition of interest in real property], 55 1.073 [prospective gift to city], 55 1.074 [certain personnel deliberations] or 551.076 [deployment/implementation of security personnel or devices]. The City of Leander is committed to compliance with the American with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request. Please call the City Secretary at (512) 528-2743 for information. Hearing impaired or speech disabled persons equipped with telecommunication devices for the deaf may call (512) 528-2800. I certify that the above agenda for this meeting of the City Council of the City of Leander, Texas. was posted on the bulletin board at City Hall in Leander, Texas on the 23 day of January 2023 by 5:00 pm pursuant to Chapter 551 of the Texas Government Code.

Dara Crabtree, City Secretary, TRMC



EXECUTIVE SUMMARY
01/27/2023

AGENDA SUBJECT:

Discuss City Council vision and mission statements and 2023 goals.

BACKGROUND:

This item will provide Leander City Council with an opportunity to confirm desired community vision and mission statements along with 2023 community goals to be adopted at a future meeting.

Attached are examples of mission and goal statements from peer Austin Metro cities. In addition, attached are the draft vision and mission statements as defined by the Council during several discussion workshops facilitated by Ron Cox Consulting in 2022 on January 29, February 18, and May 19.

Attachments

1. City of Leander
2. City of Cedar Park
3. City of Georgetown
4. City of Round Rock
5. City of Pflugerville



City of
Leander

Council Key Vision Elements

- A city that has a small-town feel: neighborly, connected, friendly, feel they belong, and is family friendly.
- People are invested in the community.
- People advocate for the community.
- Has a robust economy.
- Everything is in Leander that we need: jobs, food, entertainment, etc.
- A safe community is of high priority.
- A charming quality of life.
- A vibrant city: alive, growing, thriving and active.
- The community purposely embraces diversity: all have a sense of belonging, with a variety of events, housing choices for all, promoting a sense of inclusion.



City of
Leander

Key Mission Elements

- Be forward thinking.
- Think forward proactively.
- Keep the city in good financial standing.
- Engage and connect at all levels in the community.
- Continually revise and re-evaluate the development against the Comprehensive Plan.
- Provide a good transportation system.
- Provide water, utilities, roads, facilities, and other infrastructure for the community.
- Be a good employer: good compensation, good leadership, be flexible, innovative, and show appreciation.
- Be consistent in outreach to the community: encourage volunteerism and inclusiveness, educate, advocate, and communicate.
- Support regional opportunities that support the Leander vision.
- Be timely and responsive to customers and stakeholders.
- Provide opportunities for improving the quality of life in the community with beautiful open spaces, parks, and playgrounds; sponsoring events that bring people together; providing outreach through libraries and the arts.
- Improve economic development opportunities including local access to shopping and entertainment.



City of
Leander

Mission Statement (drafted 2022)

The mission of the City of Leander is to enhance the
quality of life for its residents.

(draft- unapproved
(Revised 2-18-22)



City of
Leander

Strategic Focus Areas

Safety (revised 2-28-22)

- Continue to maintain a safe and secure community.
- Keep crime low.
- Provide a safe traffic/transportation system.
- Coordinate and cooperate with our neighbors to maintain safety in our region.

Infrastructure

- Provide for and support the infrastructure necessary to support and improve the quality of life, including water, wastewater services, roads, drainage, and facilities.

Land Use and Zoning

- Utilize the Comprehensive Plan to guide proper land uses.
- Constantly re-evaluate and revise as necessary the assumptions to account for the changing environment and market.

Economic Development

- Improve economic opportunities that ensures economic stability and supports the quality of life.



City of
Leander

Strategic Focus Areas cont'd.

Communication

- Focus on communication to the stakeholders and citizens.
- Be consistent in the city's message – both internally and externally.
- Provide clear expectations to the customer early in the process.

Diversity

- Be purposeful in promoting and providing accessibility to all.
- Be purposeful in describing the history of Leander that completely describes and acknowledges its diversity.

Sense of Place

- Create and maintain a strong community identity.
- Establish a brand that portrays Leander.
- Develop a cohesive sense of community identity recognizing its diverse history.



City of
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Goals and Objectives

Utilizing the Strategic Focus Areas establish goals and objectives.



City of
Leander

Strategic Focus Areas Safety

Initiatives, Strategies, and Goals

Growth and Planning

- Take a proactive approach to public safety when planning for growth.
- Manage the growth of multi-family to create less dense environments.
- Focus on business development that does not bring crime.

Programming and Services

- Establish a community outreach program.
- Provide outreach to HOA's and businesses for security audits in the various neighborhoods and homes.
- Prepare a lighting plan for parks that promotes safety.
- Provide Park patrols.
- Ensure proper training and communication with WARN Central Texas.



City of
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Strategic Focus Areas Safety

Staffing

- Add staff to increase community outreach.
- Prioritize proper pay, benefits, and incentives policies to retain personnel.
- Continue to ensure proper staffing, resources, and environment.

Communication

- Take responsibility for improving communication for safety in these areas.
 - Police and Fire safety tips.
 - Pedestrian and bicycle safety classes and tips.
 - Social media tips.
- Prepare and distribute periodic reports on top three issues for police and fire.
- Communicate with HOAs on safety issues within their neighborhoods to pass along to their residents.



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Strategic Focus Area Communication

Initiatives, Strategies, and Goals

Messaging

- Focus on relationship building in all areas.
- Establish consistent messages and messaging for social media.

Services

- Establish a citizen education program (academy).
- Establish community or group specific forums.
 - Establish an outreach program specific to HOA's.
- Reach out to area high schools for job recruitment.
- Promote the city at appropriate events as an employer.



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Strategic Focus Area Communication

Programs and Projects

- Establish a uniform communication protocol.
 - Redesign the website for simplicity, modern look, ease of navigation, accessibility to internal documents.
 - Consider inserts, mailers, doorhangers as possible communication techniques.
 - Consider the use of mailers, newsletters, and program guides to impart information.
- Establish a Customer Service Policy.
- Establish a 360-feedback program.
- Include IT in all plan reviews.



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Strategic Focus Area Infrastructure

Initiatives, Strategies, and Goals

Project Planning

- Establish a “leading towards” mindset.
- Establish a plan for long-term maintenance and funding of infrastructure.
 - Use the Comprehensive Plan to plan for future infrastructure needs.
- Establish a strategic 10–20-year Capital Improvements Plan (CIP) to catch up with and forecast future growth.
 - Adhere to the CIP – stay on task.
 - Establish funding sources for infrastructure improvements.
 - Budget for future infrastructure.
 - Closely coordinate projects – time and budgets.



City of
Leander

Strategic Focus Area Infrastructure

- Establish facilities master plan.
 - Consider modular/flex spaces.
 - Consider multiuse spaces.
 - Consider a smart/flexible facilities plan - repurposing existing space as new spaces are constructed.
 - Consider partnerships – both public and private for facilities.
- Constantly review the water infrastructure plan.
- Plan conduit for fiber and internet connectivity throughout the city.
- Consider the CCNs in the area.



City of
Leander

Strategic Focus Area Land Use and Zoning

Initiatives, Strategies, and Goals

Planning

- Continuously review and update all long-term plans.
- Maintain consistency with the Comprehensive Plan.
 - Review the Comprehensive Plan every 2-3 years (because of the rapid growth).
 - More effectively plan the ETJ areas to steer and guide growth.
 - Work with the County on land uses in the ETJ area.
- Strategically focus on desired commercial development.
- Determine what type businesses are desired.
- Consider minimizing rooftops to manage water and infrastructure demand.



City of
Leander

Strategic Focus Area Land Use and Zoning

Ordinances and Regulations

- Be proactive in bringing ordinances to Council for review and revisions when issues are found.
- Establish guidelines and regulations that promote the “small town feel” including landscaping requirements.
- Establish xeriscape incentives
- Update the zoning districts.
- Review and revise as necessary parkland dedication requirements.
- Establish policies for
 - Short term rentals,
 - Food trucks,
 - Farmer’s markets.
- Review and revise requirements for
 - Home businesses,
 - Accessory structure sizes,
 - Residential recycling into multifamily.



City of
Leander

Strategic Focus Area Economic Development

Initiatives, Strategies, and Goals

Business Development

- Reduce friction (improve opportunities) for small business development.
- Create an incentives program and provide information upfront in the process to guide the type of growth wanted and needed.
- Target infrastructure expansion to enhance and attract commercial development.
- Recruit to the highest and best use for Leander.
- Target upscale restaurants and retail with the use of appropriate incentives.
- Recruit desirable retail competitors to locate in Leander.
- Utilize “niche” businesses to promote and maintain the small-town feel.
- Develop “shop local” promotions.



City of
Leander

Strategic Focus Area Economic Development

Programs and Plans

- Explore sports tourism utilizing HOT funds.
- Preserve the available commercial properties for commercial development (not yielding to pressures for single family development in those designated areas).
- Promote “spec” spaces that are shovel ready.
- Be strategic in the use of public/private partnerships for businesses and additional parks spaces.
- Develop a workforce pipeline with LISD, ACC and manufacturers to assist in attracting commercial.

Ordinances and Regulations

- Update ordinances in response to new development trends.



City of
Leander

Strategic Focus Area Diversity

Initiatives, Strategies, and Goals

Messaging

- Ensure the City is welcoming and inclusive of all groups.
- Be intentional and be relational.
- Meet people where they are.
- Be accountable to the needs of others in our diverse community.

Programming

- Encourage diversity among city boards and commissions.
- Identify and assist with citizen driven events.
- Partner with schools to engage the community.
- Ensure events are inclusive
 - Artists, music, food, etc.
 - Enhance and modify to ensure diversity.
- Survey residents about diverse needs and desires.



City of
Leander

Strategic Focus Areas Sense of Place

Initiatives, Strategies, and Goals

Messaging

- Maintain a sense of identity for being welcoming, our history, the culture(s) of the area, safety, connecting and connectivity with others.
- Preserve our history while keeping an eye toward the future.
- Identify Leander as close to big city amenities without big city problems.
- Encourage investing in Leander to keep dollars and resources here.

Programming

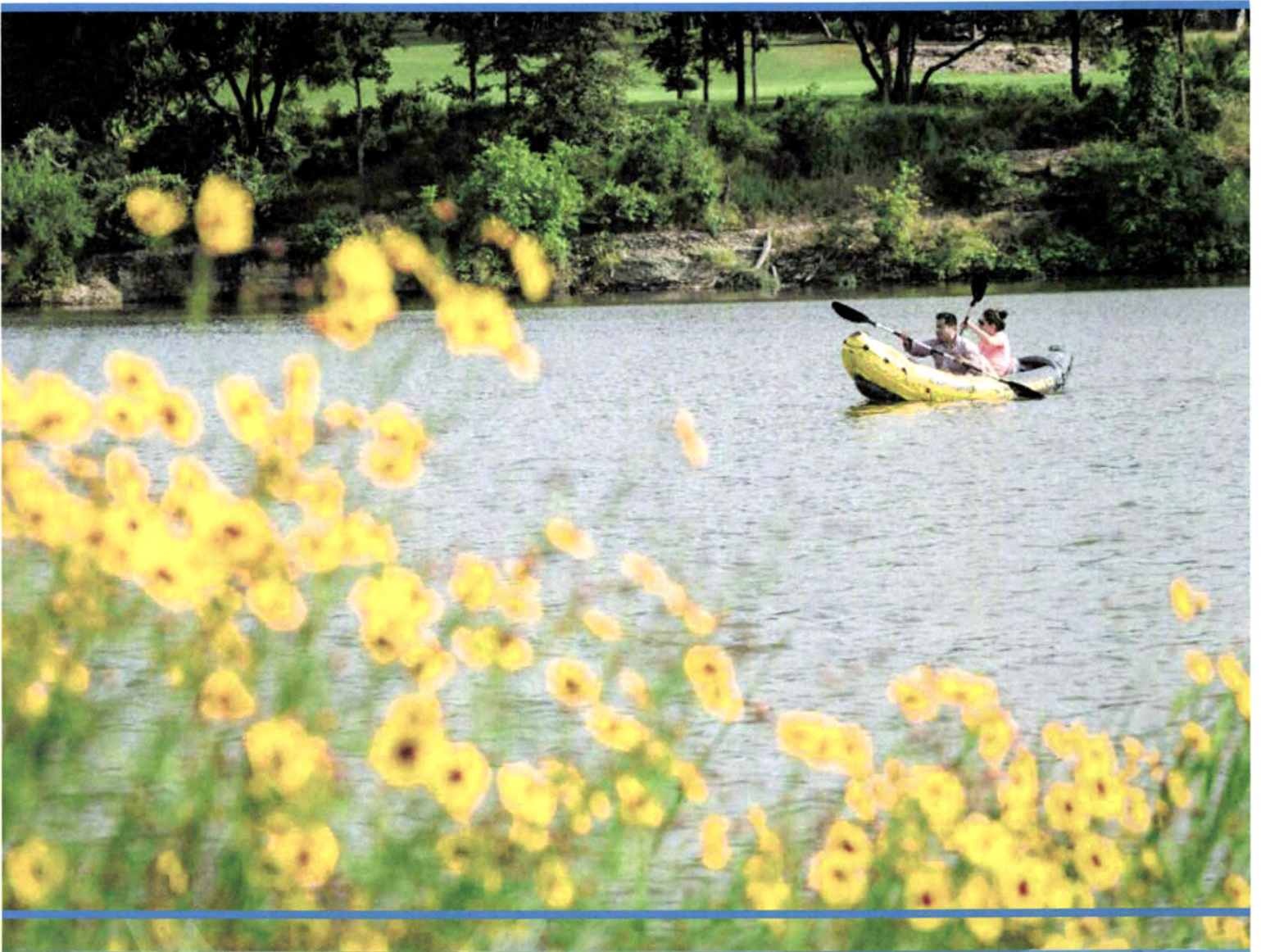
- Identify and prioritize opportunities for interaction among citizens throughout the community.
 - Identify and promote unique places and events.
- Identify and engage new partners in our growth.
 - Engage with realtors
- Develop our brand.
- Consider establishing a business incubator.
- Consider establishing a museum.
- Conduct a survey of residents to determine what they want and need in the community.
 - Engage residents in feedback, identifying their sense of place.



City of
Leander

Threats

- Fear of the unknown.
- Lack of staff to get the job done.
- Lack of financial resources.
- Lack of time to do the job right.
- Lack of desire to complete the tasks at hand.
- Personal conflicts.
- Lack of know-how.
- Being overwhelmed with all there is to accomplish.



CEDAR PARK CITY COUNCIL STRATEGIC GOALS

2021-2023



CEDAR PARK

PURPOSE

Strategic goals help the Cedar Park City Council prioritize how to best allocate City resources, efforts and energy, and communicate to the community the Council's vision for the City.

BACKGROUND

As the cornerstone of their dedication to improving the City, the Cedar Park City Council periodically reviews, evaluates and updates Strategic Goals for the City of Cedar Park. These goals guide our City operations, so that City Council and staff can work together to successfully execute the City Council's long-term vision, and keep Cedar Park moving into the future.



CONTENTS

Livability & Sense of Place.....	4
Economic Vitality.....	6
Service & Fiscal Excellence.....	8
Mobility and Connectivity.....	12
Infrastructure & Environment.....	12



1. LIVABILITY AND SENSE OF PLACE

Preserve a community that encourages connectedness, has a unique sense of place and commits to a high quality of life for all.

Objectives	Strategies
A. Strong community connections: Foster a sense of community and engage residents on the matters that impact them most.	i. Identify programs and initiatives that engage diverse populations
	ii. Develop new community engagement initiatives
	iii. Provide briefing on Council Strategic Goals to Boards and Commissions, and arrange for joint meetings with City Council
	iv. Evaluate and enhance strategic communications, including the redesign of the City website
	v. Cultivate and maintain relationships with neighborhoods

Objectives	Strategies
B. Bell District: Advance the City's most significant public-private partnership through the successful commencement of Phase 1 development including valuable community assets.	i. Begin vertical construction of Phase 1
	ii. Design and commence construction of Bell Park
	iii. Design and commence construction of New Library
C. Recreation Opportunities: Strengthen our portfolio of recreation and learning programs, events and facilities, and ensuring those services align with community expectations.	i. Consider creation of a Parks Foundation
	ii. Enhance Parks Events and programs
	iii. Transform and modernize Library services and programs
	iv. Successfully construct and open Lakeline Park Phase 1
D. Capital Projects: Dedicate the resources to design and construct the capital projects necessary to advance Cedar Park and meet future needs.	i. Identification of future capital projects
	ii. Convene a Bond Advisory Task Force and consider a future Bond Election
	iii. Update Capital Improvement Plan to identify funding for capital needs and administer plan
E. Redevelopment Initiatives: Develop redevelopment strategies that align with the community's long-term vision and add value to the surrounding area.	i. Continue remediation and reclamation efforts for the Lime Creek Quarry
	ii. Amplify the City's current efforts within Bell District to develop strategies for north and south Bell Blvd.
	iii. Develop strategies for declining and vacant commercial property within the city
F. Placemaking: Focus on aesthetics and public art within public spaces to create a positive aesthetic experience, instilling pride and creating a unique identity.	i. Identify a strategy to improve aesthetics within corridors and at gateways
	ii. Create Public Art Master Plan
G. Comprehensive Plan: Adhere to the City's Comprehensive Plan, and ensure it is updated regularly to reflect the community's attitudes and needs.	i. Review and update vision statement and breakthrough goals



2. ECONOMIC VITALITY

Cultivate a vibrant business community and increase business investments in the community with successful commercial centers, additional employers, active destinations and support of existing businesses.

Objectives	Strategies
A. Economic Development Strategic Initiatives: Attract targeted businesses to diversify and grow the tax base and increase primary job opportunities.	i. Complete updated Economic Development Strategic Plan, including identifying targeted industries and complementary business prospects, with short- and mid-term goals
	ii. Evaluate, update and expand marketing plan to reach growth sectors
	iii. Research needs and develop approach for supporting tech entrepreneurship, including individual and startup businesses
	iv. Advance national and international targeted business recruitment efforts and strategies
	v. Land major primary employer with national/international presence
	vi. Strengthen relationships with organizations that provide incentives or grants
	vii. Protect areas designated for business development to ensure readiness for opportunities and maintain regional competitiveness

Objectives	Strategies
B. Projects that Make Cedar Park a Destination: Attract regional destination development and entertainment centers	i. Identify and recruit prospects for development in City's Planning Areas
	ii. Analyze economic and community impact
	iii. Consider and engage partners to maximize benefit
C. Business Community: Actively Support Existing Business Community	i. Further expand retention efforts and programs including expansion opportunities for key existing businesses
	ii. Conduct annual meetings with local businesses
	iii. Create opportunities for key businesses to network with one another, local officials and City staff
	iv. Maximize partnership and relationship with Cedar Park Chamber of Commerce
	v. Monitor and respond to issues that could harm strength of current employers that add significant value to the local economy
	vi. Gain deeper understanding of the needs of the entrepreneurial community
D. Tourism: Expand and support tourism program to increase visitors and local commerce	i. Originate concept, identify funding and secure partners to organize and hold a unique large, multi-day festival event
	ii. Develop and implement new Tourism Marketing Plan
	iii. Foster strong relationship with entities that drive tourism
E. Hotel/ Conference Center: Identify partners to advance Hotel/Conference Center project	



3. SERVICE AND FISCAL EXCELLENCE

Deliver high-value public services in a fiscally prudent and sound manner to meet the needs and expectations of our community, enhance the quality of life and continue being one of the safest cities in Texas.

Objectives	Strategies
A. Government Operations: Ensure government operations, practices and procedures result in high quality and resident-focused services throughout our city.	i. Responsibly plan for and deploy resources and staff using best practices, needs assessments, and fiscal modeling
	ii. Identify and pursue process improvements and opportunities for increased efficiency, effectiveness and cost savings
	iii. Identify key citywide goals, measure performance and share the results with the public. Build and foster partnerships with the public and private sectors and actively participate with regional entities
	iv. Assess community satisfaction related to services and changes in service demands with growing population and shifting demographics
	v. Update Parks Master Plan and Library Master Plan
B. Public Safety: Prioritize and Enhance Public Safety Services So That Our Community Feels Safe and Secure.	i. Continue commitment to timely, coordinated and effective responses to calls for service
	ii. Expand programs and partnerships that engage the community and strengthen community trust, including employing strategies for reaching diverse populations
	iii. Ensure a training program that prioritizes both communication and interpersonal skills and tactical skills for effective day-to-day operations and community interaction
	iv. Increase all-hazards and disaster preparedness, response and recovery through coordination and intergovernmental cooperation
	v. Better align public safety activities and code compliance for improved awareness and proactive responses
	vi. Expand community safety programs led by Police and Fire
	vii. Update police services assessment report
	viii. Develop expanded mental health response resources to increase response safety for individuals and officers and allow for more proactive services
	ix. Evaluate and plan for impact of commercial and residential development on public safety services

Objectives	Strategies
C. Financial Strength: Maintain and Enhance Strong Financial Management to Capitalize on City's Fiscal Strength and Provide Value for Tax Dollars.	i. Responsibly administer current and future bond programs for capital needs
	ii. Continue debt management in a financially prudent and strategic manner and take advantage of market conditions when present
	iii. Centralize contract management to ensure compliance
	iv. Maintain financial policies and procedures that have earned the City high bond ratings through review, analysis and updates where necessary
	v. Analyze, manage and adequately fund self-funded health insurance and retiree health benefits
D. Workforce: Invest in the Recruitment and Retention of a Talented and Professional Workforce for the Delivery of Excellent Services.	i. Ensure training programs respond to standards, current issues and best practices
	ii. Improve our competitiveness as an employer to attract, hire and retain a diverse, highly skilled workforce
	iii. Develop diversity, equity and inclusion initiatives on organizational level
	iv. Promote organizational health and wellness with updated programs and policies
	v. Design strategies for succession planning at various levels of the organization to maintain direction, and management
E. Technology: Ensure Sound Technology Systems and Resources to Support and Enhance Reliable 24/7 Operations.	i. Evaluate and make recommendations for replacement of computer-aided dispatch system and other public safety technologies
	ii. Evaluate Enterprise Resource Planning system as long-term software solution and efficient consolidation of business operations
	iii. Remain up-to-date with cybersecurity issues, technologies and best practices to keep systems operating safely and reliably
	iv. Complete Fiber Network Feasibility Study





4. MOBILITY AND CONNECTIVITY

Safely and efficiently move people throughout the City and improve connectivity by adding alternate routes of travel to businesses, neighborhoods, jobs, parks, entertainment, and services.

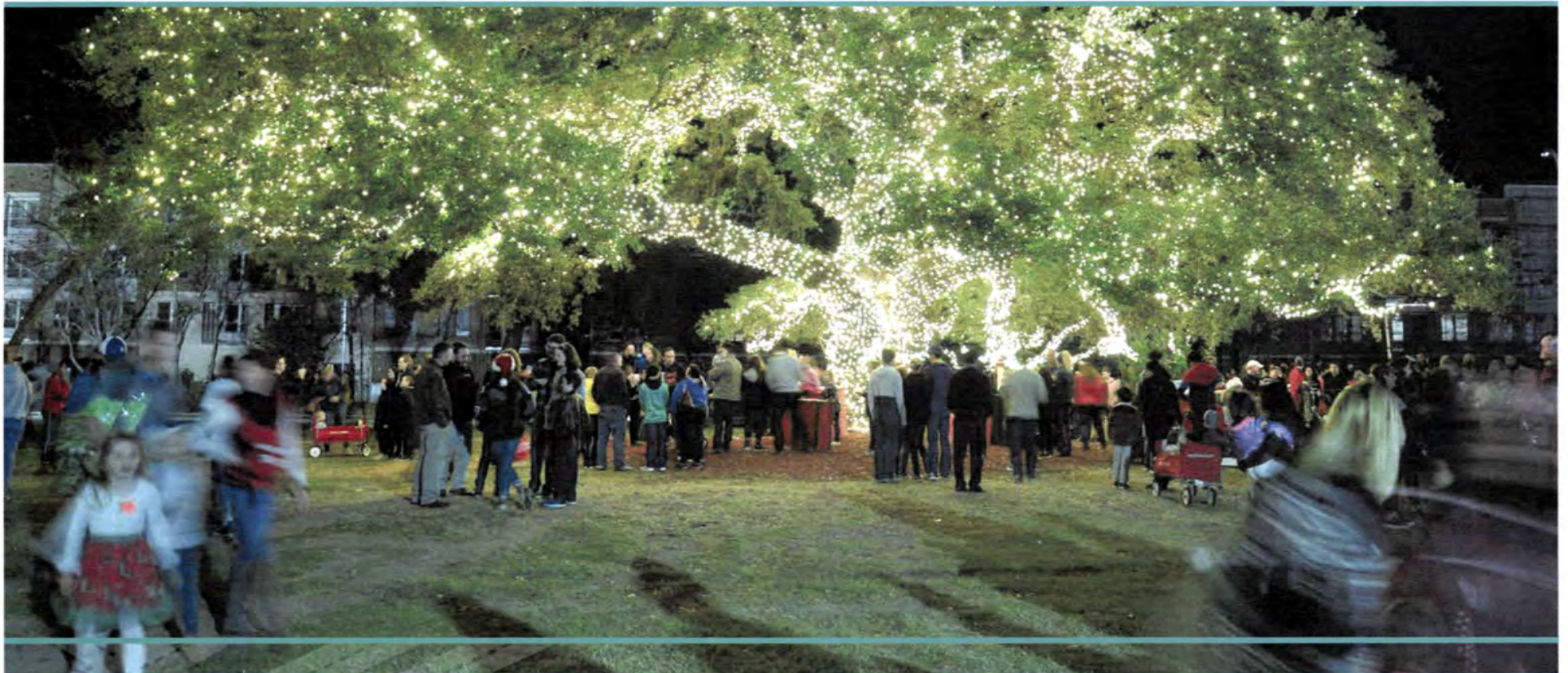
Objectives	Strategies
A. Comprehensive Mobility Master Plan: Develop a clear vision for a diverse transportation system and adopt a Master Plan for improving multimodal connectivity within the community.	i. Master Plan components to include roadway, bicycle, pedestrian, trail, and microtransit plans
	ii. Develop plan scope, select consultant to lead planning, engage public and stakeholders, and complete plan
	iii. Once plan completed, study feasibility and prioritization of options
B. Roadways: Construct additional roadways or expand existing roadways to increase capacity and reduce traffic congestion.	i. Support 183A Frontage Road project that completes frontage road access through Cedar Park
	ii. Design, construct and complete significant roadway projects
	iii. Update Pavement Management System and determine adequate funding
C. Bike, Pedestrian & Trail: Expand the City's network of hike & bike trails, sidewalks, and bicycle lanes to provide more opportunities for trips on foot or bike.	i. Develop a trail standard with enhanced amenities including benches, lighting, and other features
	ii. Conduct feasibility of next phase of Bike Lane Program
	iii. Complete North Brushy Creek Trail project
	iv. Continue sidewalk gap program
	v. Evaluate potential projects to link neighborhoods using trails and easements
	vi. Connect Bell District to Williamson County Regional Trail
	vii. Explore the feasibility of a pedestrian bridge network
D. Traffic Operations: Invest in the use of technology and other innovative solutions to increase the efficiency of the existing roadway system.	i. Explore and study opportunities for highly efficient intersection projects to increase mobility
	ii. Upon completion of the Mobility Master Plan, evaluate recommended technology solutions



5. INFRASTRUCTURE AND ENVIRONMENT

Preserve and enhance the tools and resources necessary to support critical infrastructure and sustainability initiatives.

Objectives	Strategies
A. Infrastructure: Continue to prioritize investments that support the quality and reliability of critical infrastructure.	i. Ensure utility rate structure supports capital and operational needs for retail and wholesale customers
	ii. Commence Deep Water Intake project for long-term water supply
	iii. Explore supplemental water supply to ensure long term water needs are met
	iv. Further implement storm water program in accordance with Master Plan
	v. Safeguard resiliency and security of water utility system for reliability
B. Sustaining Infrastructure and Assets: Invest in the maintenance of infrastructure and assets to support growth and sustain the existing community.	i. Reinvest in City facilities and improve facility security
	ii. Increase funding for roadway system maintenance to maximize the lifespan of infrastructure
	iii. Replace aging Parks equipment and amenities to ensure safe usage and keep up with demand
	iii. Determine use for existing Library site once vacated by Library
C. Environmental Stewardship: Demonstrate responsible stewardship of community and natural resources.	i. Assess water and energy efficiency at City facilities to identify potential savings
	ii. Evaluate new strategies for water conservation and reuse programs
	iii. Design new Library to LEED Silver standards
	iv. Study converting existing sod fields to artificial turf to allow for greater usage and water conservation
	v. Explore site development and zoning codes for environmental performance building methods
	vi. Consider electric vehicle integration into City fleet



2021-2022 CEDAR PARK CITY COUNCIL



MAYOR:
Corbin Van Arsdale

COUNCIL MEMBERS:
Jim Penniman-Morin
Mel Kirkland
Anne Duffy

Eric Boyce
Kevin Harris
Heather Jeffs



Brenda Eivens,
City Manager



Katherine Caffrey,
Assistant City Manager



Sam Roberts,
Assistant City Manager



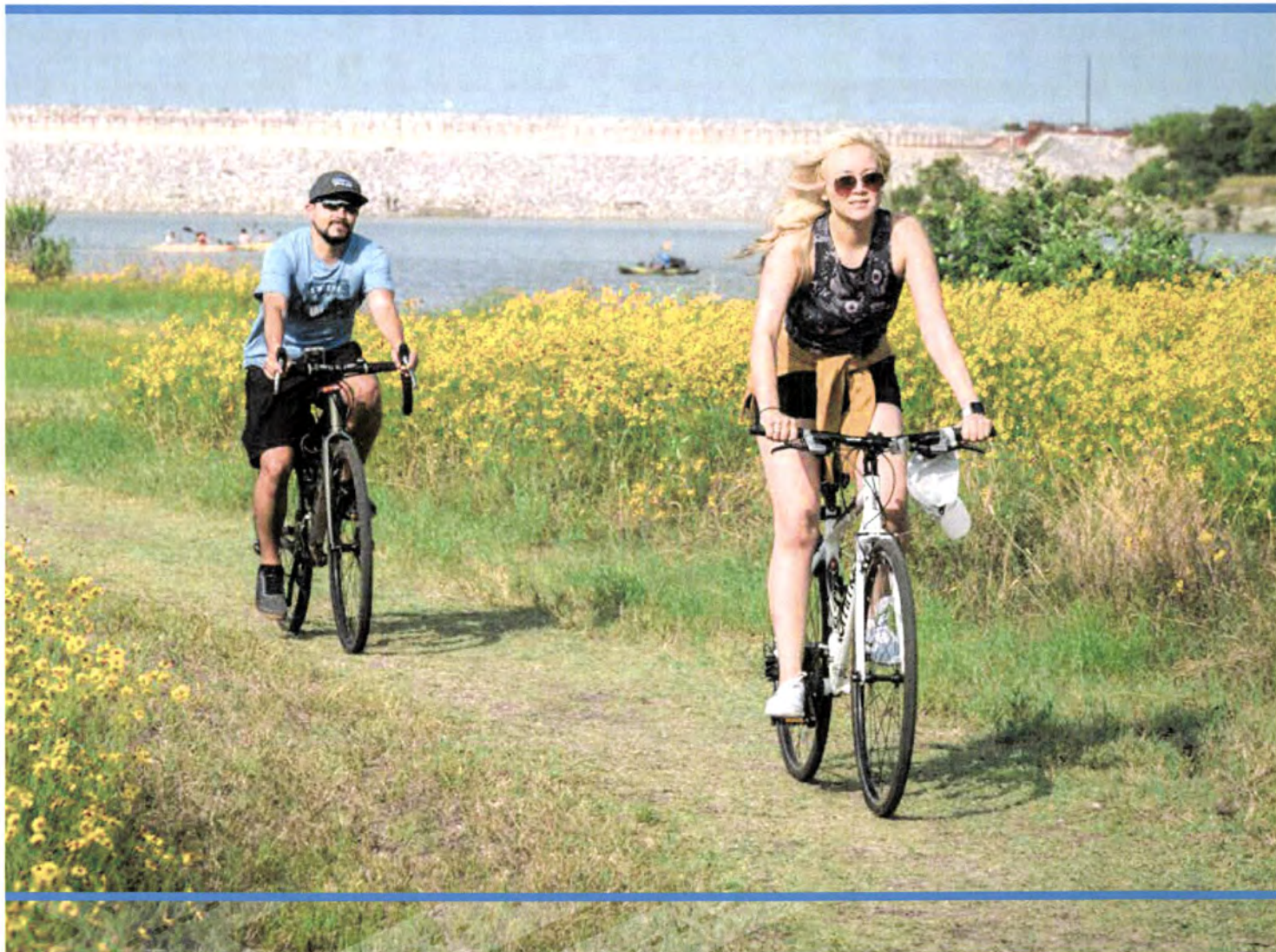
Chris Copple,
Assistant City Manager



JP LeCompte,
City Attorney

CITY MANAGEMENT & CITY ATTORNEY





cedarparktexas.gov
cedarparktexas.gov/strategicgoals

Council sets vision, goals, and strategies

georgetown.org/2019/05/08/council-sets-vision-goals-and-strategies

The Georgetown City Council confirmed a new vision statement for the city and developed five goals and nine strategies to support that vision as a result of a two-month process in 2017.

“Georgetown: A caring community honoring our past and innovating for the future” was approved by the City Council as the new vision statement to express the city’s identity and aspirations.

The vision statement was developed by the City Council in goal setting meetings in November last year. Ideas and input for the vision statement came from residents in two community surveys conducted last September and October. The vision statement helps to align the community’s future direction and serves as a building block for updating the City’s comprehensive plan, future branding initiatives, and City Council goal-setting.

In addition to approving the vision statement, the City Council set five goals and nine strategies to advance those goals.

Council goals

The City Council affirmed five broad goals in support of the overall vision for Georgetown. Those goals, which create a framework for all facets of city operations, include the following:

Cultural: Georgetown is a truly diverse, vibrant, innovative, inclusive, and socially dynamic city where everyone has the opportunity to participate in, and benefit from, our economic, political, and social activities.

Employee: Our outstanding City employees work diligently to bring the vision of council to life and deliver exceptional services to our customers while exemplifying our Core Values.

Internal Business Processes: Our policies and procedures are easy to understand and consistently and professionally applied. Our internal processes are effective, efficient, fair, inventive, and transparent and make us a desired destination for residents and businesses.

Customer: Anyone interacting with the City will have such a positive experience that they will tell everyone about it.

Financial: We maintain a fiscal environment conducive to attaining the goals of the City.

Council strategies

In support of broad goals and the overall mission, the City Council also developed nine strategies to advance the vision and goals. The nine strategies represent a refinement of 14 strategies set by the council in 2015, several of which have been fully accomplished. The new list of strategies serves to establish a direction for city programs and operations. The strategies include:

1. Become a destination for unique experiences
2. Create a strategy to increase mobility
3. Promote greater diversity in our population and our businesses
4. Create and maintain outstanding aesthetics and a welcoming appearance and spirit
5. Refine an annexation and MUD strategy
6. Monitor, promote, and communicate a long-term water and utilities plan and strategy
7. Expand on our reputation as a City of Innovation
8. Increase our influence with state government
9. Expand our role to develop collaborative strategies with Georgetown ISD, Southwestern University, and other entities

The vision, goals, and strategies approved by the City Council serve as a starting point for an update to the City's comprehensive plan, which is now underway. They also serve as a framework for future projects, programs, budgets, and other initiatives by the City of Georgetown.

CITY COUNCIL VISIONING WORKSHOP

February 5 – 6, 2021

Strategic Initiatives and Goals



Areas of Emphasis

- GOVERNANCE
- GROWTH
- HOUSING
- ECONOMIC DEVELOPMENT
- DOWNTOWN

GOVERNANCE

- **Confirming Council / City Manager Roles**
 - Review agenda format and items with an eye toward streamlining
- **Equipping the Council to be successful**
 - Provide opportunity for Council to enhance understanding of service areas and staff responsibilities
 - Be deliberate to develop relationships and trust among City Councilmembers
 - Develop learning and training opportunities for current / future City Councilmembers
- **Communication and Engagement with Citizens and board members**
 - Improve citizen education and engagement
 - Improve information flow on the Vision and Strategic Planning process to Boards and Commissions
 - Improve opportunities for residents to raise and resolve service issues / requests



GROWTH

- **Proactively Plan for Growth**
 - 2030 Comprehensive Plan
 - Stay on track with implementation
 - Continue as a living document with periodic updates
 - Ensure community engagement plan informs, consults and involves stakeholders
 - Update and implement transportation corridor studies
 - Maintain and Update Master Plans to respond to rapid growth
 - Transportation
 - Water/Wastewater
 - Electric
 - Land Use
 - Parks, Recreation, Open Space
 - City Facilities



GROWTH (con't)

- **Ensure Financial Capacity to Manage Growth**
 - Determine policy for debt vs. pay-as-you-go for capital spending
 - Implement and update impact fees and other fees
 - Implement the mobility bond improvements
 - Create capacity for operational dollars to be used for CIP
 - Promote public / private partnerships (PPP) to fund infrastructure needs related to growth and development

GROWTH (con't)

- **Develop and manage water supply sources and treatment capacity for future growth.**
 - Improve water conservation through adoption of city codes, rate structures, and active enforcement of watering restrictions
 - Actively develop additional water resources
- **Maintain high customer service levels**
 - Maintain and enhance the Performance Management Program (PMP) to provide real time data of quantity and quality
 - Organization and Operational Excellence (OOE) – Continue to equip employees to make incremental change to produce positive, real results
 - Establish an organizational capacity plan ensuring efficiency and effectively responding to growth
 - Retention of quality city staff
 - Maintain strong “customer service” levels

HOUSING

- **Establish an affordable housing policy**
 - Pursue innovative affordable housing projects to determine the market and viability of projects for Georgetown
 - Allow for a diversity of housing including tiny homes, townhomes, studio homes, etc. that have a smaller footprint and provide diversity of housing
 - Pursue opportunities for affordable home ownership
- **Establish a multifamily housing policy that encourages mixed-use development**
 - Determine the key locations for mixed-use development
 - Determine the ratio of single family to multifamily units for the city
 - Determine goals for new master-planned developments
 - Establish a policy for commercial development in and around multi-family to ensure availability of services

HOUSING (con't)

- **Establish a policy determining the residential / neighborhood commercial mix in targeted areas within the city to protect commercially zoned property ensuring economic development**
 - Review and update 2030 Plan policy
- **Encourage the development of executive housing**
 - Define opportunities to support qualities of exec. housing in special districts
 - Define needs and qualities of executive housing
- **Establish strong development standards, ensure quality housing products**
 - Establish goals for development standards
- **Pursue options to encourage annexation of development**
 - Eliminate barriers that discourage annexation of development

ECONOMIC DEVELOPMENT

- **Promote a viable workforce development program**
 - Partner with employers and educational institutions for workforce development
 - Enhance workforce recruitment
- **Promote industrial and commercial growth in targeted areas**
 - Identify and prioritize high priority growth areas for investment
- **Business Retention Programs**
 - Maintain primary employer retention program
 - Promote programs to retain locally owned and small businesses



ECONOMIC DEVELOPMENT (con't)

- **Promote business recruitment programs**
 - Encourage a diversity of industry through Target Industry Recruitment
 - Create a strong “brand” to market and promote Georgetown to new businesses
 - Establish programs and policies that reward and incentivize businesses that pay higher wages
 - Sustain / improve a predictable, responsive, and accountable development process
- **Foster regional cooperation with area governmental partners – county, schools, and surrounding areas**
 - Utilize regional partnerships for program support (recruitment, marketing, workforce)



DOWNTOWN

- **Enhance and manage the continued development of downtown**
 - Update the downtown master plan to address density, historic guidelines, and transition zones
 - Improve mobility opportunities to include accessibility, parking, pedestrian access, and general movement through downtown
 - Address infrastructure needs such as trash collection and street maintenance due to growth in downtown
 - Enhance and manage the mix and size of events and activities in downtown
- **Enhance partnerships for downtown**
 - Work with County on government facilities plan for downtown
 - Promote local businesses including partnerships with the Chamber, the Downtown Georgetown Association (DGA), Preservation Georgetown
 - Enhance partnerships with education, arts, religious and cultural groups for events and promotion of downtown
 - Review downtown façade and grant program for possible enhancements



INTRODUCTION

Round Rock 2030, adopted June 25, 2020, is the official policy document guiding long range planning and community development in the City of Round Rock for the next ten years. Round Rock continues its rapid population growth and development, as well as its transition from a suburb of Austin to a vibrant and prosperous mid-sized city. With Round Rock's dramatic growth has come a new series of challenges to ensure continued success over the next decade.

Since *Round Rock 2030*'s adoption in June 2020, a lot of progress has been made towards implementation. Planning and Development Services (PDS) staff tracks progress towards implementation related to each of the twelve *Round Rock 2030* policies. Several new dining and entertainment options have contributed to quality of life improvements; companies have pledged to relocate their headquarters to the city, bringing hundreds of jobs; proposals for mixed-use areas have reached an all time high; a wider variety of housing types ranging from single-family common lot to high density multifamily are in various stages of the development process; public outreach for the city's new transit plan is happening.

This report serves as an annual update on progress on the implementation of *Round Rock 2030*'s vision and policies. Implementation progress from adoption (June 24, 2020) to the end of FY2021 (September 30, 2021). PDS monitors development occurring throughout the city; therefore, implementation progress in this report is focused on impacts to land use and land use planning. Implementation of *Round Rock 2030* is complementary to the *Strategic Plan* adopted by City Council. Throughout this report, instances where implementation progress relates to the *Strategic Plan* are noted. For reference, the following are the adopted vision and policies from *Round Rock 2030*.

Vision Statement: Round Rock is a safe, desirable, family-oriented community that balances progress and prosperity with its history, by prioritizing quality of life, mobility, economic development and thoughtful land use planning.

Round Rock 2030 Policies

- **Quality of Life:** Focus economic development initiatives on those that improve quality of life while remaining fiscally responsible. Invest in community gathering spaces for all ages that support the arts, culture, recreation and entertainment.
- **Economic Development:** Continue to be the "City of Choice" for new and existing businesses by focusing on quality development standards that promote and sustain economic growth while providing sufficient infrastructure and services.
- **Downtown:** Manage and guide the revitalization of downtown as a safe and pedestrian-friendly community destination for all.
- **Commercial Centers:** Foster maintenance, reuse, or redevelopment of aging commercial centers while adapting to shifts in consumer preferences.
- **Neighborhoods:** Maintain older neighborhoods to ensure longevity and desirability



Mayor
Craig Morgan

Mayor Pro-Tem
Rene Flores

Councilmembers
Michelle Ly
Matthew Baker
Frank Ortega
Kristin Stevens
Hilda Montgomery

City Manager
Laurie Hadley

City Attorney
Stephan L. Sheets

July 16, 2021

The Honorable Mayor, Mayor Pro-Tem and City Council
City of Round Rock, Texas

I am pleased to present this working draft of the City Manager's Proposed Budget for FY2021/22. This document and our discussions, though different from a "typical" year, continue to represent consistency in how we focus City resources and how they are presented for Council consideration and deliberation. There is a lot going on in the world and we all know Round Rock has never experienced a "normal year." That said, I truly believe we are headed in a positive direction and I am always impressed with our organization's ability to keep things moving forward no matter the challenges we face.

This document represents an important next step in implementing the Council's strategic direction for the coming year. Its purpose is not to be a complete record of all strategic and fiscal data that will ultimately be prepared and presented to the Council and the community. The purpose of this document is to provide working data for deliberation and review.

At the last Strategic Plan Retreat, Council affirmed and prioritized six long-term goals for Round Rock:

1. Financially Sound City Providing High Value Services
2. City Infrastructure: Today and for Tomorrow
3. "The Sports Capital of Texas" for Tourism and Residents
4. Great Community to Live
5. Authentic Downtown – Exciting Community Destination
6. Sustainable Neighborhoods – Old and New

This workbook is a draft of implementation targets and working materials to assist Council in assessing two primary questions:

- Strategic Direction: Do the resources, projects, and programs outlined in workbook and during the workshop meet the near-term and long-term direction of Council and the community?
- Fiduciary Review: Does the review of general economic and growth trends, revenues, rates, expenditures, and reserves meet the high standards of fiscal stewardship the Council and community expect?

I look forward to working with Council to discuss and meet our community's goals during these uncertain times.

Sincerely,

Laurie Hadley
City Manager

2040 Vision Statement

"Pflugerville thrives as a modern and charming community. Its diverse culture and heritage, atmosphere of inclusion, first-rate parks, vital infrastructure, employment opportunities, and entertainment options make Pflugerville a desirable place. These elements create a vibrant city with a high quality of life that fosters an environment appealing to people from all backgrounds."

Six Guiding Principles

Diverse and Equitable

Facilitates an achievable quality of life regardless of race, ethnicity, age, gender, disability, income, and background. Acknowledge and celebrate the diverse cultures that make up the City. Pflugerville prides itself on being a city with a diverse population. The community recognizes how special this is and wants to celebrate the diverse cultures today and remain inclusive in the future. The welcoming atmosphere and equitable policies will ensure all people have an opportunity not just to survive but to thrive here.

Community Oriented

Provide events, programming and gathering places that serve a diverse population and provide for a family-friendly environment. Pflugerville desires to maintain its community-oriented environment. Many people and families are drawn to Pflugerville because of its welcoming and friendly atmosphere. There are places for residents and all types of families to gather for events, programs, or just to spend time together.

Fiscally Responsible

Make sound decisions and prioritize budgets to prepare the City for the future. The foundation of the City is based on collaborative stakeholder input toward responsible management of the City's resources by fostering transparent, open communication of fiscal decisions. It is beneficial to ensure stakeholders gain an understanding of how tax dollars are allocated.

Environmentally Sustainable

Protect and preserve the environment, including air quality and water quality for future generations. The community cherishes its natural environment and seeks to preserve it for the future. The parks, nature preserves, creeks, and Lake Pflugerville are community assets that enhance Pflugerville's quality of life and will need to be managed appropriately to protect them for future generations.

Safe and Healthy

People feel safe and secure throughout the community. Pflugerville sees the importance of being active and engaged. The community values its trails, sidewalks, and parks that provide respite from the busy city. The greenspaces help improve the community's physical and mental health. Pflugerville fosters an environment where residents and visitors can feel comfortable and secure as a foundation for thriving within the community.

Economic Opportunities for All

The City welcomes new businesses and supports existing businesses. Pflugerville supports the development of businesses and people through continuous workforce development to sustain the growth of businesses that represent our diverse community.



EXECUTIVE SUMMARY
01/27/2023

AGENDA SUBJECT:

Discuss the city's fiscal year 2023 financial outlook.

BACKGROUND:

This item will provide the City Council an opportunity to discuss the city's fiscal year 2023 financial outlook.

PRESENTER:

Robert Powers, Executive Director of Finance

Attachments

1. PowerPoint Presentation

FY 2023 Financial Outlook

January 27, 2023

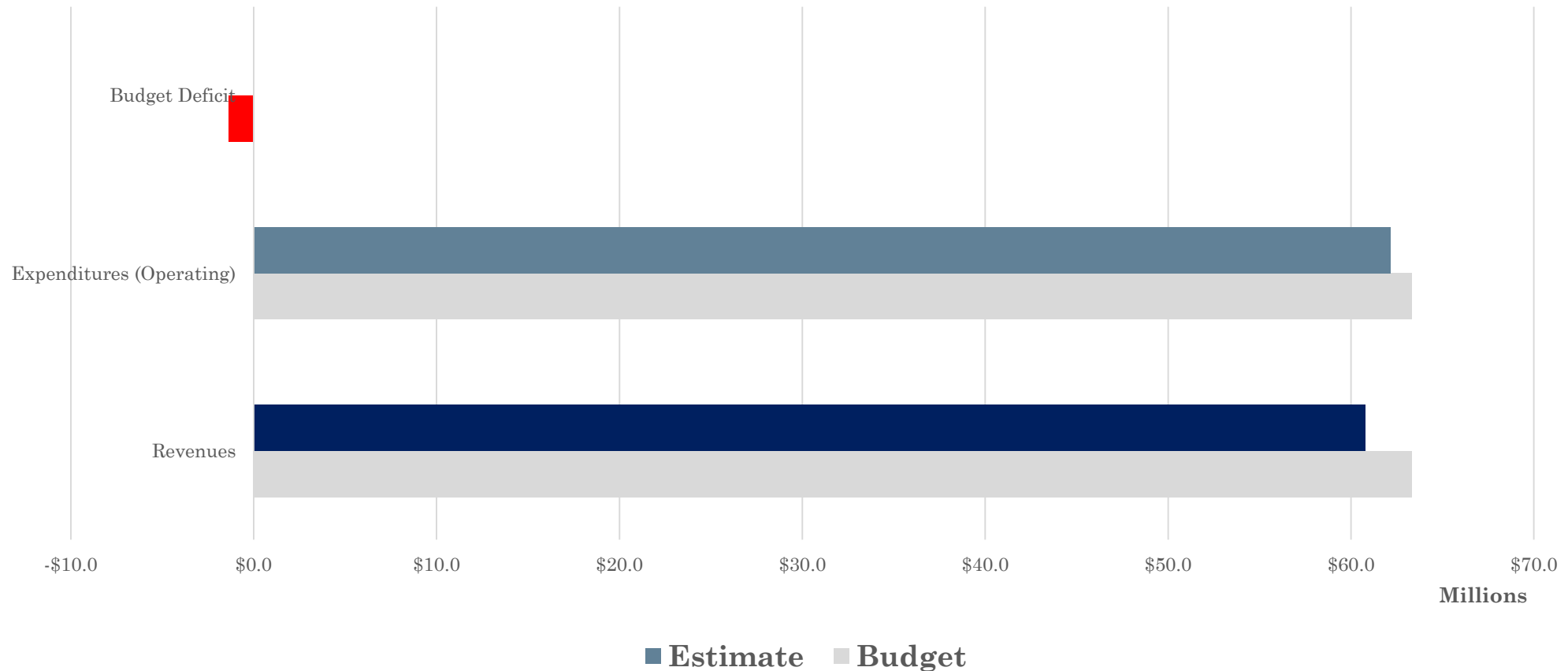
FY 2023 Financial Outlook

- I. General Fund Overview – Current Year
- II. How did we get here?
- III. Where do we go from here?
- IV. Looking ahead to FY 2024
- V. How Council Vision & Budget are related

General Fund Revenues vs. Expenditures

FY 2023 Estimate

(Deficit \$1.375M)



How did we get here?

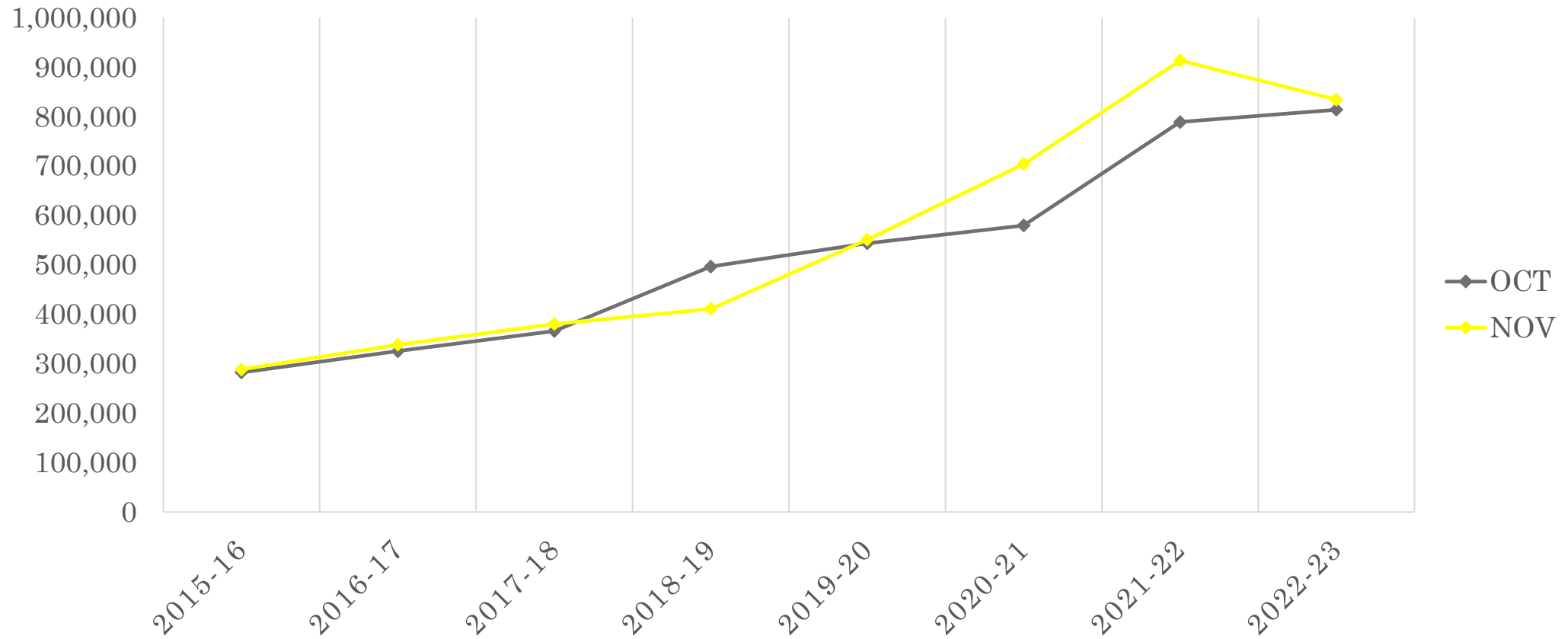
- Revenue declines in sales tax and development fees
- Offset by expenditure savings (primarily due to staffing vacancies)
- Caveat - still early in the fiscal year

Dallas Federal Reserve

Texas Economic Updates

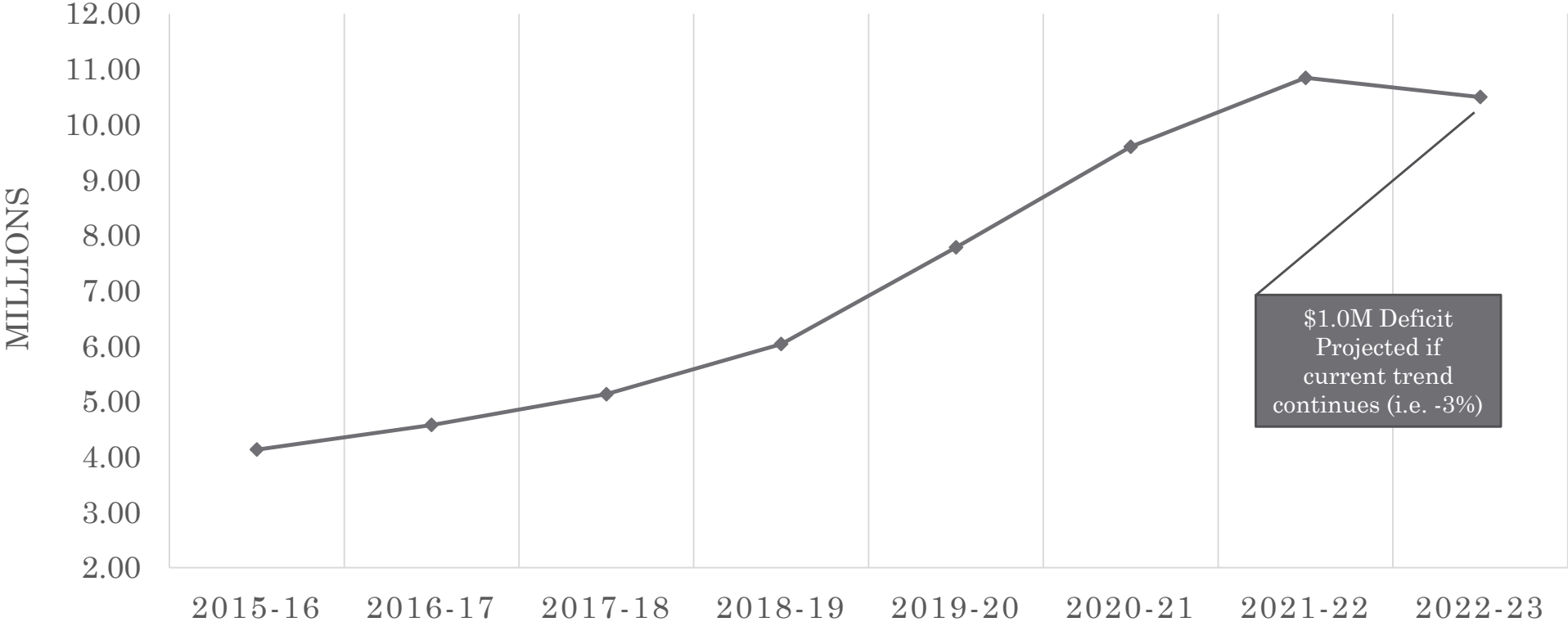
- August 4, 2022 - [Signs of slowdown growing in Texas; price pressures ease](#)
 - *The Texas economy continued expanding in June and July, though at a decelerating pace compared with earlier this year.*
 - ... then
- September 29, 2022 - [Mounting signs point to a Texas economic slowdown](#)
 - *The most recent jobs report showed state employment was flat in August. The unemployment rate rose slightly to 4.1 percent (from 4.0 percent in July), and labor force and wage growth also eased.*
 - ... then
- November 08, 2022 - [Texas economic outlook weakens, price pressures persist](#)
 - *The Texas economy shows continuing signs of softening, as output and employment indicators suggest slower growth relative to the first half of the year.*
 - ... and now
- December 22, 2022 - [Economic outlook weakens as job growth, inflation slow](#)
 - *The Texas economy is continuing to slow during the fourth quarter, with labor demand and manufacturing output softening and wage and price pressures easing.*

SALES TAX OCT & NOV COLLECTIONS (DOWN 3% FROM LAST YEAR)

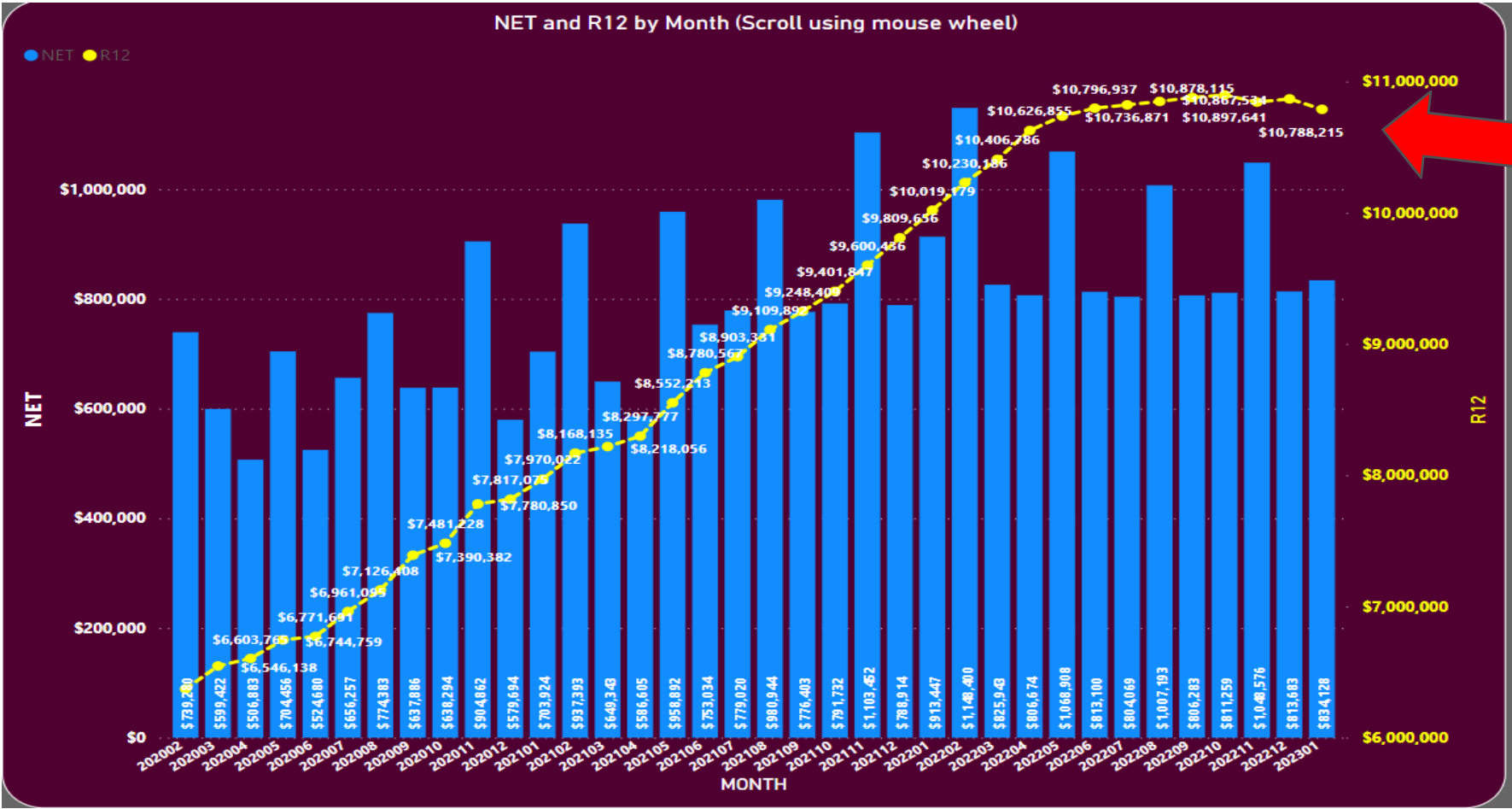


SALES TAX COLLECTIONS BY YEAR

(FY 2023 BUDGET=\$11,533,825)



Sales Tax rolling 12-month average in decline after years of significant growth



Source: CityBase Net, Inc.

Sales Tax Collections by Category (All Sectors Up except Mfg.)

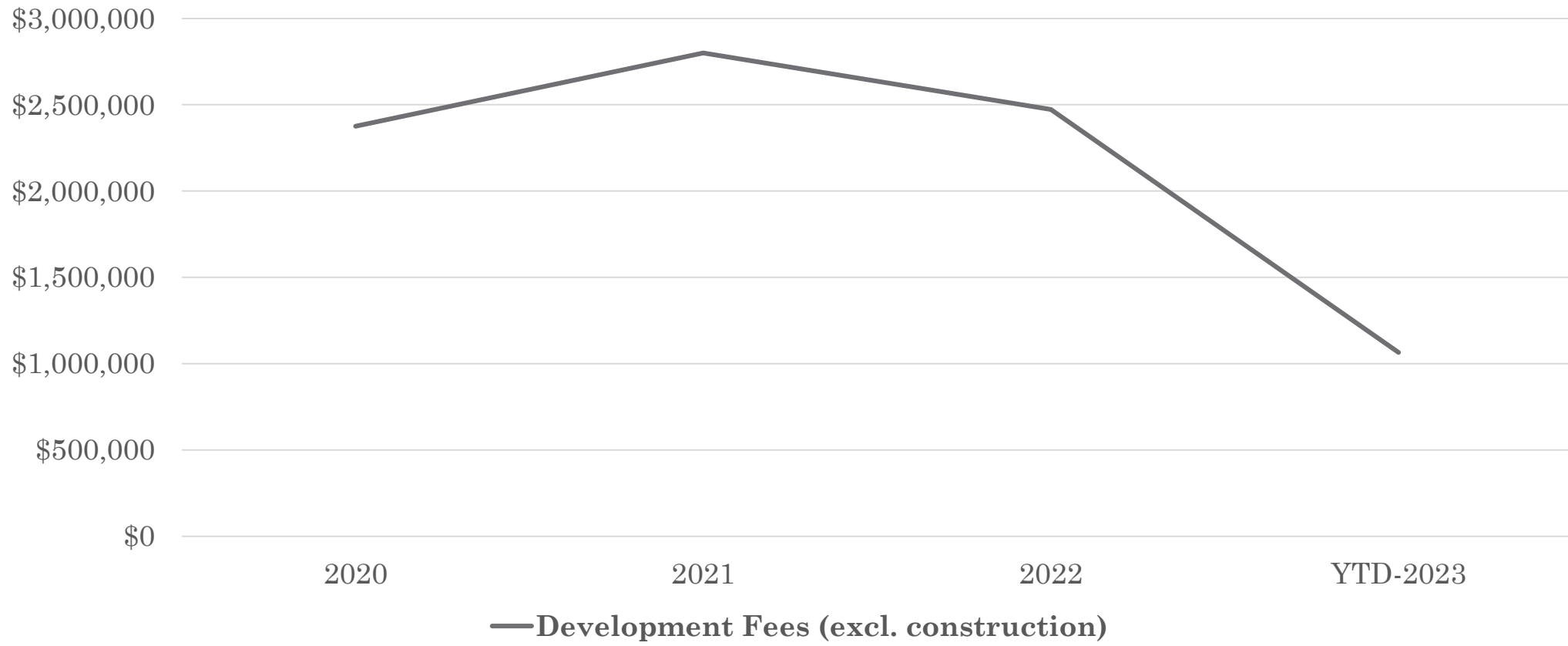
Rolling 12 Month Totals - Drill Down By Subcategory And Then Business (The 12-Month Totals At Each Year At This Month)



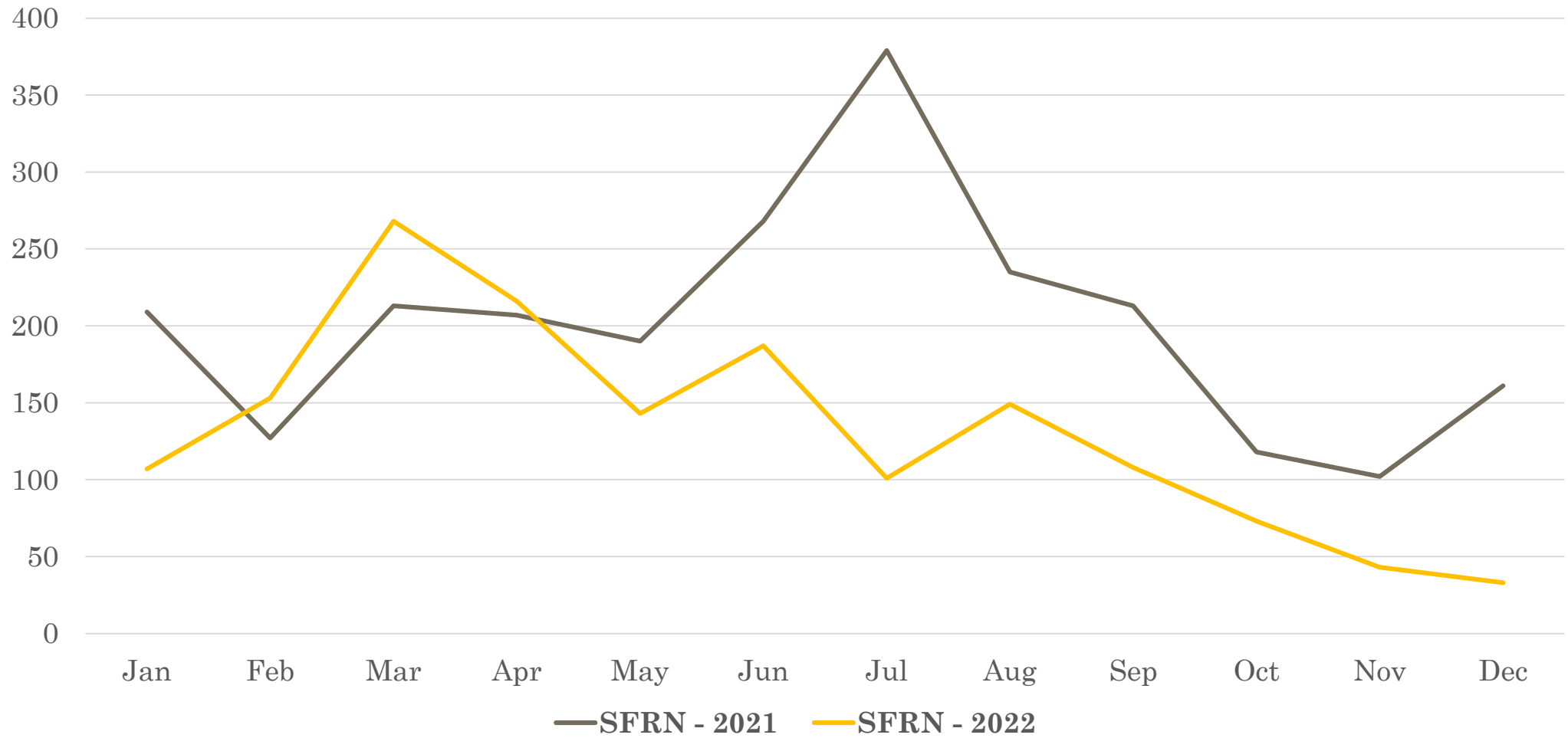
CATEGORY	201801	201901	202001	202101	202201	202301
⊕ RETAIL TRADE	\$1,873,870	\$2,144,431	\$2,394,168	\$3,828,725	\$4,720,862	\$5,587,689
⊕ MANUFACTURING	\$918,370	\$895,555	\$1,140,055	\$1,297,951	\$1,699,508	\$790,448
⊕ PROFESSIONAL & OTHER SVCS	\$307,001	\$368,415	\$462,529	\$548,685	\$726,021	\$948,793
⊕ CONSTRUCTION	\$341,703	\$388,214	\$541,507	\$414,254	\$633,292	\$848,942
⊕ HOTELS & FOOD SVCS	\$324,426	\$360,873	\$449,335	\$514,525	\$674,508	\$819,730
⊕ TELECOM & INFORMATION	\$345,178	\$470,759	\$519,348	\$536,503	\$532,042	\$561,600
⊕ UTILITIES	\$341,850	\$395,975	\$414,466	\$466,043	\$526,996	\$682,161
⊕ WHOLESALE & RELATED	\$93,281	\$145,801	\$144,074	\$201,307	\$330,811	\$351,939
⊕ FINANCE & RENTALS	\$95,474	\$105,510	\$137,867	\$120,500	\$135,487	\$154,426
⊕ WASTE MANAGEMENT	\$17,366	\$18,743	\$21,060	\$41,529	\$39,652	\$42,488
Total	\$4,658,519	\$5,294,276	\$6,224,409	\$7,970,022	\$10,019,179	\$10,788,215

Source: CityBase Net, Inc.

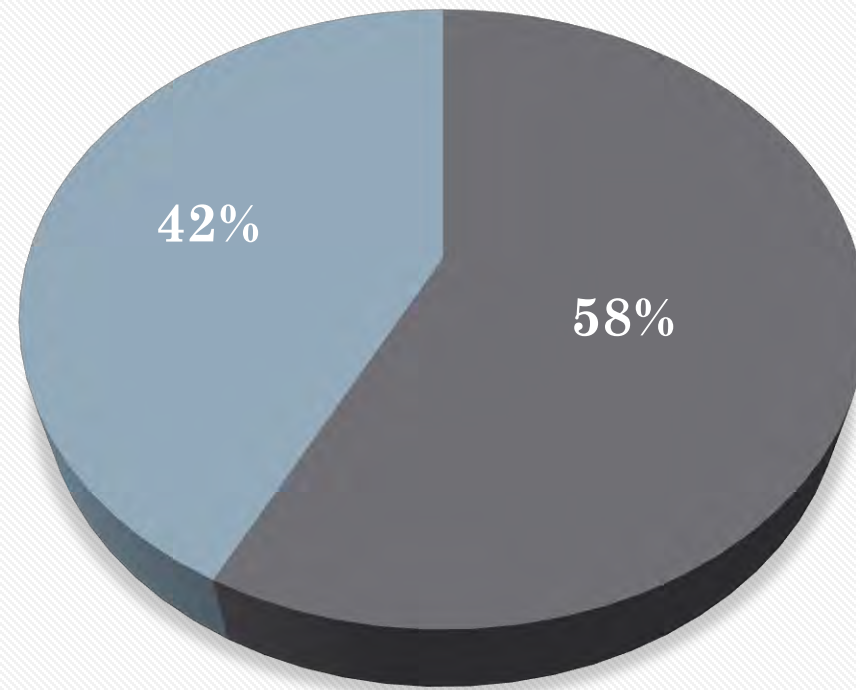
**Development Permitting Fees
(Oct-Jan Y-T-D)
(Projected EOY Deficit \$1.75M)**



Single-family Permits

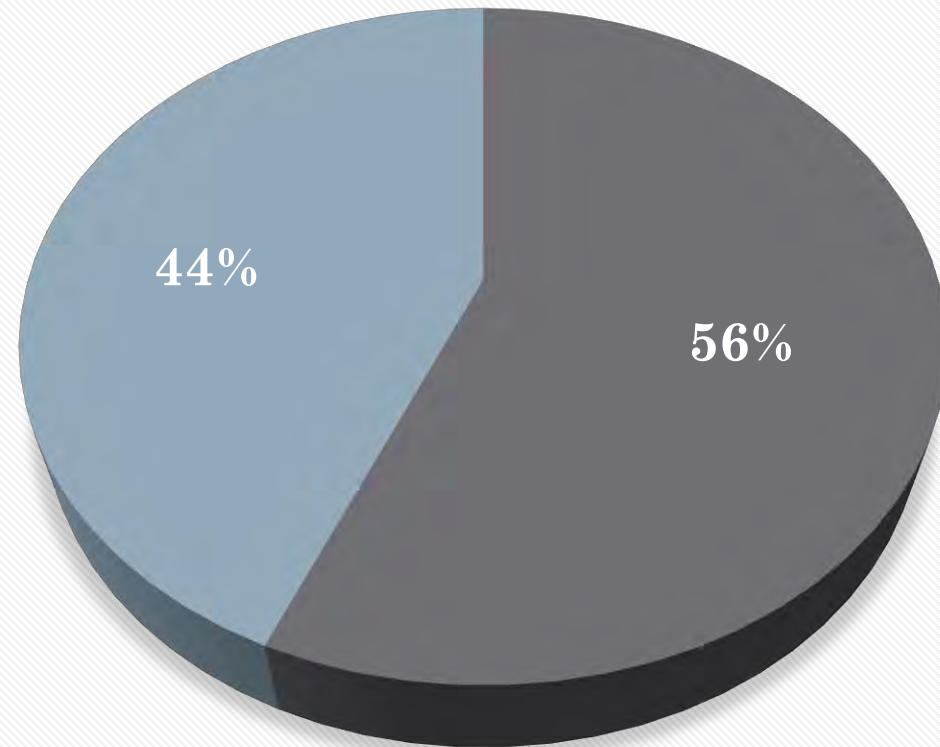


**General Fund Expenditure Budget
FY 2023
(\$68.5M)**



■ Personnel ■ Other

**General Fund Estimated Expenditures
FY 2023
(Under budget by \$1.150M)**



■ Personnel ■ Other

General Fund Full-time Positions Budgeted (368) vs Filled (49 vacancies) *

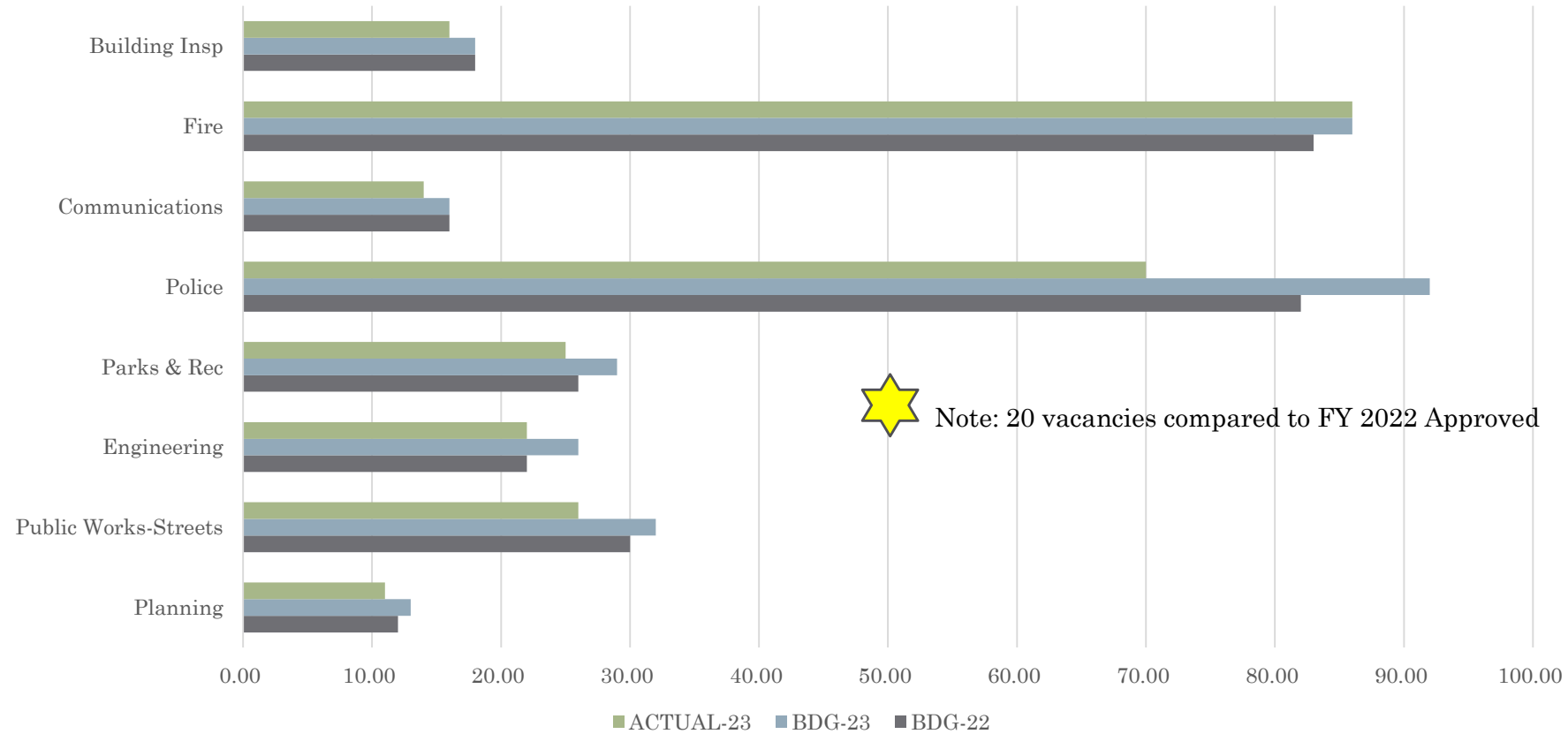


Chart does not include all General Fund departments

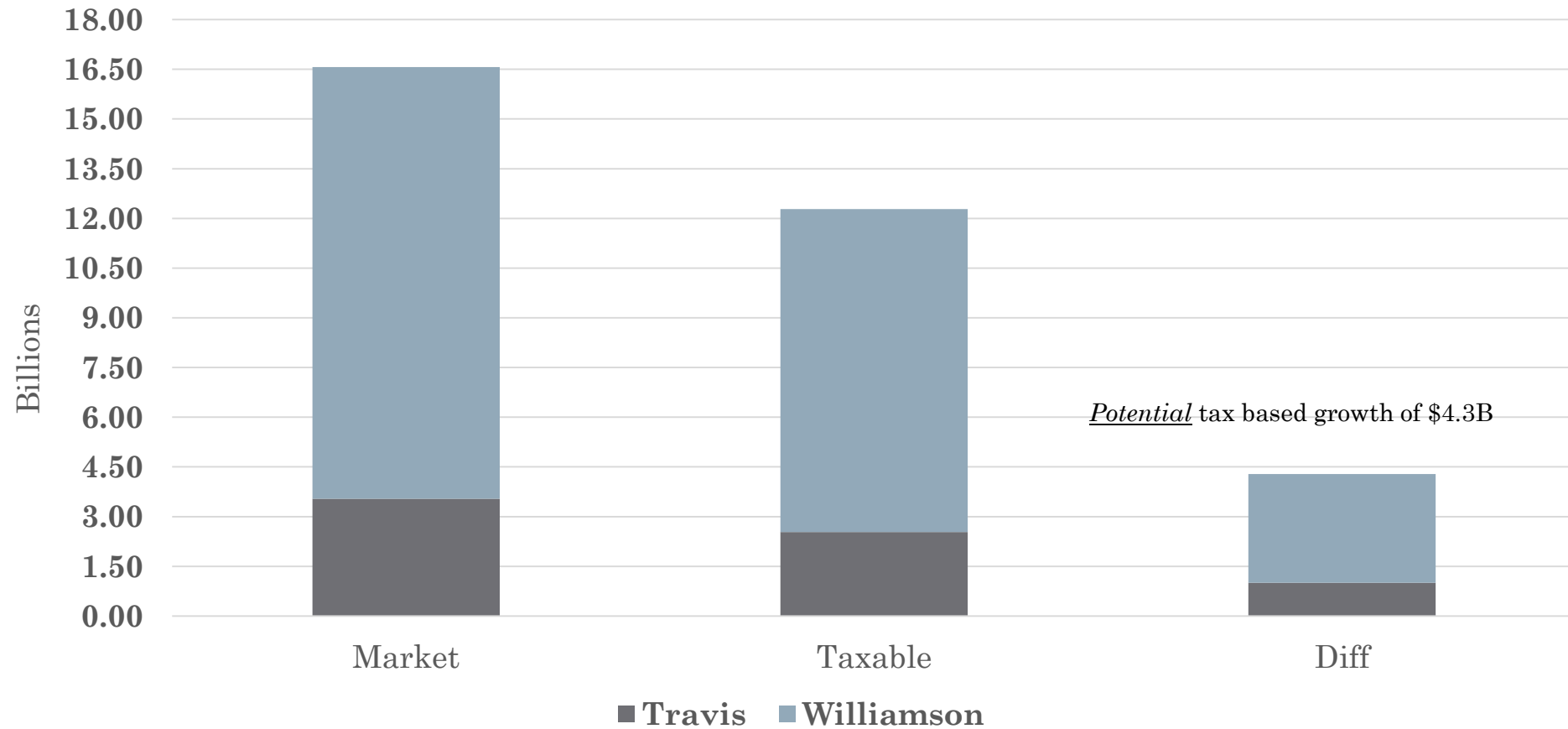
Where do we go from here?

Closing the Gap this year

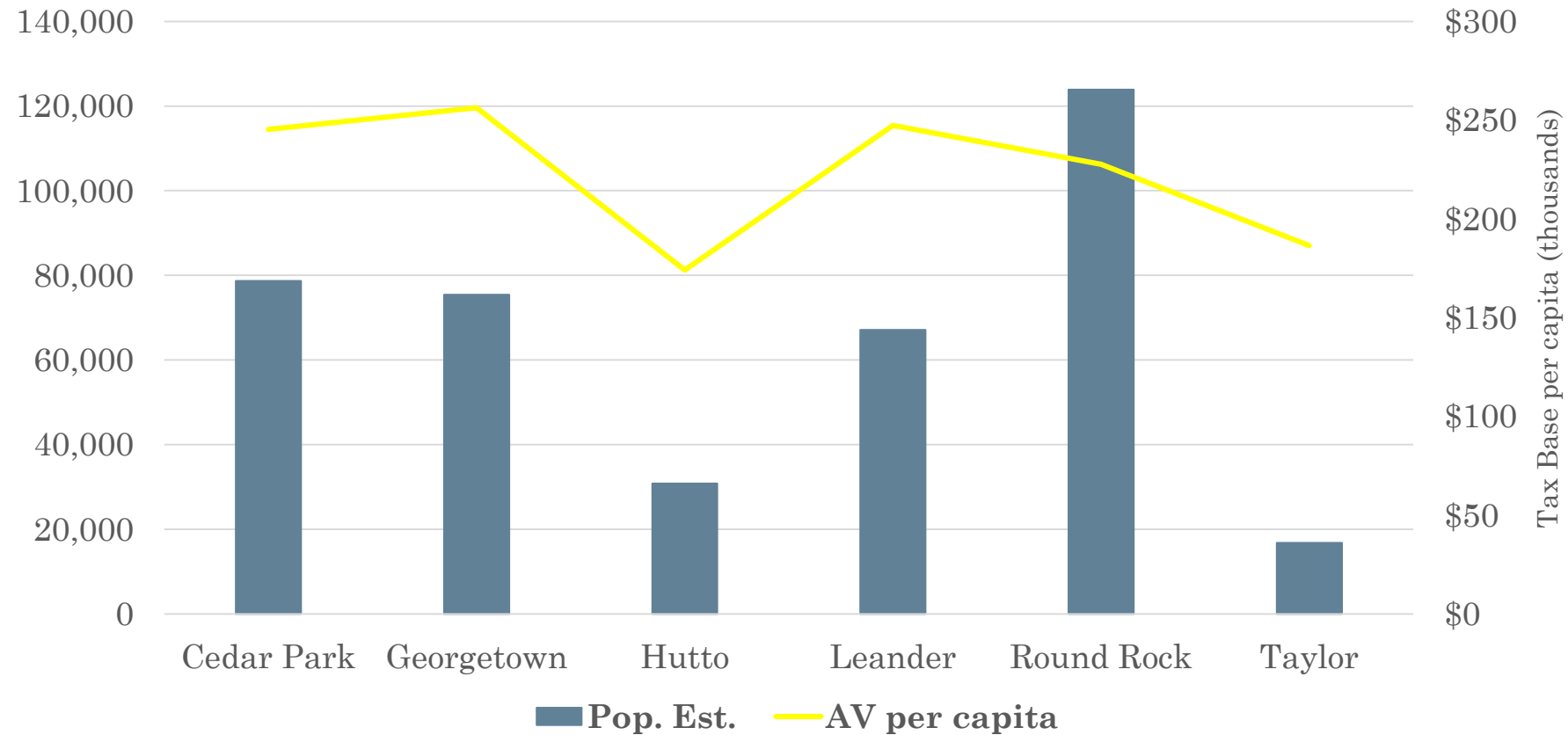
- Overall projected deficit is slightly less than 2.5% of total expenditures.
- Both revenues and expenditures will continue to be monitored monthly.
- Menu of Options include, but not limited to:
 - “Pay” for any line-item budget overrun with savings elsewhere.
 - Closely monitor & control overtime where feasible.
 - Reduce scope of roadway rehab program.
 - Hold selected vacancies open.
 - Keep City Council informed.

Good news looking ahead to FY 2024

Leander Tax Base (Jan 1, 2022)
Market vs. Taxable
(Growth Going into - FY 2024)



Area Cities by Population & Tax Base Per Capita (on par with neighbors)

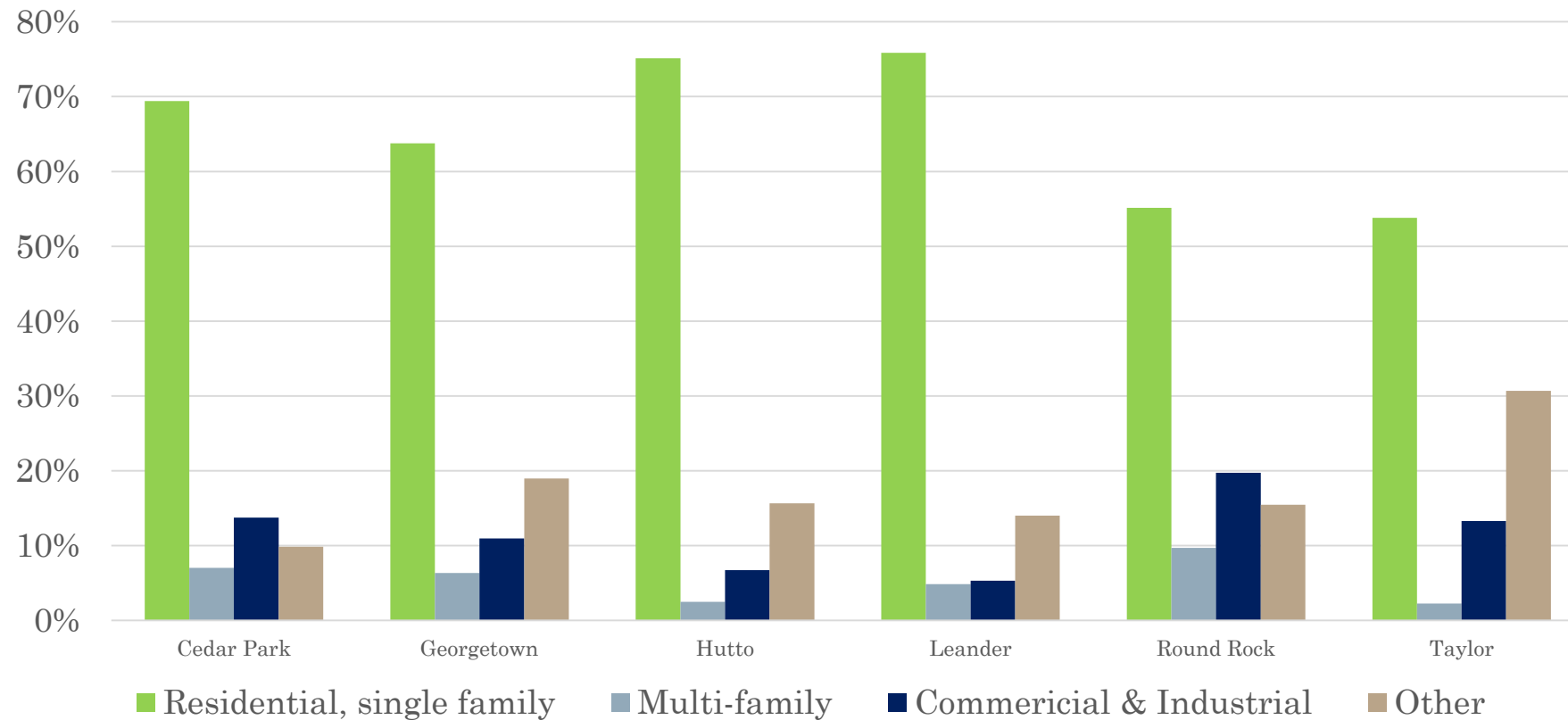


Pop. Estimates - US Census Quick facts July 2021

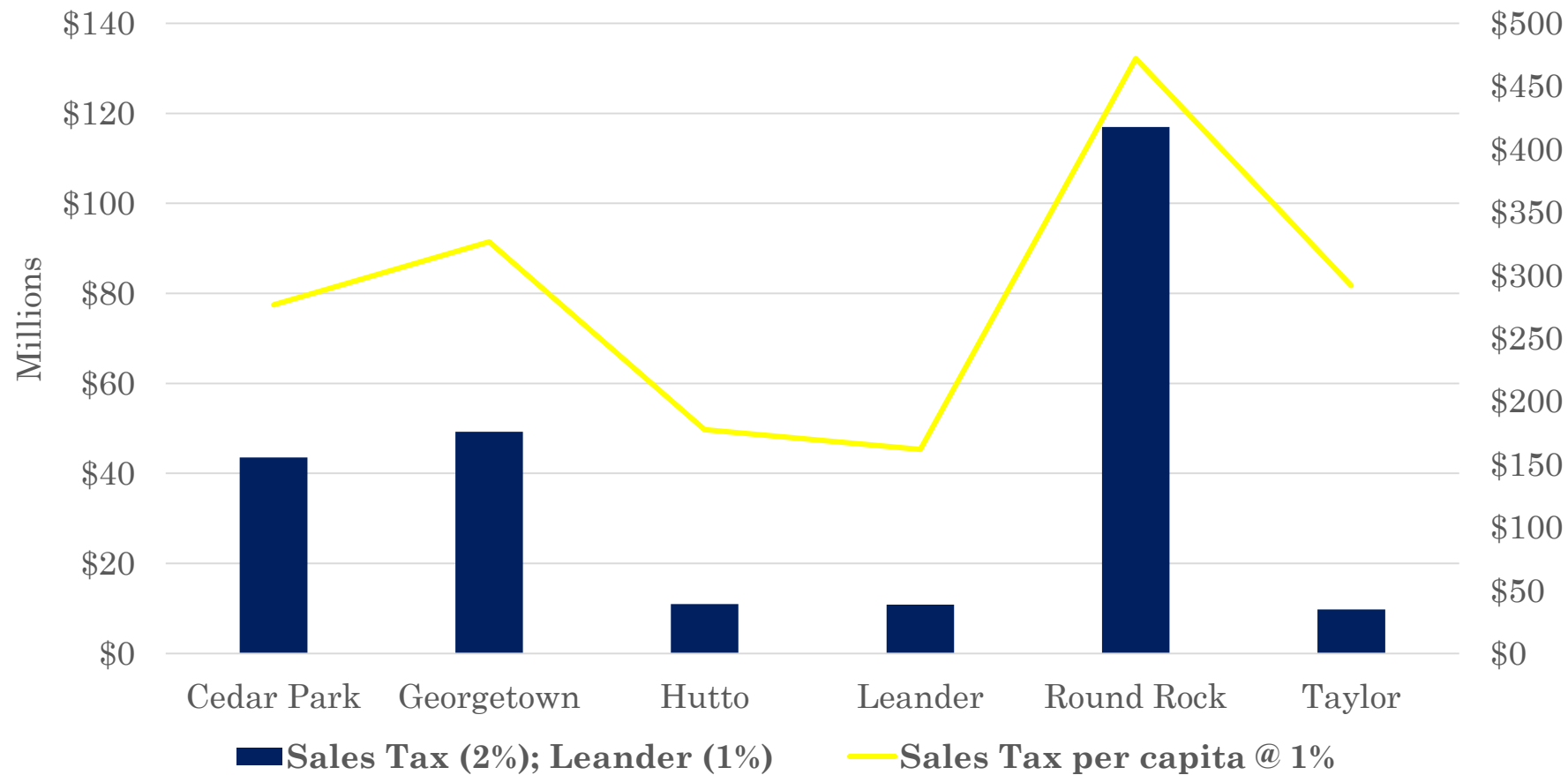
Tax Base by Type

Pct. of Total Market Value

(room to grow)



Annual Sales Tax Collections & Per Capita Comparisons (2022)



How Council Vision & Budget are related

- One of the roles that a City Council can play is debating and deciding what kind of community it wants to build – emphasis on “build.” That role is not one every City Council chooses or can choose – every City is different in their phase of development, their politics, and their immediate challenges.
- But IF that role is chosen, then for the vision to become a reality, that City Council must be in it for the long haul – over multiple Council tenures, “passing the torch” if you will. If something is not yet a vision today, being discussed, pushed, prodded, and planned now, it likely won’t be a reality anytime in the next 3, 5, or 10 years.

How Council Vision & Budget are related

- Now for the spoiler alert – the playing field for the builder role begins, intersects with, and usually ends with the Budget. Nothing big happens without money - deciding HOW to get the money necessary to advance the ball (vision) – year after year.
-
- Speaking of roles – I'll end with the different roles of the grasshopper, ant, and honeybee. The grasshoppers swarm in and happily munch away at whatever is available then move on. They are incredibly productive (in a destructive sort of way). The ants work and work and work building their mounds (until the lawnmower scatters it to the winds) and then they start again. They are tireless and heroic. The honeybees on the other hand work and work and work too, but in the end, they leave something good behind.



EXECUTIVE SUMMARY
01/27/2023

AGENDA SUBJECT:

Review Resolutions No. 22-012-00 and 22-031-00 regarding management of the city's water system.

BACKGROUND:

Resolution 22-012-00, approved in May 2022, states Leander City Council supports careful consideration of any development proposals that seek to amend the Comprehensive Plan, as the city should look to preserve as many potentially viable commercial and industrial areas as possible. Resolution 22-031-00, approved in October 2022, states the Council supports limiting consideration of zoning requests that seek to add residential zoning or increase the density of residential land uses in lieu of nonresidential uses.

Both resolutions reference long-term improvement of the city's water system as a priority initiative that could be negatively impacted by sharp, short-term increases in residential development. Following approval of Resolution 22-031-00, Council members requested an opportunity to further discuss the document's overall message and potential impacts.

Attachments

1. Resolution No. 22-031-00
2. Resolution No. 22-012-00
3. Activity Center Analysis
4. Land Use Analysis

A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO. 22-031-00

A RESOLUTION OF SUPPORT TO LIMIT CONSIDERATION OF ZONING REQUESTS THAT SEEK TO ADD RESIDENTIAL ZONING OR INCREASE THE DENSITY OF RESIDENTIAL LAND USES IN LIEU OF NONRESIDENTIAL USES; PRIORITIZE A DESIRED RESIDENTIAL LAND DISTRIBUTION MIX OF ZERO (0%) PERCENT WITHIN THE MULTI-USE, NEIGHBORHOOD CENTER, ACTIVITY CENTER, EMPLOYMENT CENTER, URBAN MIXED USE, AND LEANDER CENTRAL LAND USE CATEGORIES IDENTIFIED ON THE FUTURE LAND USE MAP; PRIORITIZE LOW-DENSITY USE COMPONENTS (SINGLE-FAMILY RURAL, SINGLE-FAMILY ESTATE, AND SINGLE-FAMILY SUBURBAN) WITHIN THE NEIGHBORHOOD RESIDENTIAL LAND USE CATEGORIES IDENTIFIED ON THE FUTURE LAND USE MAP; AND CONTINUE TO ENCOURAGE CONSERVATION ACTIONS THAT WILL REDUCE SHORT- AND LONG-TERM WATER SYSTEM DEMANDS.

WHEREAS, the cities of Cedar Park, Leander, and Round Rock are participating cities in the Brushy Creek Regional Utility Authority, Inc. (BCRUA), which was formed to develop a regional system for treating and distributing water from Lower Colorado River Authority sources; and

WHEREAS, in 2022, Leander's total water treatment capacity between the Sandy Creek Water Treatment Plant and BCRUA Water Treatment Plant is 25.6 million gallons per day (MGD), and the city's peak water usage to date was 20.8 MGD; and

WHEREAS, in 2028, when the BCRUA Phase 1D, Phase 2, and Phase 2A expansion projects, the Sandy Creek Water Treatment Plant sludge improvement project, and various other city capital improvement projects are complete, Leander's total water treatment capacity will increase to 44 MGD; and

WHEREAS, following a 308% increase in population from 2010 to 2022, driven in part by unprecedented growth and investment in the Austin region, Leander anticipates a continuation of strong demand for new residential development over the next decade; and

WHEREAS, the Comprehensive Plan adopted April 1, 2021, states that population growth is both a tremendous opportunity and a difficult challenge, as the city will need to provide and maintain utilities across vast areas of existing and future land development, and land use is one of the most important elements of determining how Leander remains prosperous in the future; and

WHEREAS, the Comprehensive Plan adopted April 1, 2021, states that Leander should prioritize commercial development through the use of zoning, the Future Land Use Map, and prioritized investments and incentives to ensure commercial and industrial business opportunities; and

WHEREAS, for the City of Leander's long-term financial stability over the next decade, it will be critical to establish a proportionate balance of land uses; and

WHEREAS, the current array of land uses zoned in Leander is estimated at 58% residential (single-family, duplex, condo, apartments), 14.5% nonresidential (commercial, retail, office, industrial), 5.5% other (churches, city-owned properties, parks, utilities) and 22% interim (annexed but final zoning not requested), with interim zoned land uses most likely to rezone and densify through redevelopment; and

WHEREAS, construction of an estimated 12,856 new residential units are expected over the next five (5) years, based on entitled properties currently planned or under development; and

WHEREAS, Resolution 22-012-00 approved May 5, 2022, states that Leander City Council supports the City Manager's recommendation to consider carefully any development proposals that seek to amend the Comprehensive Plan, as the city should look to preserve as much potentially viable commercial and industrial areas as possible.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS THAT:

Until the BCRUA Phase 1D, Phase 2, and Phase 2A projects are complete, thereby increasing Leander's total water treatment capacity to 44 MGD, Leander City Council will:

- (1) Limit consideration of zoning requests that seek to add residential zoning or increase the density of residential land uses in lieu of nonresidential uses; and
- (2) Prioritize a desired residential land distribution mix of zero (0%) percent within the Multi-Use, Neighborhood Center, Activity Center, Employment Center, Urban Mixed Use, and Leander Central land use categories identified on the Future Land Use Map; and
- (3) Prioritize low-density use components (Single-Family Rural, Single-Family Estate, and Single-Family Suburban) within the Neighborhood Residential land use categories identified on the Future Land Use Map; and
- (4) Continue to encourage conservation actions that will reduce short- and long-term water system demands.

DULY PASSED AND APPROVED this the 20th day of October, 2022.

ATTEST:

CITY OF LEANDER, TEXAS


Dara Crabtree, City Secretary


Christine DeLisle, Mayor



A RESOLUTION OF THE CITY OF LEANDER, TEXAS

RESOLUTION NO. 22-012-00

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, SUPPORTING A COMPREHENSIVE PLAN FOR THE MANAGEMENT OF WATER SYSTEM TREATMENT CAPACITY AND DEMAND, AND PROVIDING FOR RELATED MATTERS.

WHEREAS, the cities of Cedar Park, Leander, and Round Rock are participating cities in the Brushy Creek Regional Utility Authority, Inc. (BCRUA); and

WHEREAS, on October 15, 2021, the City Manager presented recommendations and updates to Leander City Council for meeting water delivery needs and confirming development capacity in the city; and

WHEREAS, the Sixth Amendment to the Master Contract for the financing, construction, and operation of the BCRUA Regional Water Treatment and Distribution Project, dated and entered into as of December 15, 2021, established a maximum daily capacity and a maximum instantaneous delivery rate for each BCRUA participating city; and

WHEREAS, on April 29, 2022, the City Manager presented an addendum to the October 15, 2021, water system recommendations with updates describing the City's planned strategic conservation efforts in preparation for anticipated Summer 2022 water demand increases; and

WHEREAS, the Leander City Council desires to communicate to BCRUA partner cities and the residents of Leander, Texas, that the City of Leander has a comprehensive short- and long-term plan to manage water system treatment capacity and demand.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LEANDER, TEXAS, THAT:

Leander City Council supports the City Manager's recommendations presented in the memorandum dated October 15, 2021, to successfully address Leander's water needs in both the short- and long-term; as well as the recommendations and updates presented in the memorandum addendum dated April 29, 2022, outlining the City of Leander's planned actions for management of the public water system and related conservation efforts through Summer 2022.

DULY PASSED AND APPROVED this the 5th day of May, 2022.

ATTEST:


Dara Crabtree, City Secretary

CITY OF LEANDER, TEXAS


Christine DeLisle, Mayor





Office of the City Manager

Oct. 15, 2021

RE: City Manager Goals

Honorable Mayor and Council:

Please consider this memorandum to be my formal response to your request for information as described in the following Council directive:

Develop, plan and present recommendations and updates for meeting water delivery needs as well as confirming the current development capacity for the city by Oct. 15, 2021.

As we have presented to Council over the last few months, our ability to successfully address Leander's water needs in both the short- and long-term will require a multifaceted solution of management, operation, and policy actions. It's also important that we remain flexible in our approach because, as you know, conditions can change on a dime.

How did we get here?

This strategy is intended to provide Council with a realistic, pragmatic approach on how to manage our growth and subsequent water demands. But it's also important for Council to understand where we came from. Without dwelling too much on the past, below are a few notable contributors to our current situation:

- Exponential growth over the last few years have outstripped all local and regional projections for residential housing products.
- Changes in desired residential product type have led to irrigation systems being installed in nearly all post-2015 housing products.
- Historical decisions/indecisions regarding BCRUA deep water intake and facility expansion project timelines, scope, and setbacks.
- Internal infrastructure distribution and capital projects not historically keeping pace with our overall growth rate. Prior to 2020, a full-time CIP project manager did not even exist.
- Contractual obligations outside of the city (i.e. Liberty Hill, Lively Tract, Rancho Sienna, Georgetown, etc.)
- Imbalance of residential vs. commercial/industrial development growth, thus a "run" on available water due to unprecedented regional housing demand.





Office of the City Manager

RE: City Manager Goals

So what should the current and future leaders of Leander do? Our ability to manage growth in terms of both water capacity and water demand will be vitally important over the next few years.

Leander Water Capacity

Our water capacity needs should be considered in terms of both system and treatment capacity. System capacity is how water moves through the city. Treatment capacity is the total amount of water needed on the most demanding day (i.e. hottest days of the summer).

Improving system capacity

Leander's total water infrastructure consists of 5 pressure planes, 2 water treatment plants, 4 pump stations, numerous pressure reducing valve (PRV) stations, 3 ground storage tanks, 3 elevated storage tanks, and 324 miles of water line. The following projects are planned to improve system capacity over the next few years:

Fiscal Year 2021

- San Gabriel Booster Pump Station **completed*
- New water entry point from the BCRUA plant at Bagdad/New Hope **Nov. 2021*
- San Gabriel Parkway 24-inch water line **operational by mid-Nov. 2021*

Fiscal Year 2022

- San Gabriel Elevated Storage Tank
- Terminus High Zone Pump Station and Ground Storage Tank (design)
- Advanced Metering Infrastructure (design)
- Travisso Elevated Storage Tank (design)
- Sandy Creek Water Treatment Plant Sludge Improvement (design)

Fiscal Year 2023

- Travisso Elevated Storage Tank (construction)
- Terminus High Zone Pump Station and Ground Storage Tank (construction)
- Advanced Metering Infrastructure (construction)
- Ronald Reagan Booster Pump Station and Ground Storage Tank (design)
- Sandy Creek Water Treatment Plant Sludge Improvement (construction)

Fiscal Year 2024

- San Gabriel West Booster Pump Station (design)

Fiscal Year 2025

- Ronald Reagan Booster Pump Station and Ground Storage Tank (construction)





Office of the City Manager

RE: City Manager Goals**Recommendation**

CIP water projects should receive priority consideration from Council. Staff will update Council regularly on the progress of these projects and look for ways to allocate City resources that could expedite completion whenever possible.

Improving treatment capacity

Leander has two water treatment facilities. Sandy Creek Water Treatment Plant capacity is currently rated for 12 million gallons per day (MGD), and Leander's capacity of the BCRUA Water Treatment Plant is currently 14.9 MGD. However, due to limitations in sludge processing, Sandy Creek today is closer to 10 MGD.

Today, this puts Leander's total water treatment capacity today at 25 MGD. Several City and BCRUA projects either planned or in progress over the next 8-10 years would increase Leander's capacity to 44 MGD at best. Our current phasing plan for capacity expansion is as follows:

Fiscal Year 2021 / 2022

- Design of BCRUA Phase 1D
- Design of BCRUA parallel raw waterline

Fiscal Year 2023

- Completion of Sandy Creek sludge improvement (+2 MGD)

Fiscal Year 2025

- Completion of Phase 1D – Expands BCRUA capacity to 42 MGD (+5 MDG)
- Completion of Phase 1D parallel raw waterline

Fiscal Year 2027

- Completion of Phase 2 – BCRUA Deepwater Intake raw waterline (drought resilience)

Fiscal Year 2028

- Completion of Phase 2A* – Expands BCRUA capacity to 67 MGD (+12 MGD)
* *This phase is not yet funded or under design by BCRUA*

As you know, the BCRUA projects will require continuous collaboration with our partner city operators and elected officials. The chart below outlines the estimated timeline for completion of the above expansion projects and how they align with current population growth projections.



Office of the City Manager

RE: City Manager Goals

	Year									
	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
Projected Leander Population and Water Connections										
Projected Leander Population	85,650	95,928	107,440	118,184	130,002	143,003	153,728	165,257	173,520	182,196
Projected Water Connections	25,491	28,550	31,976	35,174	38,691	42,560	45,752	49,184	51,643	54,225
Projected Growth Rate	12.0%	12.0%	12.0%	10.0%	10.0%	10.0%	7.5%	7.5%	5.0%	5.0%
Projected New Water Connections	2,731	3,059	3,426	3,198	3,517	3,869	3,192	3,431	2,459	2,582
Projected Leander Water Demands										
Projected Leander Water Usage Max Day Demands (MGD)	19.30	21.61	23.77	26.15	28.76	30.92	33.24	35.73	37.52	39.40
Projected Leander Wholesale Water Max Day Demands (MGD)	1.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	1.00	1.00
Total Leander Max Day Demands (MGD)	20.30	25.61	27.77	30.15	32.76	34.92	37.24	39.73	38.52	40.40
Leander Water Capacity	25.00	25.00	25.00	27.00	32.00	32.00	32.00	44.00	44.00	44.00
Leander Expansions				Sandy	1D			2A		

Notes:

1. Projected growth rate is based on current trends and staff forecasts, this is more aggressive than the 2020 Comp Plan or 2021 Long Range Water Study.
2. Includes currently existing wholesale agreements with other cities, no other wholesale agreements are included.
3. Assume Sandy Creek WTP can produce 12 MGD on a max day.
4. Leander currently receives up to 14.93 MGD from BCRUA in Phase 1C.
5. Assumes a max day demand of 750 gpd/connection (636 gpd/LUE) for Leander customers throughout.

Recommendation

Leander's appointed staff and elected BCRUA representatives should closely monitor the progress of current BCRUA expansion projects and look for ways to allocate additional resources, negotiate additional terms, or consider Board or Council actions that could expedite completion whenever possible. Any significant delays could negatively impact our peak operating capacity over the next 5-7 years.

Negotiating contracts

In addition to the City's commitment with BCRUA, we maintain several contracts that allow for Leander to receive raw water from Lake Travis, as well as provide for the wholesale delivery of water to other cities. Part of our water management strategy will be to negotiate with existing contract partners, or seek potential new partners, in an effort to expand Leander's water capacity.

Below is a brief list of our existing agreements outside of BCRUA, which are also described in the 2021 Water and Wastewater Rate Study.





Office of the City Manager

RE: City Manager Goals

- Lower Colorado River Authority (LCRA) – In 1998 Leander entered into a wholesale potable water service agreement with the Brazos River Authority (BRA) and LCRA, acting together as the Brazos-Colorado Water Alliance, to provide Leander up to 6,400 acre feet of potable water annually on a wholesale basis. This was amended in 2007 to increase Leander's maximum quantity to 24,000 acre feet annually. The City's annual raw water payment to LCRA is approximately \$2.6 million, and it is forecast to increase to \$3.4 million by 2030.
- Liberty Hill – In 2013 Leander agreed to treat up to 600 acre feet of the Liberty Hill's LCRA raw water allotment annually and deliver it to a Liberty Hill take point. Our first delivery of treated water occurred in August 2017.
- Georgetown – They have contract rights for up to 1,200 acre feet of raw water from Lake Travis. Our interlocal agreement, approved in April 2020 after 2-3 years of negotiation, will allow for Georgetown to take up to 3 MGD of treated water per day for up to 7 years, which starts when all appropriate infrastructure is in place. We expect Georgetown will have the ability to take water starting in summer 2022.

Over the last several weeks, I've had additional discussions with counterparts from Georgetown, Round Rock, Cedar Park, and Liberty Hill, and staff has also met with LCRA, to discuss negotiable options that could improve our net water supply. Below is what we know today:

- LCRA – Following our supply study recommendations, we will seek to increase Leander's Lake Travis supply from 24,000 to 34,000 acre feet, which allows us to capture all BCRUA treatment capacity at build out. Since this application and permit process could take 2-3 years, we wanted to start as soon as possible. Council will be involved in discussions before final approval.
- Liberty Hill – We discussed each city's water capacities and demands, and they asked if we would supply another 600 acre feet. However, as previously discussed with Council, we'll want to stay within the terms of our existing contract at least until BCRUA Phase 2A is online. We also discussed the possibility of partnering to expand Sandy Creek beyond our 12 MGD capacity. This could be mutually beneficial, or it could involve insurmountable design and cost issues, so we will need to gather additional data and advise the Council at a later date.
- Georgetown – We shared each other's internal water modeling and discussed our needs and challenges. In short, Georgetown will unequivocally need the entire 3 MGD from Leander to meet their own projected water demands over the next 7-8 years. It is unlikely





Office of the City Manager

RE: City Manager Goals

we will be able to negotiate any change to our current contract without creating potential legal or credibility issues.

- Round Rock & Cedar Park – Neither city expressed interest in acquiring Leander's commitment of 3 MGD to Georgetown, nor was there interest in renegotiating current BCRUA allotments among the three cities. Both cities are expecting to utilize their available water capacities for future economic development opportunities, as well as population growth. However, they would presumably be able to assist us on a short-term basis in the event of future sudden infrastructure or plant failures.

Recommendation

Staff should continue positive working relationships with the above partner cities and providers to explore future water supply opportunities, and to bolster our resiliency and ongoing cooperation should any unexpected water emergencies arise.

Leander Water Demand

Current population growth projections for Leander over the next 8-10 years, which are shown in the table on page 4, were derived from a variety of data that incorporate regional market conditions, known development projects and timelines, and anticipated land uses in Leander.

Our approach to managing water demand will involve a combination of technology improvements, aggressive water conservation policies, and a fiscally responsible approach to new development.

Water conservation ordinance

In March 2021, Council approved an update to the Water Conservation and Drought Contingency Plan, which improves our ability to manage and monitor peak-day water demands caused by residential irrigation during the spring and summer months. Staff will continue to review this ordinance to ensure our phasing and enforcement triggers remain effective.

Recommendation

The City should, at a minimum, continue with Phase 2 requirements of once-per-week watering throughout the year. This consistency will help us focus more on improving public awareness and compliance with our conservation efforts.





Office of the City Manager

RE: City Manager Goals

Real-time water data

This fiscal year, we will establish an action plan to install Advanced Metering Infrastructure (AMI) technology in all City water meters. AMI is an integrated system of smart meters, communications networks, and data platforms that will allow us to monitor customer water use in real time. This would significantly improve our ability to track spikes in water use and help redirect education or enforcement resources.

This solutions will take 3-5 years to fully implement, but most of the funding, approximately \$5.6 million, has already been made available to the City through American Rescue Plan Act federal relief funds.

Recommendation

The City should use all of our allotted ARPA funds to procure and integrate AMI water meter technology throughout Leander's water system as soon as possible.

Reclaimed water uses

Earlier this week, Council authorized staff to start developing a reclaimed water system at the RM 2243 Wastewater Treatment Plant, which will establish a bulk filling station for contractors and create a direct connection to the Northline development. The City also operates a reclamation plant in the Travisso subdivision, which has delivered reclaimed and raw water to the Crystal Falls Golf Club for course irrigation, as well as several Travisso right-of-way landscape and common areas, since 2014. The Travisso plant is slated for a second expansion as the subdivision is fully developed over the next few years.

Recommendation

Now with reclamation efforts underway, the City should look for ways to expand 2243 WWTP and Northline reclaimed water connections into other areas of Leander, and establish a citywide water reclamation program to further reduce unnecessary irrigation and construction demands on our potable water system.

Tiered water rates and discounts

Council recently approved a tiered rate structure for residential water customers, effective Jan. 1, 2022, to incentivize conservative usage. Other changes include revisions to our leak adjustment





Office of the City Manager

RE: City Manager Goals

policy, senior and disabled person discounts, and winter quarter averaging for sewer rates. While this is likely to negatively impact our small percentage of very high-end water users, our low-end users could see slight reductions in their water bill over the next few months.

Recommendation

The City should closely monitor how tiered water rates, policies and related discount changes impact residential water usage over the next 10-12 months and report back to Council on progress.

Landscape regulations

Council recently inquired how changes to our landscape requirements for new development could positively impact Leander's long-term water demands. Over the next few weeks, staff will be proposing ordinance changes to limit certain turf grass and area requirements that often contribute to higher water uses. Some proposed items are shown below:

CURRENT & PROPOSED REGULATIONS

	RESIDENTIAL	COMMERCIAL
Turf Grass	Limited to 2/3 of lot after subtracting impervious cover No turf grass between the sidewalk and back of curb (replace with river rock or granite)	Limited to 50% of the landscape area; Prohibit turf grass in strips less than 10' wide in parking areas and between sidewalks and pavement
Landscape Requirements	2 trees in the front yard, 6 shrubs	15% landscape area for commercial, 10% for industrial, 20% multi-family. 2 tree and 4 shrubs are required for every 600 square feet of landscape area/setback area; Remove landscape in side/rear setbacks when not adjacent to residential and needed for buffering. Calculate requirements for the overall center. Provide overall landscape plan. Consider limiting landscape area to the percentage.
Landscape Lots	Minimum 10' lot required when adjacent to collector or arterial, landscaped with 2 trees and 4 shrubs per every 600 square feet; Limit turf grass to 50% of landscape lot; Provide a more specific corridor plant list.	None
Reclaimed Water	Implement a reclaimed water program.	Implement a reclaimed water program.





Office of the City Manager

RE: City Manager Goals

Entry Monuments at Neighborhoods	Limit amount of turf grass permitted	NA
Irrigation Meters	None	Require a separate irrigation meter for schools
Project Phasing	Update the Subdivision Ordinance to provide project phasing for residential projects	NA

Future Development in Leander

As you know, the greater Austin region is one of the fastest growing metropolitan areas in the United States. As Austin's desirability and cost of living rises, Leander will continue to absorb that growth. What impact will this unprecedented market demand have on us? If left unchecked, residential development, particularly lucrative high density single- and multi-family projects, could dominate our remaining landscape and burden Leander's water system to an unsustainable degree. So what should we do?

Following the Comprehensive Plan

Approved last April, the City's new Comprehensive Plan and Future Land Use Map documents may be our best vehicles to implement a strategic and conservative approach to growth that encourages more commercial, retail, and employment centers. In addition to diversifying our tax base, this could indirectly reduce projected water demands.

Now that the City also has a modeled Transportation Master Plan, we will need to re-review the Comprehensive Plan to confirm that the proposed future land uses make sense where the relevant roadway classification types have been updated. Staff will need to compare changes and confirm appropriate land use categories are in place, or if updates are needed. For example, some streets have changed from collectors to arterials. This could be an instance where the land use category would change to support only commercial or industrial components.

Recommendation

Moving forward, both Council and the Planning & Zoning Commission should carefully consider any development proposals that seek to amend the Comprehensive Plan. We expect significant market interest in high-density residential development over the next decade. The City should look to preserve as much potentially viable commercial and industrial areas as possible.





Office of the City Manager

RE: City Manager Goals

Phasing residential development

Currently, our subdivision ordinance does not require phasing of projects. However, the ordinance does allow for it, and we work with developers to establish timelines for phasing when proposed. Staff is researching options to establish phasing requirements that would limit the number of single-family homes that would be approved per phase. We are working with legal counsel to make sure this approach remains compliant with the Local Government Code.

Recommendation

The City should establish ordinance-based phasing for residential development, where applicable, and require phases to be developed one at a time, rather than concurrently.

MUDs & PIDs

Often used as a means to finance large-scale residential projects, developers sometimes request approval from municipalities to create special districts that provide for additional infrastructure investments. There are several existing Municipal Utility Districts and Public Improvement Districts in Leander that have served this purpose. However, the City is not obligated to participate in the creation of these entities, and it may serve us well to avoid consideration of any proposals that would create additional districts in the future.

Below are a few pros/cons:

- MUD tax rates can vary, so citizens may not have the same tax burden neighborhood to neighborhood, which create equity concerns.
- MUDs can encourage hopscotch development instead of radial development from the city and infrastructure core.
- While MUDs and PIDs provide the developer with a financing alternative for a project, those costs are passed down to the property owner by either assessment or tax.
- In some cases, MUD boards will issue new debt and keep their districts going beyond the original timeframe anticipated by the home owners.
- Is there a commercial component to the MUD proposal? If so, that could that lessen the impacts on residential land uses.

Recommendation

Moving forward, Council should carefully consider any new MUD or PID development proposals and look to prioritize viable commercial and industrial interests first.





Office of the City Manager

RE: City Manager Goals

Conclusion

It has taken several years/decades to plan Leander's physical infrastructure and land uses. In light of the current contingencies, including BCRUA expansion, rapid residential growth, internal infrastructure, CIP timing and management, water consumption and conservation strategies, as well as preexisting contracts, it will require a comprehensive, multipronged approach with careful monitoring, regional coordination, and local consensus to effectively achieve the ultimate water system and management plan that the citizens of Leander deserve, and that staff and Council are actively working to deliver.

Sincerely,

Richard B. Beverlin, III
City Manager



Office of the City Manager

ADDENDUM

April 29, 2022

RE: Water Management Plan for Summer 2022

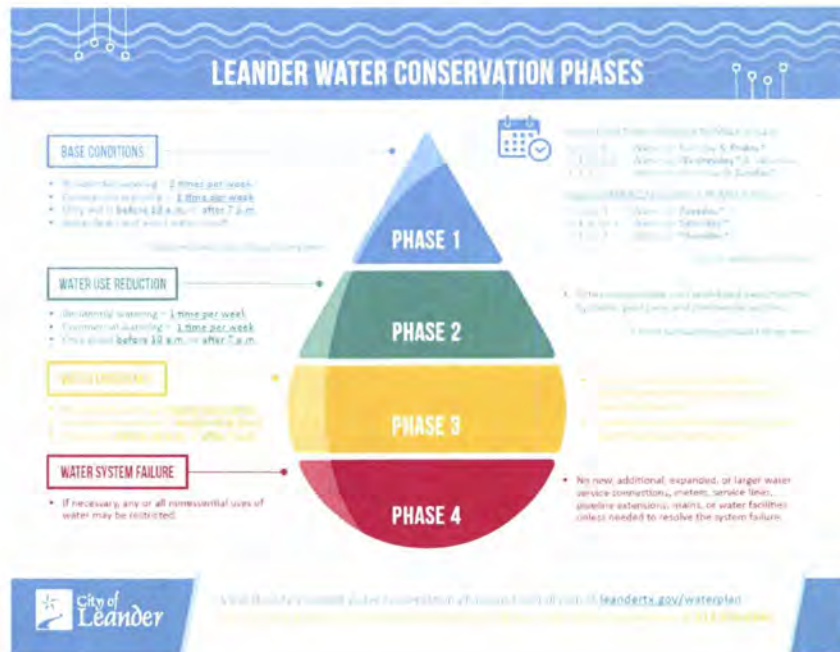
Honorable Mayor and Council:

Please consider this memorandum to be my addendum to the recommendations shared with you on Oct. 15, 2021, regarding the City's comprehensive water management plan.

In March 2021, Council approved an update to the Water Conservation and Drought Contingency Plan, which improves our ability to manage and monitor peak-day water demands caused by residential irrigation during the spring and summer months. As we head into this summer, our efforts will focus on minimizing critical peak-day and peak-hour water demands by working strategically with our commercial customers, and by educating our residential community.

Conservation phase communications

At a minimum, the City will continue with Phase 2 requirements of once-per-week watering throughout the summer. This consistency will help us focus more on improving public awareness and compliance with our conservation efforts. The conservation phase guide shown below will be distributed by mail in May 2022 to nearly all City commercial and residential water customers.





Office of the City Manager

RE: Summer 2022

Conservation information will be published on the City's website, social media channels, and shared with local Homeowners Association contacts for distribution across additional HOA newsletters and ongoing resident communications.

Conservation Program Coordinator

We have already started the process of recruiting for a new Conservation Program Coordinator position, which will operate within the Public Works Department. The position will be responsible for coordinating energy, water, and natural resource conservation programs, projects, and plans. Overall, the coordinator will supplement ongoing communications by assisting with the pilot irrigation program and promoting water conservation to utility customers and other groups through educational activities and similar outreach efforts. Our recruitment timeline for this full-time position is shown below:

- April 22 --- Position posted (minimum 2 weeks)
- Platforms --- NeoGov, GovtJobs, WorkInTexas, TML, SGR, TWC, Handshake, LinkedIn, AWWA, Jobs for Vets, Texas Govt Insider, Indeed, Austin Contractors/Engs.
- Process --- Interview candidates as applications are received
- Hire dates --- Earliest possible includes May 23, May 31, or June 6

Irrigation from commercial & public customers

City staff has already started targeting a segment of our water customer base to include properties and/or accounts with water meters that are used exclusively for landscape irrigation purposes. Multifamily property common areas, Homeowners Association common areas, and public entity (i.e. Leander ISD, City of Leander) fields and facilities will be our areas of focus. Staff is strategically communicating with known contacts among this group already to confirm that anticipated summer watering schedules:

- Will follow the City's current water conservation standards.
- Do not exacerbate typical peak-hour system demands.
- Are monitored and can be adjusted to conserve water wherever possible.

The Public Works Department also will work with a licensed third-party irrigation system professional to assist with recommendations, guidance, and onsite support for commercial and public customers. Additional strategic actions for the City will include:

- Reduction of raw water delivery to the Travisso Wastewater Plant pond.
- Reduction of non-critical flushing points across the City's water system.
- Optimization of the timing of water system tie-ins and flushing for new construction.



Office of the City Manager

RE: Summer 2022

Conservation phase escalation

Throughout the summer, Public Works Department staff will monitor total daily water demand. Internal discussions about escalation from Phase 2 to Phase 3 will start when demands, run times, storage tank levels, and/or peaking hours at BCRUA, Sandy Creek WTP and Crystal Falls Pump Station exceed 90% of system treatment capacity for two consecutive days. In terms of overall water use, 90% of daily demand would be equivalent to about 9 MGD at Sandy Creek WTP and 13.5 MGD at BCRUA.

According to our Water Conservation and Drought Contingency Plan ordinance, Phase 3 will be triggered when one or more of the following occurs:

1. Total daily water demand equals or exceeds 95% of the total operation system treatment capacity for three (3) consecutive days;
2. Total daily water demand equals or exceeds 95% of firm capacity of key pump stations for three (3) consecutive days;
3. LCRA general manager or board declares a water emergency;
4. The city manager or city manager's designee determines that Phase 3 response measures are necessary to protect public health, safety, and welfare.

Bottom line -- City staff will utilize all available resources to manage flows, run times, and peaking hours to curb or reduce demand in an effort to prevent an escalation of conservation phases.

BCRUA communications

On March 24, BCRUA General Manager Karen Bondy requested additional information regarding current and anticipated management of City of Leander peak demands at the BCRUA Water Treatment Plant, and peaking factor was a focus of the BCRUA Operations Committee discussion on July 28, 2021. Enclosed in this addendum are documents showing the various distributions of water among Leander's take points and affiliated treatment facilities. Maximum plant capacities and delivery rates are shown in Exhibit F of the 6th Amendment to the BCRUA Master Contract.

Exhibit F
BCRUA Regional Water Project
Maximum Capacities and Delivery Rates - November 17, 2021

	Maximum Daily Capacity Phase 1B (MGD)	Maximum Daily Capacity Phase 1C (MGD)	Maximum Daily Capacity Phase 1D (MGD)	% of Capacity	Maximum Instantaneous Rate 1B (GPM)	Maximum Instantaneous Rate 1C (GPM)	Maximum Instantaneous Rate 1D (GPM)
Cedar Park	5.6	8.67	11.17	26.67	3,889	6,021	7,757
Leander	9.8	15.16	19.56	46.67	6,806	10,528	13,583
Round Rock	5.6	8.67	11.17	26.67	3,889	6,021	7,757
Total	21.00	32.50	41.90	100	14,584	22,570	29,090

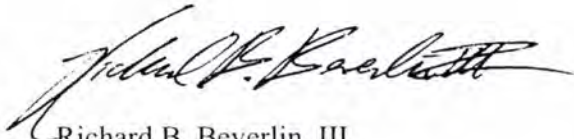
Office of the City Manager

RE: Summer 2022

Please note that all BCRUA partner cities are still in discussion about the BCRUA peaking factor, and City staff has requested more information about the definition of instantaneous flow rate. While BCRUA has provided some process information, City staff is still unclear how instantaneous flow rate is calculated using existing water plant data. We will continue meeting with Karen Bondy and the BCRUA Operations Committee to make progress on this issue.

In addition to meeting regularly with BCRUA Operations Committee members over the last several months, City staff has scheduled regular appointments to brief with Councilmember Na'Cole Thompson on these issues. As the BCRUA Board President and our elected Leander representative, staff will update her on all discussions in preparation for future BCRUA Board Meeting presentations, discussions, and/or possible actions.

Sincerely,



Richard B. Beverlin, III
City Manager

Encls.

1. Water Phases Mailer
2. Leander Water Use MGD
3. Leander Wholesale Delivery MGD
4. BCRUA Take Point Report
5. BCRUA Hourly Average (April 17, 2022)
6. BCRUA Peaking Factor Presentation
7. BCRUA 6th Amendment to Master Contract

LEANDER WATER CONSERVATION PHASES

BASE CONDITIONS

- Residential watering = **2 times per week**
- Commercial watering = **1 time per week**
- Only water **before 10 a.m.** or **after 7 p.m.**
- Repair leaks and avoid water runoff.

^ Hand-held watering allowed at any time

WATER USE REDUCTION

- Residential watering = **1 time per week**
- Commercial watering = **1 time per week**
- Only water **before 10 a.m.** or **after 7 p.m.**

WATER EMERGENCY

- Residential watering = **HAND-HELD ONLY**
- Commercial watering = **HAND-HELD ONLY**
- Only water **before 10 a.m.** or **after 7 p.m.**

WATER SYSTEM FAILURE

- If necessary, any or all nonessential uses of water may be restricted.



Your RESIDENTIAL ADDRESS NUMBER ends in

- | | |
|---------------|---------------------------------------|
| 1, 5, or 9 | Water on Tuesday & Friday* |
| 2, 4, 6, or 8 | Water on Wednesday* & Saturday |
| 0, 3, or 7 | Water on Thursday & Sunday* |

Your COMMERCIAL ADDRESS NUMBER ends in

- | | |
|---------------|---------------------------|
| 1, 5, or 9 | Water on Tuesday* |
| 2, 4, 6, or 8 | Water on Saturday* |
| 0, 3, or 7 | Water on Thursday* |

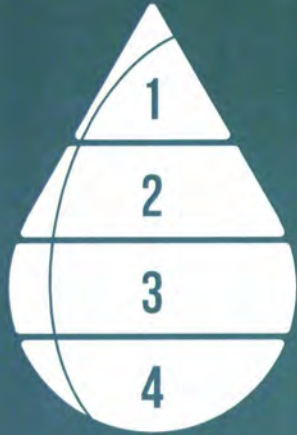
**Once-a-week watering day*

- Other nonessential uses prohibited except for fire hydrants, pool care, and commercial washes.

^ Hand-held watering allowed at any time

- Other nonessential uses prohibited except for fire hydrants, pool care, and commercial washes.
- Industrial uses prohibited except for public health, safety and welfare needs.

- No new, additional, expanded, or larger water service connections, meters, service lines, pipeline extensions, mains, or water facilities unless needed to resolve the system failure.



WATER CONSERVATION TIPS

- Set your irrigation system to reflect current watering days and times, and check for leaks or runoff.
- Check faucets and pipes for leaks.
- Stop using your toilet as a wastebasket.
- Install water-saving shower heads or flow restrictors.
- Turn off the water while brushing your teeth.
- Use your automatic dishwasher for full loads only.

>> View more water conservation tips at leandertx.gov/waterplan.



CITY OF LEANDER, TEXAS
P.O. BOX 319
LEANDER, TEXAS 78646-0319

WATER UPDATE

PRSR STD
US POSTAGE
PAID
AUSTIN, TX
PERMIT NO. 882



YOUR GUIDE to the City of Leander

WATER CONSERVATION PLAN

- Our water conservation phases are shown inside
- See our current phase at leandertx.gov/waterplan
- Save this guide for future reference

>> Did you know the City of Leander presented its water system update at a Leander City Council regular meeting on April 21, 2022? Watch the video at leandertx.gov/video.

JANUARY

	Date	BCRUA Takepoints				BCRUA	SCWTP	TOTAL
		Raw	Ronald Reagan	Travisso	Bagdad			
		MGD	MGD	MGD	MGD	MGD	MGD	MGD
Saturday, January 01, 2022	1		3.041	2.606		5.647	1.0	6.647
Sunday, January 02, 2022	2		3.756	2.560		6.316	1.2	7.516
Monday, January 03, 2022	3		3.159	2.525		5.684	2.1	7.784
Tuesday, January 04, 2022	4		3.556	2.469		6.025	1.2	7.225
Wednesday, January 05, 2022	5		3.013	2.711		5.724	2.1	7.824
Thursday, January 06, 2022	6		3.744	2.563		6.307	1.5	7.807
Friday, January 07, 2022	7		2.704	2.442		5.146	2.1	7.246
Saturday, January 08, 2022	8		3.389	2.643		6.032	0.5	6.532
Sunday, January 09, 2022	9		3.191	2.440		5.631	1.7	7.331
Monday, January 10, 2022	10		3.539	2.597		6.136	2.1	8.236
Tuesday, January 11, 2022	11		3.017	2.431		5.448	1.1	6.548
Wednesday, January 12, 2022	12		2.636	2.508		5.144	1.1	6.244
Thursday, January 13, 2022	13		3.495	2.477		5.972	1.5	7.472
Friday, January 14, 2022	14		2.872	2.571		5.443	1.8	7.243
Saturday, January 15, 2022	15		3.414	2.661		6.075	1.6	7.675
Sunday, January 16, 2022	16		3.151	2.572		5.723	2.2	7.923
Monday, January 17, 2022	17		3.239	2.579		5.818	2.0	7.818
Tuesday, January 18, 2022	18		3.470	2.603	0.102	6.175	1.6	7.775
Wednesday, January 19, 2022	19		3.204	2.505	0.102	5.811	1.8	7.611
Thursday, January 20, 2022	20		3.537	2.088	0.102	5.727	1.5	7.227
Friday, January 21, 2022	21		2.782	2.185	0.102	5.069	1.9	6.969
Saturday, January 22, 2022	22		3.054	2.184	0.102	5.340	1.5	6.840
Sunday, January 23, 2022	23		3.298	2.267	0.102	5.667	1.9	7.567
Monday, January 24, 2022	24		2.575	2.194	0.102	4.871	1.4	6.271
Tuesday, January 25, 2022	25		3.263	2.157	0.202	5.622	1.2	6.822
Wednesday, January 26, 2022	26		2.849	2.172	0.232	5.253	1.5	6.753
Thursday, January 27, 2022	27		2.870	2.089		4.959	1.7	6.659
Friday, January 28, 2022	28		3.584	2.258		5.842	1.7	7.542
Saturday, January 29, 2022	29		2.773	2.260		5.033	1.6	6.633
Sunday, January 30, 2022	30		3.704	2.238		5.942	1.8	7.742
Monday, January 31, 2022	31		2.656	2.115		4.771	1.4	6.171

Total	0.000	98.535	74.670	1.148	174.353	49.300	223.653
Average	#DIV/0!	3.179	2.409	0.128	5.624	1.610	7.215
Max	0.000	3.756	2.711	0.232	6.316	2.200	8.236
Min	0.000	2.575	2.088	0.102	4.771	0.500	6.171

←

←

FEBRUARY

FEBRUARY		BCRUA Takepoints				BCRUA	SCWTP	TOTAL
		Raw	Ronald Reagan	Travisso	Bagdad			
		Date	MGD	MGD	MGD			
Tuesday, February 01, 2022	1		3.352	2.151		5.503	1.1	6.603
Wednesday, February 02, 2022	2		2.688	2.089		4.777	1.5	6.277
Thursday, February 03, 2022	3		2.881	2.169		5.050	1.1	6.150
Friday, February 04, 2022	4		3.653	2.239		5.892	2.0	7.892
Saturday, February 05, 2022	5		3.483	2.250		5.733	2.0	7.733
Sunday, February 06, 2022	6		3.433	2.218		5.651	1.2	6.851
Monday, February 07, 2022	7		2.743	2.200		4.943	1.7	6.643
Tuesday, February 08, 2022	8		2.853	1.912		4.765	1.6	6.365
Wednesday, February 09, 2022	9		3.444	2.234		5.678	2.9	8.578
Thursday, February 10, 2022	10		3.274	2.195		5.469	1.5	6.969
Friday, February 11, 2022	11		2.509	2.161		4.670	2.5	7.170
Saturday, February 12, 2022	12		2.522	2.245		4.767	2.0	6.767
Sunday, February 13, 2022	13		2.923	1.937		4.860	2.3	7.160
Monday, February 14, 2022	14		2.542	2.226		4.768	2.5	7.268
Tuesday, February 15, 2022	15		3.169	2.170		5.339	2.2	7.539
Wednesday, February 16, 2022	16		2.465	2.300		4.765	2.2	6.965
Thursday, February 17, 2022	17		2.973	2.173		5.146	2.5	7.646
Friday, February 18, 2022	18		2.674	2.170		4.844	2.6	7.444
Saturday, February 19, 2022	19		2.490	2.433		4.923	2.4	7.323
Sunday, February 20, 2022	20		3.156	2.270		5.426	2.3	7.726
Monday, February 21, 2022	21		2.590	2.326		4.916	2.3	7.216
Tuesday, February 22, 2022	22		3.191	2.301		5.492	2.1	7.592
Wednesday, February 23, 2022	23		2.471	2.158		4.629	2.1	6.729
Thursday, February 24, 2022	24		2.339	2.189		4.528	1.8	6.328
Friday, February 25, 2022	25		2.344	2.109		4.453	2.2	6.653
Saturday, February 26, 2022	26		3.000	2.209		5.209	2.1	7.309
Sunday, February 27, 2022	27		1.760	2.146		3.906	2.2	6.106
Monday, February 28, 2022	28		3.040	1.945		4.985	2.3	7.285
Total		0.000	79.962	61.125	0.000	141.087	57.200	198.287
Average		#DIV/0!	2.856	2.183	#DIV/0!	5.039	2.043	7.082
Max		0.000	3.653	2.433	0.000	5.892	2.900	8.578
Min		0.000	1.760	1.912	0.000	3.906	1.100	6.106

MARCH

	Date	BCRUA Takepoints				BCRUA	SCWTP	TOTAL
		Raw	Ronald Reagan	Travisso	Bagdad			
		MGD	MGD	MGD	MGD			
Tuesday, March 01, 2022	1		2.856	1.814		4.670	2.6	7.270
Wednesday, March 02, 2022	2		2.693	2.369		5.062	2.7	7.762
Thursday, March 03, 2022	3		3.069	2.332		5.401	2.9	8.301
Friday, March 04, 2022	4		2.735	2.376		5.111	2.7	7.811
Saturday, March 05, 2022	5		2.728	2.353	0.058	5.139	2.5	7.639
Sunday, March 06, 2022	6		2.719	2.345		5.064	2.8	7.864
Monday, March 07, 2022	7		2.790	2.373		5.163	2.6	7.763
Tuesday, March 08, 2022	8		2.984	2.295		5.279	2.8	8.079
Wednesday, March 09, 2022	9		2.815	2.327		5.142	3.0	8.142
Thursday, March 10, 2022	10		3.120	2.267	0.082	5.469	2.8	8.269
Friday, March 11, 2022	11		3.490	2.311		5.801	2.7	8.501
Saturday, March 12, 2022	12		2.686	2.282		4.968	2.5	7.468
Sunday, March 13, 2022	13		2.674	2.179		4.853	2.1	6.953
Monday, March 14, 2022	14		3.047	2.441		5.488	3.2	8.688
Tuesday, March 15, 2022	15		3.472	2.414		5.886	3.4	9.286
Wednesday, March 16, 2022	16		3.556	2.503		6.059	3.5	9.559
Thursday, March 17, 2022	17		3.084	2.407	0.082	5.573	3.5	9.073
Friday, March 18, 2022	18		4.153	2.440		6.593	3.2	9.793
Saturday, March 19, 2022	19		2.992	2.455		5.447	4.0	9.447
Sunday, March 20, 2022	20		3.065	2.333		5.398	3.3	8.698
Monday, March 21, 2022	21		3.789	2.376		6.165	2.8	8.965
Tuesday, March 22, 2022	22		2.761	2.292		5.053	2.7	7.753
Wednesday, March 23, 2022	23		3.405	2.480	0.081	5.966	3.8	9.766
Thursday, March 24, 2022	24		3.801	2.402	0.082	6.285	3.8	10.085
Friday, March 25, 2022	25		3.161	2.471		5.632	3.2	8.832
Saturday, March 26, 2022	26		3.757	2.535		6.292	4.9	11.192
Sunday, March 27, 2022	27		3.736	2.548		6.284	4.5	10.784
Monday, March 28, 2022	28		3.463	2.620		6.083	4.8	10.883
Tuesday, March 29, 2022	29		4.301	2.438	0.082	6.821	3.4	10.221
Wednesday, March 30, 2022	30		3.011	2.480		5.491	3.9	9.391
Thursday, March 31, 2022	31		3.748	2.553		6.301	4.3	10.601

Total	0.000	99.661	73.811	0.467	173.939	100.900	274.839
Average	#DIV/0!	3.215	2.381	0.078	5.611	3.255	8.866
Max	0.000	4.301	2.620	0.082	6.821	4.900	11.192
Min	0.000	2.674	1.814	0.058	4.670	2.100	6.953

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APRIL

	Date	BCRUA Takepoints				BCRUA	SCWTP	TOTAL
		Raw	Ronald Reagan	Travisso	Bagdad			
		MGD	MGD	MGD	MGD	MGD	MGD	MGD
Friday, April 01, 2022	1		4.435	2.070		6.505	5.5	12.005
Saturday, April 02, 2022	2		5.590	1.834		7.424	5.3	12.724
Sunday, April 03, 2022	3		5.277	1.823	0.082	7.182	6.0	13.182
Monday, April 04, 2022	4		4.476	2.169		6.645	4.0	10.645
Tuesday, April 05, 2022	5		4.746	2.742		7.488	5.6	13.088
Wednesday, April 06, 2022	6		5.157	2.885		8.042	5.7	13.742
Thursday, April 07, 2022	7		4.710	2.842	0.081	7.633	5.3	12.933
Friday, April 08, 2022	8		5.489	3.224		8.713	5.0	13.713
Saturday, April 09, 2022	9		5.637	3.156		8.793	5.0	13.793
Sunday, April 10, 2022	10		5.648	3.149		8.797	5.2	13.997
Monday, April 11, 2022	11		5.226	3.230		8.456	4.9	13.356
Tuesday, April 12, 2022	12		5.245	3.181	0.101	8.527	4.0	12.527
Wednesday, April 13, 2022	13		5.257	3.336	0.102	8.695	5.8	14.495
Thursday, April 14, 2022	14		5.141	3.348		8.489	4.9	13.389
Friday, April 15, 2022	15		6.120	3.368		9.488	5.1	14.588
Saturday, April 16, 2022	16		4.894	3.267		8.161	4.6	12.761
Sunday, April 17, 2022	17		5.748	3.237	0.101	9.086	5.4	14.486
Monday, April 18, 2022	18		5.285	3.363		8.648	4.8	13.448
Tuesday, April 19, 2022	19		5.573	3.235		8.808	4.7	13.508
Wednesday, April 20, 2022	20		5.409	3.277		8.686	5.3	13.986
Thursday, April 21, 2022	21		4.871	3.212		8.083	4.6	12.683
Friday, April 22, 2022	22		5.592	3.328		8.920	4.7	13.620
Saturday, April 23, 2022	23		5.631	3.348		8.979	4.6	13.579
Sunday, April 24, 2022	24		5.741	3.168		8.909	5.4	14.309
Monday, April 25, 2022	25		3.774	2.987		6.761	2.4	9.161
Tuesday, April 26, 2022	26		3.249	2.873		6.122	2.8	8.922
Wednesday, April 27, 2022	27		4.055	3.326		7.381	5.0	12.381
Thursday, April 28, 2022	28		3.701	3.161		6.862	3.6	10.462
Friday, April 29, 2022	29							
Saturday, April 30, 2022	30							

Total	0.000	141.677	84.139	0.467	226.283	135.200	361.483
Average	#DIV/0!	5.060	3.005	0.093	8.082	4.829	12.910
Max	0.000	6.120	3.368	0.102	9.488	6.000	14.588
Min	0.000	3.249	1.823	0.081	6.122	2.400	8.922

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JANUARY

		City of Liberty Hill Take Point	City of Georgetown Take Point	TOTAL
	Date	MGD	MGD	MGD
Saturday, January 01, 2022	1	0.241		0.241
Sunday, January 02, 2022	2	0.253		0.253
Monday, January 03, 2022	3	0.292		0.292
Tuesday, January 04, 2022	4	0.623		0.623
Wednesday, January 05, 2022	5	0.378		0.378
Thursday, January 06, 2022	6	0.393		0.393
Friday, January 07, 2022	7	0.302		0.302
Saturday, January 08, 2022	8	0.306		0.306
Sunday, January 09, 2022	9	0.801		0.801
Monday, January 10, 2022	10	0.982		0.982
Tuesday, January 11, 2022	11	0.496		0.496
Wednesday, January 12, 2022	12	0.144		0.144
Thursday, January 13, 2022	13	0.201		0.201
Friday, January 14, 2022	14	0.315		0.315
Saturday, January 15, 2022	15	1.082		1.082
Sunday, January 16, 2022	16	1.210		1.210
Monday, January 17, 2022	17	1.201		1.201
Tuesday, January 18, 2022	18	0.396		0.396
Wednesday, January 19, 2022	19	0.366		0.366
Thursday, January 20, 2022	20	0.333		0.333
Friday, January 21, 2022	21	0.347		0.347
Saturday, January 22, 2022	22	0.281		0.281
Sunday, January 23, 2022	23	0.305		0.305
Monday, January 24, 2022	24	0.307		0.307
Tuesday, January 25, 2022	25	0.276		0.276
Wednesday, January 26, 2022	26	0.124		0.124
Thursday, January 27, 2022	27	0.234		0.234
Friday, January 28, 2022	28	0.226		0.226
Saturday, January 29, 2022	29	0.376		0.376
Sunday, January 30, 2022	30	0.324		0.324
Monday, January 31, 2022	31	0.278		0.278

Total	13.393	0.000	13.393
Average	0.432	#DIV/0!	0.432
Max	1.210	0.000	1.210
Min	0.124	0.000	0.124

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FEBRUARY

		City of Liberty Hill Take Point	City of Georgetown Take Point	TOTAL
	Date	MGD	MGD	MGD
Tuesday, February 01, 2022	1	0.256		0.256
Wednesday, February 02, 2022	2	0.253		0.253
Thursday, February 03, 2022	3	0.211		0.211
Friday, February 04, 2022	4	0.253		0.253
Saturday, February 05, 2022	5	0.589		0.589
Sunday, February 06, 2022	6	0.344		0.344
Monday, February 07, 2022	7	0.259		0.259
Tuesday, February 08, 2022	8	0.232		0.232
Wednesday, February 09, 2022	9	0.269		0.269
Thursday, February 10, 2022	10	0.245		0.245
Friday, February 11, 2022	11	0.240		0.240
Saturday, February 12, 2022	12	0.247		0.247
Sunday, February 13, 2022	13	0.199		0.199
Monday, February 14, 2022	14	0.219		0.219
Tuesday, February 15, 2022	15	0.329		0.329
Wednesday, February 16, 2022	16	0.450		0.450
Thursday, February 17, 2022	17	0.137		0.137
Friday, February 18, 2022	18	0.278		0.278
Saturday, February 19, 2022	19	0.181		0.181
Sunday, February 20, 2022	20	0.180		0.180
Monday, February 21, 2022	21	0.148		0.148
Tuesday, February 22, 2022	22	0.260		0.260
Wednesday, February 23, 2022	23	0.164		0.164
Thursday, February 24, 2022	24	0.206		0.206
Friday, February 25, 2022	25	0.276		0.276
Saturday, February 26, 2022	26	0.382		0.382
Sunday, February 27, 2022	27	0.260		0.260
Monday, February 28, 2022	28	0.329		0.329

Total	7.396	0.000	7.396
Average	0.264	#DIV/0!	0.264
Max	0.589	0.000	0.589
Min	0.137	0.000	0.137

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MARCH

		City of Liberty Hill Take Point	City of Georgetown Take Point	TOTAL
	Date	MGD	MGD	MGD
Tuesday, March 01, 2022	1	0.245		0.245
Wednesday, March 02, 2022	2	0.218		0.218
Thursday, March 03, 2022	3	0.316		0.316
Friday, March 04, 2022	4	0.353		0.353
Saturday, March 05, 2022	5	0.443		0.443
Sunday, March 06, 2022	6	0.374		0.374
Monday, March 07, 2022	7	0.335		0.335
Tuesday, March 08, 2022	8	0.459		0.459
Wednesday, March 09, 2022	9	0.328		0.328
Thursday, March 10, 2022	10	0.442		0.442
Friday, March 11, 2022	11	0.739		0.739
Saturday, March 12, 2022	12	0.343		0.343
Sunday, March 13, 2022	13	0.280		0.280
Monday, March 14, 2022	14	0.305		0.305
Tuesday, March 15, 2022	15	0.373		0.373
Wednesday, March 16, 2022	16	0.370		0.370
Thursday, March 17, 2022	17	0.350		0.350
Friday, March 18, 2022	18	0.461		0.461
Saturday, March 19, 2022	19	0.481		0.481
Sunday, March 20, 2022	20	0.419		0.419
Monday, March 21, 2022	21	0.457		0.457
Tuesday, March 22, 2022	22	0.421		0.421
Wednesday, March 23, 2022	23	0.452		0.452
Thursday, March 24, 2022	24	0.449		0.449
Friday, March 25, 2022	25	0.399		0.399
Saturday, March 26, 2022	26	0.562		0.562
Sunday, March 27, 2022	27	0.658		0.658
Monday, March 28, 2022	28	0.618		0.618
Tuesday, March 29, 2022	29	0.528		0.528
Wednesday, March 30, 2022	30	0.414		0.414
Thursday, March 31, 2022	31	0.492		0.492

Total	11.650	0.000	13.084
Average	0.416	#DIV/0!	0.422
Max	0.739	0.000	0.739
Min	0.218	0.000	0.218

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APRIL

		City of Liberty Hill Take Point	City of Georgetown Take Point	TOTAL
	Date	MGD	MGD	MGD
Friday, April 01, 2022	1	0.413		0.413
Saturday, April 02, 2022	2	0.407	1.900	2.307
Sunday, April 03, 2022	3	0.663	1.698	2.361
Monday, April 04, 2022	4	0.462	0.804	1.266
Tuesday, April 05, 2022	5	0.445	0.773	1.218
Wednesday, April 06, 2022	6	0.551	0.670	1.221
Thursday, April 07, 2022	7	0.607	0.734	1.341
Friday, April 08, 2022	8	0.554	1.415	1.970
Saturday, April 09, 2022	9	0.501	1.847	2.348
Sunday, April 10, 2022	10	0.424	1.972	2.395
Monday, April 11, 2022	11	0.527	1.606	2.133
Tuesday, April 12, 2022	12	0.558	1.263	1.821
Wednesday, April 13, 2022	13	0.644	1.186	1.830
Thursday, April 14, 2022	14	0.486	1.062	1.548
Friday, April 15, 2022	15	0.545	2.044	2.589
Saturday, April 16, 2022	16	0.452	1.355	1.807
Sunday, April 17, 2022	17	0.486	1.767	2.253
Monday, April 18, 2022	18	0.497	1.816	2.313
Tuesday, April 19, 2022	19	0.613	1.823	2.436
Wednesday, April 20, 2022	20	0.481	1.769	2.250
Thursday, April 21, 2022	21	0.538	1.183	1.721
Friday, April 22, 2022	22	0.522	1.403	1.925
Saturday, April 23, 2022	23	0.615	1.872	2.487
Sunday, April 24, 2022	24	0.441	2.067	2.508
Monday, April 25, 2022	25	0.442	1.094	1.536
Tuesday, April 26, 2022	26	0.405	0.562	0.967
Wednesday, April 27, 2022	27	0.471		0.471
Thursday, April 28, 2022	28	0.627	0.007	0.634
Friday, April 29, 2022	29			
Saturday, April 30, 2022	30			

Total	14.377	35.693	50.070
Average	0.513	1.322	1.669
Max	0.663	2.067	2.589
Min	0.405		





Water Treatment Facility
Take Point Daily Report
April 2022

	Leander 12"	Leander RR	Leander 2	Leander 2	Leander	Leander	Leander	Leander	Leander	Leander	Cedar Park	Cedar Park	Cedar Park	Cedar Park	Cedar Park	Cedar Park	Round Rock 12	Round Rock 30	Round Rock	% Peak Hour Capacity MGD	Round Rock	Round Rock	Round Rock	Round Rock	Total Delivered	
Date	Raw MGD	MGD	SC 24" MGD	Travisano MGD	Bagdad MGD	Peak Hour MGD	% Peak Hour Capacity MGD	Total MGD	% Delivered MGD	% Capacity	MGD	Peak Hourly MGD	% Peak Hour Capacity MGD	Total MGD	% Delivered MGD	% Capacity	MGD	MGD	Peak Hourly MGD	% Peak Hour Capacity MGD	Total MGD	% Delivered	% Capacity	MGD		
1		4.435		2.070		10.469	69%	6.505	74%	43%	1.016	1.048	12%	1.016	12%	12%	0.691	0.566	4.023	46%	1.257	14%	15%	8.78		
2		5.590		1.834		10.536	69%	7.424	81%	49%	1.010	1.045	12%	1.010	11%	12%	0.764		1.404	16%	0.764	8%	9%	9.20		
3		5.277		1.823	0.082	10.624	70%	7.182	80%	47%	1.019	1.052	12%	1.019	11%	12%	0.766		1.468	17%	0.766	9%	9%	8.97		
4		4.476		2.171		10.212	67%	6.647	75%	44%	1.020	1.055	12%	1.020	12%	12%	0.591	0.555	3.793	44%	1.146	13%	13%	8.81		
5		4.746		2.742		11.946	79%	7.488	75%	49%	1.019	1.059	12%	1.019	10%	12%	0.883	0.533	4.531	52%	1.416	14%	16%	9.92		
6		5.157		2.886		11.103	73%	8.043	78%	53%	1.014	1.049	12%	1.014	10%	12%	0.830	0.367	4.455	51%	1.197	12%	14%	10.25		
7		4.710		2.842	0.081	12.316	81%	7.633	81%	50%	1.017	1.055	12%	1.017	11%	12%	0.788		1.706	20%	0.788	8%	9%	9.44		
8		5.489		3.218		12.901	85%	8.707	79%	57%	1.010	1.043	12%	1.010	9%	12%	0.778	0.468	3.814	44%	1.246	11%	14%	10.96		
9		5.637		3.156		12.563	83%	8.793	82%	58%	1.020	1.065	12%	1.020	10%	12%	0.890		1.739	20%	0.890	8%	10%	10.70		
10		5.648		3.149		12.798	84%	8.797	83%	58%	1.020	1.053	12%	1.020	10%	12%	0.837		1.507	17%	0.837	8%	10%	10.65		
11		5.226		3.229		12.760	84%	8.455	78%	56%	1.017	1.058	12%	1.017	9%	12%	0.669	0.738	3.595	41%	1.407	13%	16%	10.88		
12		5.245		3.183	0.101	12.657	83%	8.529	82%	56%	1.022	1.057	12%	1.022	10%	12%	0.833		1.926	22%	0.833	8%	10%	10.38		
13		5.247		3.335	0.102	13.601	90%	8.684	79%	57%	1.024	1.052	12%	1.024	9%	12%	0.894	0.435	5.041	58%	1.329	12%	15%	11.04		
14		5.141		3.347		12.833	85%	8.488	82%	56%	1.018	1.055	12%	1.018	10%	12%	0.825		1.701	20%	0.825	8%	10%	10.33		
15		6.120		3.368		13.759	91%	9.488	79%	63%	1.018	1.057	12%	1.018	9%	12%	0.881	0.556	4.731	55%	1.437	12%	17%	11.94		
16		4.894		3.267		13.360	88%	8.161	81%	54%	1.021	1.054	12%	1.021	10%	12%	0.893		1.820	21%	0.893	9%	10%	10.08		
17		5.748		3.237	0.101	13.151	87%	9.086	83%	60%	1.020	1.050	12%	1.020	9%	12%	0.829		1.676	19%	0.829	8%	10%	10.94		
18		5.285		3.363		13.201	87%	8.648	80%	57%	1.017	1.049	12%	1.017	9%	12%	0.703	0.468	3.984	46%	1.171	11%	14%	10.84		
19		5.573		3.236		12.877	85%	8.809	82%	58%	1.016	1.059	12%	1.016	9%	12%	0.897	0.047	2.336	27%	0.944	9%	11%	10.77		
20		5.409		3.277		14.020	92%	8.686	83%	57%	1.025	1.057	12%	1.025	10%	12%	0.817		1.716	20%	0.817	8%	9%	10.53		
21		4.871		3.212		13.176	87%	8.083	82%	53%	1.017	1.058	12%	1.017	10%	12%	0.775		1.744	20%	0.775	8%	9%	9.88		
22		5.592		3.328		13.003	86%	8.920	78%	59%	1.018	1.044	12%	1.018	9%	12%	0.805	0.632	3.843	44%	1.437	13%	17%	11.38		
23		5.631		3.349		13.445	89%	8.980	83%	59%	1.018	1.047	12%	1.018	9%	12%	0.857		1.735	20%	0.857	8%	10%	10.86		
24		5.741		3.168		12.889	85%	8.909	83%	59%	1.025	1.061	12%	1.025	10%	12%	0.803		1.659	19%	0.803	7%	9%	10.74		
25		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
26		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
27		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
28		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
29		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
30		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
31		0.000						0.000	#DIV/0!					0.000	#DIV/0!						0.000	#DIV/0!			0.00	
Total	0.000	126.888	0.000	71.790	0.467			199.145	80.2%		24.441			24.441	9.8%		19.299	5.365			24.664	9.9%			248.25	
Average	#DIV/0!	5.287	#DIV/0!	2.991	0.093	12.508	82%	6.424		55%	1.018	1.053	12%	0.788		12%	0.804	0.488	2.748	32%	0.822		12%	8.01		
Max	0.000	6.120	0.000	3.368	0.102	14.020	92%	9.488		63%	1.025	1.065	12%	1.025		12%	0.897	0.738	5.041	58%	1.437		17%	11.94		
Min	0.000	4.435	0.000	1.823	0.081	10.212		0.000			1.010	1.043		0.000			0.591	0.047	1.404		0.000			0.00		

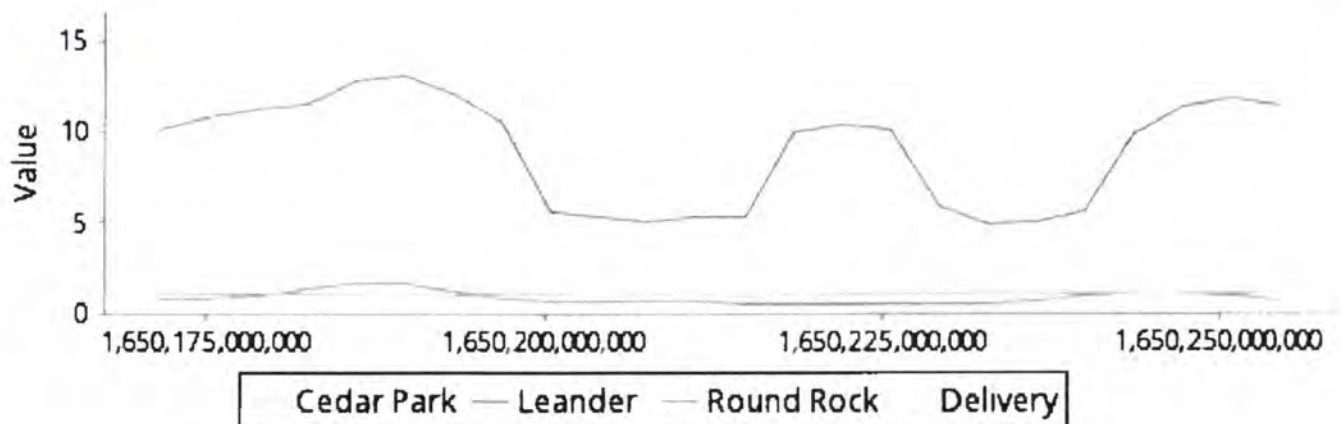
Current Capacity Allocations			Max Peak Hour Flow at 1.0 PF
Owner	% Capacity	Flow (MGD)	(MGD)
Cedar Park	26.67	8.668	8.668
Leander	46.67	15.168	15.168
Round Rock	26.67	8.668	8.668
Total	100	32.504	32.504

Brushy Creek Regional Utility Authority

Hourly Avg Report (MGD)

Report Range: 2022-04-17 00:00:00 To 2022-04-17 23:59:59

Hour	Delivery Avg	Cedar Park Avg	Leander Avg	Round Rock Avg
12:00 AM	11.858	1.005	10.159	0.721
1:00 AM	12.587	1.040	10.793	0.752
2:00 AM	13.265	1.022	11.237	0.996
3:00 AM	14.081	1.026	11.624	1.424
4:00 AM	15.412	1.035	12.798	1.582
5:00 AM	15.841	1.019	13.151	1.676
6:00 AM	14.432	0.991	12.165	1.246
7:00 AM	12.350	1.029	10.529	0.792
8:00 AM	7.351	1.017	5.648	0.696
9:00 AM	6.900	0.991	5.270	0.632
10:00 AM	6.636	1.021	5.017	0.602
11:00 AM	6.933	1.014	5.347	0.579
12:00 PM	6.852	0.990	5.327	0.537
1:00 PM	11.678	1.041	10.074	0.560
2:00 PM	12.050	1.050	10.466	0.529
3:00 PM	11.572	1.017	10.116	0.461
4:00 PM	7.331	1.047	5.828	0.486
5:00 PM	6.436	1.012	4.875	0.560
6:00 PM	6.654	1.037	4.987	0.674
7:00 PM	7.592	1.038	5.642	0.912
8:00 PM	11.787	1.024	9.841	1.007
9:00 PM	13.542	1.021	11.463	1.058
10:00 PM	13.747	1.040	11.862	0.863
11:00 PM	13.063	1.010	11.450	0.636





BCRUA | Peaking Factor Discussion

July 28, 2021

METHODOLOGY

- Calculate the maximum peaking factor based on the “usable storage” of the BCRUA ground and elevated tanks
- Assume all 3 cities are taking the maximum peaking factor simultaneously for 6 continuous hours
- Assume all 3 cities take less than their allotted BCRUA flow rate over a single day



METHODOLOGY

- Usable BCRUA Storage
 - Ground Storage Tank
 - Start at 75% full allow to go down to 25% full
 - Phase 1C = 2 MG of usable storage in GST
 - Elevated Storage Tank
 - Start at 75% full allow to go down to 50% full
 - Phase 1C = 0.5 MG of usable storage in EST
 - Total Usable Storage
 - 2.5 MG



RESULTS

SUMMARY		
PHASE	QTY	UNIT
PHASE 1C		
BCRUA WTP Capacity	32.5	MGD
Total Usable Storage	2.50	MG
<i>Peaking Factor to Use Storage over 6 hours</i>	1.31	
PHASE 1D		
BCRUA WTP Capacity	40	MGD
Total Usable Storage	2.50	MG
<i>Peaking Factor to Use Storage over 6 hours</i>	1.25	
PHASE 2		
BCRUA WTP Capacity	42	MGD
Total Usable Storage	2.50	MG
<i>Peaking Factor to Use Storage over 6 hours</i>	1.24	
PHASE 2A		
BCRUA WTP Capacity	67	MGD
Total Usable Storage	5.50	MG
<i>Peaking Factor to Use Storage over 6 hours</i>	1.33	
PHASE 2B		
BCRUA WTP Capacity	90	MGD
Total Usable Storage	5.50	MG
<i>Peaking Factor to Use Storage over 6 hours</i>	1.24	
PHASE 3		
BCRUA WTP Capacity	106	MGD
Total Usable Storage	5.50	MG
<i>Peaking Factor to Use Storage over 6 hours</i>	1.21	

Lasts 9.2
hours at 1.2X

Lasts 7.6
hours at 1.2X

Lasts 7.3
hours at 1.2X

Lasts 9.7
hours at 1.2X

Lasts 7.5
hours at 1.2X

Lasts 8.5
hours at
1.15X



PEAKING RECOMMENDATIONS

- Utilize a 1.20 Peaking Factor for all cities for Phases 1C, 1D, 2, 2A, and 2B
- Utilize a 1.15 Peaking Factor for Phase 3



PEAKING RECOMMENDATIONS

- Accelerate Finished Water Pumping Capacity Phasing for Phase 2A and 2B
 - Phase 2A, increase from 72 MGD to ~77 MGD
 - Phase 2B, increase from 96 MGD to ~104 MGD
- Does not require additional ultimate pumping capacity



LEANDER IMPROVEMENTS

- 2021
 - Add check feature to Bermad valve at Reagan
 - New Bagdad Entry Point comes online
 - Max flow rate of ~2.5 MGD into 1127 plane
 - Bagdad flow control valve logic will total all of Leander's BCRUA flows, modulates to maintain total below Leander's peak flow rate (17.9 MGD)
- 2023
 - San Gabriel EST (1127 Zone) placed in service, will help shave peaks on Reagan Entry Point



LEANDER IMPROVEMENTS

- 2023-2024
 - New Terminus Pump Station and additional GST added at Bagdad Entry Point
 - Adds storage and increases Leander's ability to take BCRUA flows for Phase 1D



LEANDER IMPROVEMENTS

- 2025-2026
 - Reagan GST and Pump Station placed in service
 - Initial phase includes 2.5 MG GST
 - Allows for addition of modulating flow control valve and check valve at Reagan take point
- ~2027
 - Travisso EST placed in service
 - Travisso PS will pump to Travisso EST, results in less pump start/stops and more even flows throughout the day



LEANDER OPERATIONS

- 2021-2025 – BCRUA Take Point Operations
 - Travisso – direct flow to customers, Travisso PS
 - Reagan – direct flow to customers
 - Bagdad – flow controlled based on total Leander take



LEANDER OPERATIONS

- 2026 to Buildout - BCRUA Take Point Operations
 - Travisso – direct flow to customers, Travisso PS
 - ~6 MGD at buildout
 - Reagan – flow controlled based on total Leander take
 - ~32 MGD at buildout
 - Bagdad – flow controlled based on total Leander take
 - ~12 MGD at buildout



Legend

1127 ZONE

1200 ZONE

1252 ZONE

1255 ZONE

1272 ZONE



**SIXTH AMENDMENT TO THE MASTER CONTRACT FOR THE FINANCING,
CONSTRUCTION AND OPERATION OF THE BCRUA
REGIONAL WATER TREATMENT AND DISTRIBUTION PROJECT**

THIS SIXTH AMENDMENT TO THE MASTER CONTRACT FOR THE FINANCING, CONSTRUCTION AND OPERATION OF THE BCRUA REGIONAL WATER TREATMENT AND DISTRIBUTION PROJECT (the "Sixth Amendment") is dated and entered into as of the 15th day of December, 2021, by and among Brushy Creek Regional Utility Authority, Inc. ("BCRUA"), a non-profit corporation of the State of Texas (the "State"), created and existing under the laws of the State, including Subchapter D of Chapter 431 as amended, Texas Transportation Code, and the City of Cedar Park, Texas ("Cedar Park"), the City of Leander, Texas ("Leander"), and the City of Round Rock, Texas ("Round Rock") all home-rule municipalities and political subdivisions of the State (individually, the "City"; collectively, the "Cities"). The BCRUA and the Cities are collectively referred to herein as the "Parties."

RECITALS

WHEREAS, on the 2nd day of September, 2008 the Parties entered into that one certain Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project (the "Master Contract"), that provides terms and conditions for the financing, construction and operation of the first phase of the new regional system consisting generally of upgrades to Cedar Park's raw water intake, a raw water intake line, new water treatment plant, and water transmission mains; and

WHEREAS, on the 22nd day of January, 2009 the Parties entered into that one certain First Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project ("First Amendment") to postpone the date on which the BCRUA Project is to be operational from April 1, 2011 to April 1, 2012; and

WHEREAS, on the 20th day of October, 2010 the Parties entered into that one certain Second Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project ("Second Amendment") to update the estimated costs shown in Exhibit D with actual cost numbers, as well as to revise estimated costs; and

WHEREAS, on the 22nd day of February, 2012 the Parties entered into that one certain Third Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project ("Third Amendment") to delay substantial completion of the water treatment plant from April 2012 to June 2012; and

WHEREAS, on the 25th day of April, 2018 the Parties entered into that one certain Fourth Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project ("Fourth Amendment") to expand the definition of "BCRUA Project" to include certain Phase II Regional System Components, as referenced in the Preliminary Engineering Report, and

WHEREAS, on the 22nd day of April, 2021 the Parties entered into that one certain Fifth Amendment to the Master Contract for the Financing, Construction and Operation of the BCRUA Regional Water Treatment and Distribution Project ("Fifth Amendment") to expand the definition of "BCRUA Project" to include all Phase II Regional System Components, as referenced in the Preliminary Engineering Report, and to attach a new Exhibit D-1 to set out the estimated costs, the allocation of the costs among the Parties, and to set out the Parties respective reserved capacities in said Phase II components; and

WHEREAS, the Parties now desire to expand the definition of "BCRUA Project" to include new phases to be designated Phase IB, Phase IC, and Phase ID, all as described in Exhibit E, attached hereto and incorporated herein for all purposes; and

WHEREAS, with respect to the added Phase IB, IC, and ID components, the Parties also desire to attach a new Exhibit D-2 to set out the estimated costs, the allocation of the costs among the Cities, and to set out the Cities' respective reserved capacities in said Phase IB, IC, and ID components; and

WHEREAS, the Parties now desire to attach a new Exhibit F to set out a maximum daily capacity and a maximum instantaneous delivery rate for each City, and

WHEREAS, the Parties now desire to amend Article VI, Sections 7.2 and 8.3 to include Delivery Point meters, control valves, and other control systems which provide the BCRUA with the ability to regulate and control the rate of flow and to provide for backflow prevention devices to protect the Parties;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein contained, the sufficiency of which are hereby conclusively acknowledged, and subject to the terms and conditions hereinafter set forth, the Cities and the BCRUA mutually agree that the Master Contract is amended as follows:

ARTICLE I

TABLE OF CONTENTS

The list of exhibits in the Table of Contents of the Master Contract, is amended to read as follows:

EXHIBITS

Exhibit A-1	Contract between City of Round Rock and BRA for Lake Travis Water
Exhibit A-2	Contract between City of Round Rock and BRA for Lake Travis Water
Exhibit A-3	Contract between City of Round Rock and BRA for Lake Travis Water
Exhibit B	Contract between City of Cedar Park and LCRA for Lake Travis Water
Exhibit C	Contract between City of Leander and LCRA for Lake Travis Water
Exhibit D	BCRUA Regional Water Project Capacity and Cost Allocation, Phase IA, Amended: October 20, 2010
Exhibit D-1	BCRUA Regional Water Project Capacity and Cost Allocation, Phase II, Updated: March 30, 2021.

- Exhibit D-2 BCRUA Regional Water Project Capacity and Cost Allocation, Phases IB, IC, and ID.
- Exhibit E Descriptions of Phases IB, IC, and ID
- Exhibit F BCRUA Regional Water Project Maximum Capacities and Delivery Rates

ARTICLE II
ADDED EXHIBIT D-2

The attached document entitled “Exhibit D-2; BCRUA Regional Water Project Capacity and Cost Allocation, Phases IB, IC, and ID” has been added to set out the Cities’ respective capacity and cost allocation of Phases IB, IC, and ID of the Regional System Components and it shall be considered attached to and incorporated in the Master Contract.

ARTICLE III
ADDED EXHIBIT E

The attached document entitled “Exhibit E, Descriptions of Phases IB, IC, and ID” has been added to describe Phase IB, Phase IC, and Phase ID Regional System Components and it shall be considered attached to and incorporated in the Master Contract.

ARTICLE IV
ADDED EXHIBIT F

The attached document entitled “Exhibit F, Maximum Capacities and Delivery Rates” has been added to describe the maximum daily capacities for each City, and the maximum instantaneous delivery rates, and it shall be considered attached to and incorporated in the Master Contract.

ARTICLE V
DEFINITIONS

Except as amended herein, all terms used herein shall have the meanings assigned to them in the Master Contract, unless the context clearly requires otherwise.

4.01 The Master Contract, Article I, Section 1.1 (f) shall be amended to read as follows:

(f) “BCRUA Project” means, collectively, the Land Interests and the improvements described in the recitals to this Contract and further described in the Preliminary Design Report, and as shown on Exhibit D, Exhibit D-1, Exhibit D-2, and Exhibit E. Without limitation the BCRUA Project includes the facilities, lines, intake structures, storage tanks, booster pumps, and other appurtenances in the BCRUA Project, including specifically Phases IB, IC, and ID, as described in Exhibit E and the Phase II Regional System Components, as described in the Preliminary Design Report and owned by the BCRUA sufficient to treat the raw water and deliver the treated water to which the Cities, respectively, are entitled under this Contract.

4.02 The Master Contract, Article I, Section 1.1 (r) shall be amended to read as follows:

(r) "Delivery Point" means the place, whether one or more, to which the BCRUA will deliver treated or raw water to each City pursuant to this Contract.

ARTICLE VI

AMENDMENT TO ARTICLE VI, RESERVED CAPACITIES

Section 6.1 Reserved Capacities in BCRUA Project Components. Each City, respectively, shall have the exclusive right to its reserved capacity in each BCRUA Project component as described in Exhibit D, Exhibit D-1, Exhibit D-2, and Exhibit F. No reserved capacity may be allocated to or used by anyone other than the City on whose behalf that capacity has been reserved, unless the affected City specifically agrees in writing to the allocation or use.

Section 6.2 Reserved Capacities for Treated and Raw Water in the BCRUA Project. Each City, respectively, shall have the exclusive right to take, and the BCRUA shall have the obligation to deliver, treated and raw water at the Delivery Points in the amounts shown in Exhibit D, Exhibit D-1, Exhibit D-2, and Exhibit F.

Section 6.3 Transfer of Reserved Capacity. Any City may transfer any portion of its reserved capacity in one or more BCRUA Project components to another City, in exchange for such consideration as such Cities shall deem appropriate. The Cities making such transfer shall provide written notice to the BCRUA and the other City, signed by the Cities making the transfer, specifying the amount of transferred reserved capacity and the affected BCRUA Project component(s), and providing that the Cities otherwise ratify and confirm their pre-existing obligations under this Contract. No such transfer shall be effective until and unless such notice is provided. A transfer of reserved capacity shall not change any Bond Payment, other payment, or other obligations of the Cities pursuant to this Contract.

Section 6.4 Documentation of Transferred Reserved Capacity. In the event that reserved capacity is transferred, the BCRUA and the Cities shall cause a written amendment to be made to Exhibit D, Exhibit D-1, Exhibit D-2 and Exhibit F, describing such transfer and setting forth the revised reserved capacity of each City in the BCRUA Project or component(s) thereof.

ARTICLE VII

AMENDMENT TO SECTION 7.2

Section 7.2 Rate and Quantity at Delivery Point(s). The rate and quantity of treated and raw water delivered to each City at its Delivery Point(s), shall be metered. Each City shall cooperate in good faith to design the Delivery Point(s) to be at appropriate sizes and in appropriate locations to deliver the City's reserved capacity. Each Delivery Point shall be designed to deliver treated water at a maximum rate as defined in Exhibit F, and no City shall take delivery of treated or raw water from the BCRUA Project at such Delivery Point(s) at a rate exceeding the rates in Exhibit F.

ARTICLE VIII
AMENDMENT TO SECTION 8.3

Section 8.3 Measuring and Backflow Equipment at Delivery Points. The BCRUA shall furnish, install, operate and maintain at its own expense for each Delivery Point the necessary meters, including electronic or other equipment and devices of standard type for measuring properly and controlling the quantity of treated and raw water delivered under this Contract. Such meter or meters and other equipment so installed shall remain the property of the BCRUA. However, the cost of installation, operation, maintenance, repair, replacement, and all other costs associated with the Delivery Point meters shall be allocated solely to the City receiving water through that Delivery Point. Each City shall have access to such metering equipment at all reasonable times, but the reading, calibration, and adjustment thereof shall be done only by the employees or agents of the BCRUA. For the purpose of this Contract the original record or reading of the meter or meters shall be the journal or other record book of BCRUA in its office in which the records of the employees or agents of the BCRUA who take readings are or may be transcribed. Upon written request of a City, the BCRUA will give the City a copy of such journal or record book, or permit the City to have access to the same in the office of the BCRUA during reasonable business hours.

As stated above, all Delivery Point meters shall include the ability for the BCRUA to control the rate of flow of treated and raw water through each City's meter(s). The controlled rate of flow through the meters shall be expressed in gallons per minute (GPM). The purpose of controlling the rate of flow is to limit each City's take of treated and raw water so that it does not exceed its allocated capacity shown on Exhibit D, Exhibit D-1, Exhibit D-2 and Exhibit F. If a City has more than one Delivery Point meter, then that City shall give notice to the BCRUA regarding how it wants its capacity allocated among its multiple meters. The total controlled flow of all the multiple meters shall not exceed that City's total allocated capacity shown on Exhibit D, Exhibit D-1, Exhibit D-2 and Exhibit F. Said City may modify its allocation among its meters by giving the BCRUA reasonable notice of its desire to do so. No City shall be permitted to exceed its allocated capacity of treated and raw water expressed in GPM.

The BCRUA shall calibrate its meters periodically, but not less often than every year, in the presence of a representative of each City. The BCRUA and the Cities shall jointly observe any necessary adjustments which are made to the meters. If any check meter(s) hereinafter provided for have been installed, the same shall also be calibrated by each City in the presence of a representative of the BCRUA and a representative of the other Cities, who shall jointly observe any necessary adjustment. The BCRUA shall give the Cities reasonable notice of the time when any such calibration is to be made. In the event that a representative of a City is not present at the time set, the BCRUA may proceed with calibration and adjustment in the absence of any such representative.

If any party at any time observes a variation between the delivery meter or meters and the check meter or meters, if any such check meter or meters shall be installed, such party will promptly notify the other Parties, and the Parties hereto shall then cooperate to procure an immediate calibration test and joint observation of any adjustment, and said meter or meters shall then be adjusted to accuracy. Each party shall give the other Parties not less than forty-eight (48) hours' notice of the time of all tests of meters so that the other Parties may have a representative present.

If upon any test, the percentage of inaccuracy of any metering equipment is found to be in excess of two percent (2%), registration thereof shall be corrected for a period extending back to the time when such inaccuracy began, if such time is ascertainable, and if such time is not ascertainable, then for a period extending back one-half (½) of the time elapsed since the last date of calibration, but in no event further back than a period of six (6) months. If for any reason any meters are out of service or out of repair so that the amount of treated water delivered cannot be ascertained or computed from the reading thereof, the treated water delivered during the period such meters are out of service or out of repair shall be estimated and agreed upon by the Parties hereto upon the basis of the best data available. For such purpose, the best data available shall be deemed to be the registration of any check meter or meters if the same have been installed and are accurately registering. Otherwise, the amount of treated water delivered during such period may be estimated (i) by correcting the error if the percentage of the error is ascertainable by calibration tests or mathematical calculation, or (ii) by estimating the quantity of delivery by deliveries during the preceding periods under similar conditions when the meter or meters were registering accurately.

Each City may, at its sole option and its own expense, install and operate a check meter to verify the operation of each meter installed by the BCRUA, but the measurement of treated water for the purpose of this Contract shall be determined solely by the BCRUA's meters, except in the cases hereinabove specifically provided to the contrary. All such check meters shall be of standard make and shall be subject at all reasonable times to inspection and examination by any employee or agent of the BCRUA, but the reading, calibration and adjustment thereof shall be made only by the City that installed the check meter, except during any period when a check meter may be used under the provisions hereof for measuring the amount of treated water delivered, in which case the reading, calibration and adjustment thereof shall be made by BCRUA with like effect as if such check meter or meters had been furnished or installed by BCRUA.

The BCRUA shall furnish, install, operate and maintain at its own expense for each Delivery Point the necessary backflow prevention devices approved by the Operations Committee.

ARTICLE VIX

MISCELLANEOUS

Section 9.1 To the extent necessary to effect the terms and provisions of this Sixth Amendment, the Master Contract is hereby amended and modified. In all other respects, the aforesaid Master Contract is hereby ratified and confirmed.

Section 9.2 The provisions of Section 8.3 related to the controlling the rate of flow through each City's meter(s) shall not go into effect until such time as BCRUA gives notice to the Cities that the equipment necessary for controlling the rate of flow have been installed and tested.

Section 9.3 This Sixth Amendment may be executed in counterparts, each of which shall be an original and all of which together shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the Parties hereto acting under authority of their respective governing bodies have caused this Sixth Amendment to be duly executed as of the ____ day of _____, 2021.

BRUSHY CREEK REGIONAL UTILITY AUTHORITY, INC.

By: Na'Cole Thompson
Na'Cole Thompson, President

Attest: Rene Flores
By: Rene Flores
Rene Flores, Secretary

CITY OF CEDAR PARK, TEXAS

By: Corbin Van Arsdale
Corbin Van Arsdale, Mayor

Attest:

By: LeAnn Quinn
LeAnn Quinn, City Secretary

CITY OF LEANDER, TEXAS

By: C. Sederquist
Christine Sederquist, Mayor

Attest:

By: Dara Crabtree
Dara Crabtree, City Secretary

CITY OF ROUND ROCK, TEXAS

By: _____

Craig Morgan, Mayor

Attest:

By: _____

Meagan Spinks, City Clerk

R-2021-330

Exhibit D-2
BCRUA Regional Water Project
Capacity and Cost Allocation, Phases IB, IC, and ID - November 17, 2021

DESCRIPTION	CONSTRUCTED CAPACITY (MGD)	ESTIMATED COST	CEDAR PARK RESERVED CAPACITY (%)	CEDAR PARK COST	LEANDER RESERVED CAPACITY (%)	LEANDER COST	ROUND ROCK RESERVED CAPACITY (%)	ROUND ROCK COST
PHASE IB - WATER TREATMENT PLANT RE-RATING TO 21 MGD								
Engineering Services	21	\$ 150,000	26.67	\$ 40,000	46.67	\$ 70,000	26.67	\$ 40,000
PHASE IB - WTP RE-RATING SUB-TOTAL		\$ 150,000		\$ 40,000		\$ 70,000		\$ 40,000
Cost Allocation Percentages				26.67%		46.67%		26.67%
PHASE IC - 11.5 MGD RAW WATER INTAKE & WATER TREATMENT PLANT EXPANSION								
Planning & Design Services	32.5	\$ 1,815,000	26.67	\$ 484,061	46.67	\$ 846,879	26.67	\$ 484,061
Construction & Construction Phase Services	32.5	\$ 16,436,000	26.67	\$ 4,382,933	46.67	\$ 7,670,133	26.67	\$ 4,382,933
PHASE IC - RWI & WTP EXPANSION SUB-TOTAL		\$ 18,251,000		\$ 4,866,994		\$ 8,517,012		\$ 4,866,994
Cost Allocation Percentages				26.67%		46.67%		26.67%
PHASE ID - 9.4 MGD WATER TREATMENT PLANT EXPANSION								
Planning & Design Services	41.9	\$ 1,260,400	26.67	\$ 336,107	46.67	\$ 588,187	26.67	\$ 336,107
Construction & Construction Phase Services	41.9	\$ 16,349,000	26.67	\$ 4,359,733	46.67	\$ 7,629,533	26.67	\$ 4,359,733
PHASE ID - WTP EXPANSION SUB-TOTAL		\$ 17,609,400		\$ 4,695,840		\$ 8,217,720		\$ 4,695,840
Cost Allocation Percentages				26.67%		46.67%		26.67%
BCRUA PROJECT PHASES IB, IC & ID TOTAL COST								
		\$ 36,010,400		\$ 9,602,834		\$ 16,804,732		\$ 9,602,834

Exhibit E

Descriptions of Phases IB, IC, and ID

<i>Phase</i>	<i>Capacity (MGD)¹</i>	<i>Description</i>
1B	21	Raw water and treatment capacity re-rate completed through field demonstration testing and reporting (no construction).
1C	32.5	Water treatment plant and raw water intake barge expansion consisting of the addition of a conventional treatment train and three raw water pumps.
1D	41.9 ²	Water treatment plant expansion consisting of the addition of a conventional treatment train and solids handling improvements.

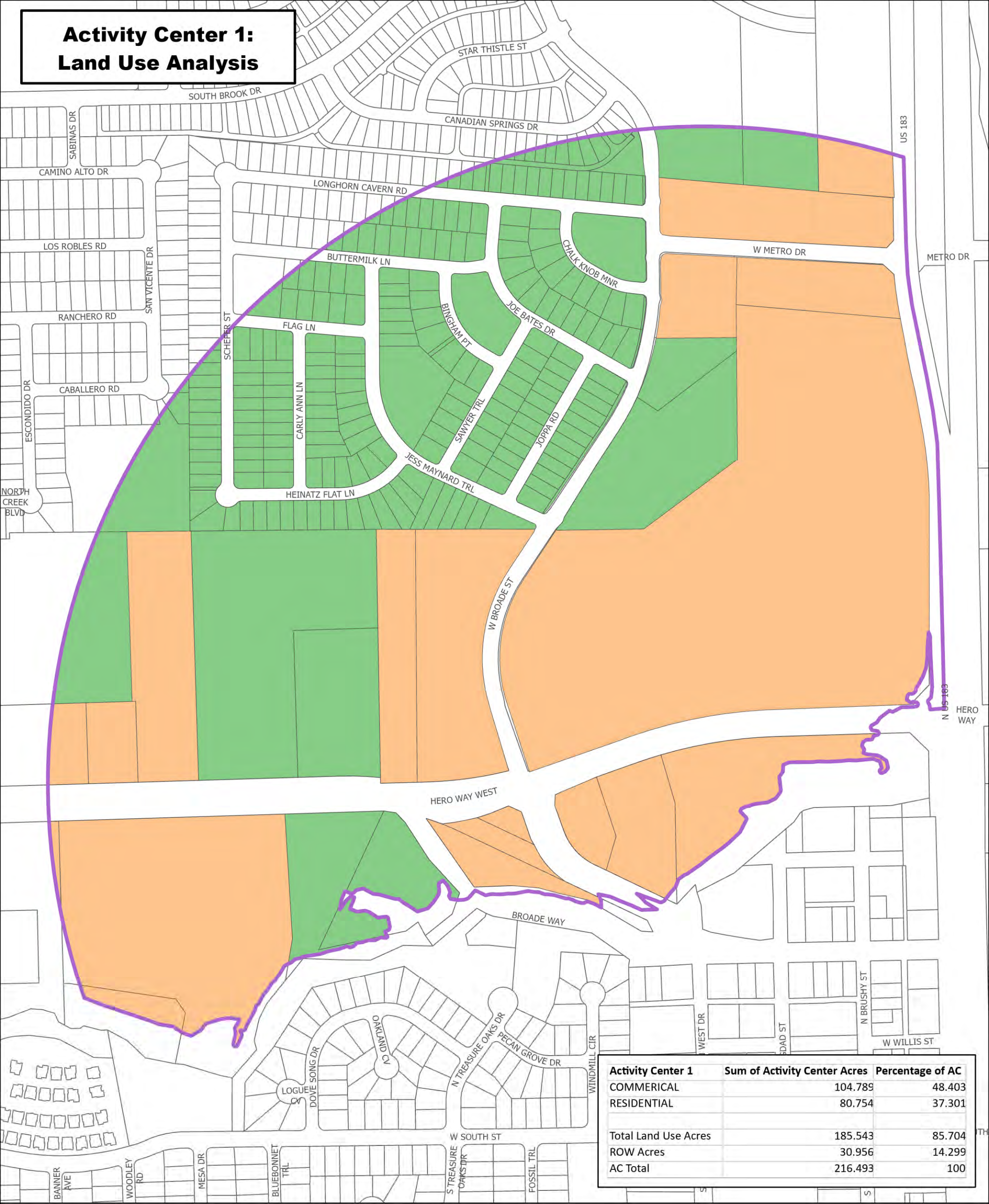
¹ Reference Exhibit D-2 for the Cities respective reserved capacity percentages and flow rates by Phase.

² The Cities reserved capacity of Phase 1D shall be based on the reserved capacity percentages documented in Exhibit D-2, should the raw water capacity delivered to Phase 1D through the Phase 1A, Contract 2 Raw Water Pipeline be less than 41.9 MGD as determined through future engineering studies and construction repairs.

Exhibit F
BCRUA Regional Water Project
Maximum Capacities and Delivery Rates - November 17, 2021

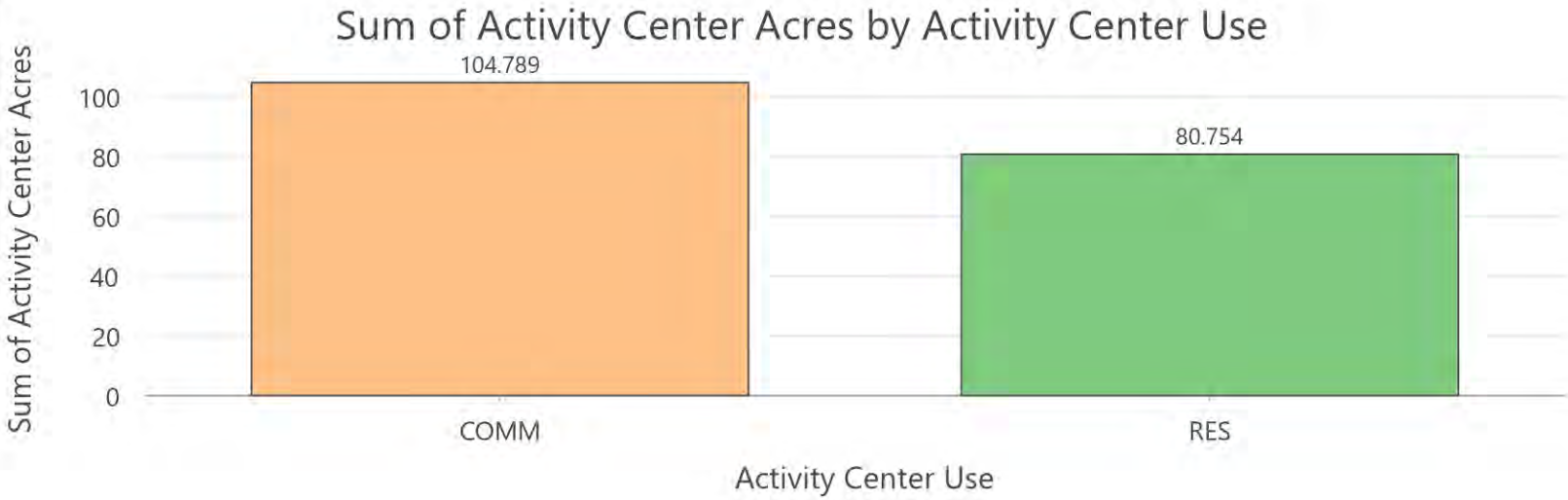
	Maximum Daily Capacity Phase 1B (MGD)	Maximum Daily Capacity Phase 1C (MGD)	Maximum Daily Capacity Phase 1D (MGD)	% of Capacity	Maximum Instantaneous Rate 1B (GPM)	Maximum Instantaneous Rate 1C (GPM)	Maximum Instantaneous Rate 1D (GPM)
Cedar Park	5.6	8.67	11.17	26.67	3,889	6,021	7,757
Leander	9.8	15.16	19.56	46.67	6,806	10,528	13,583
Round Rock	5.6	8.67	11.17	26.67	3,889	6,021	7,757
Total	21.00	32.50	41.90	100	14,584	22,570	29,090

Activity Center 1: Land Use Analysis

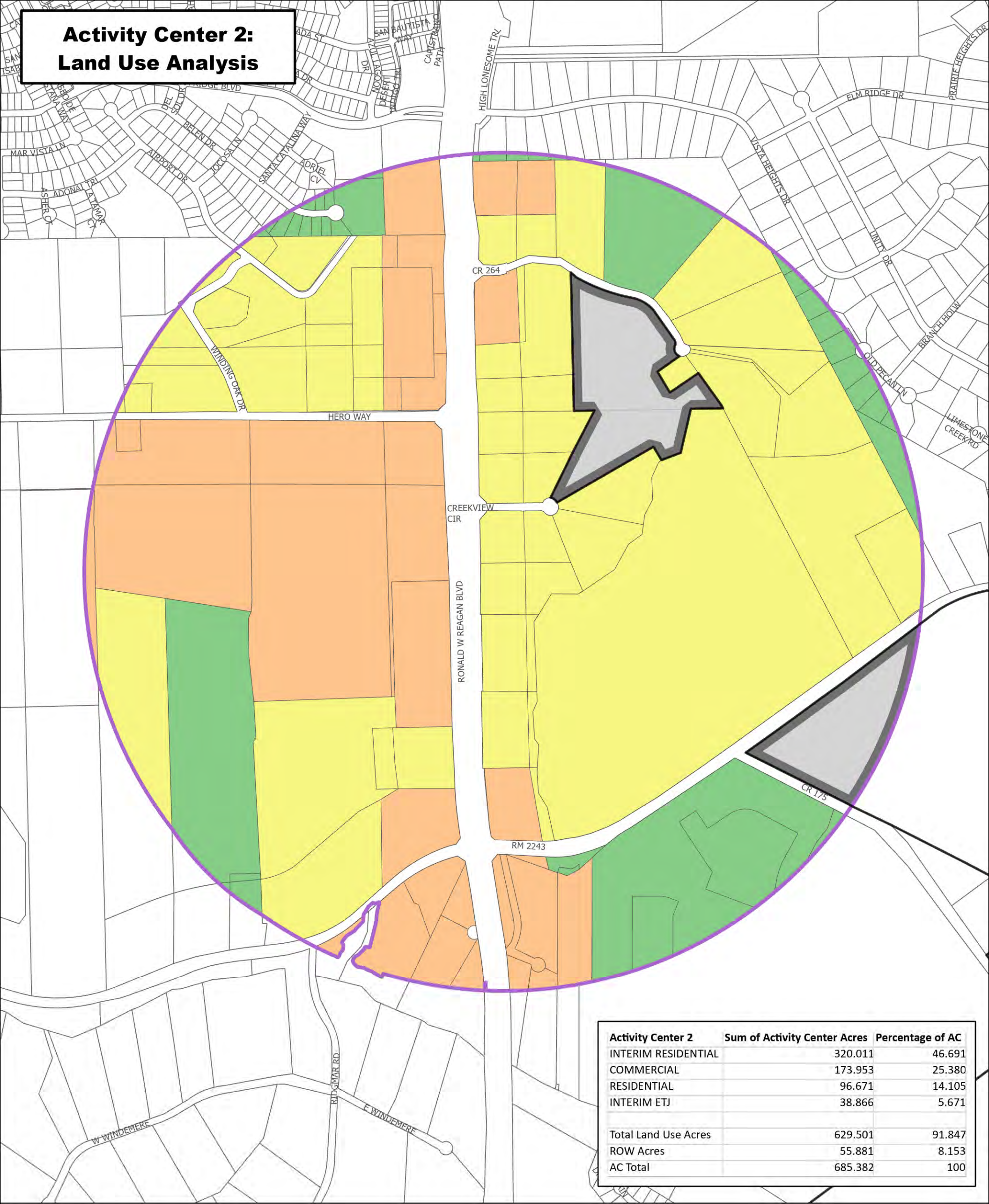


Legend

- Leander City Limits
- Activity Center
- Activity Center Use
 - Residential
 - Commercial



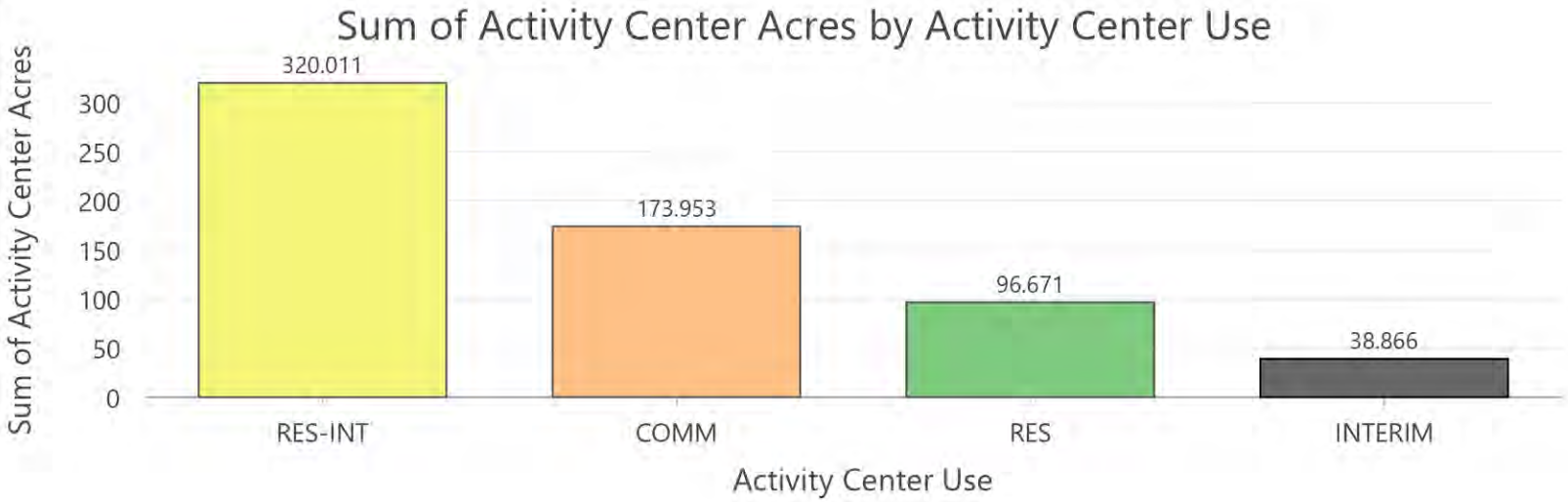
Activity Center 2: Land Use Analysis



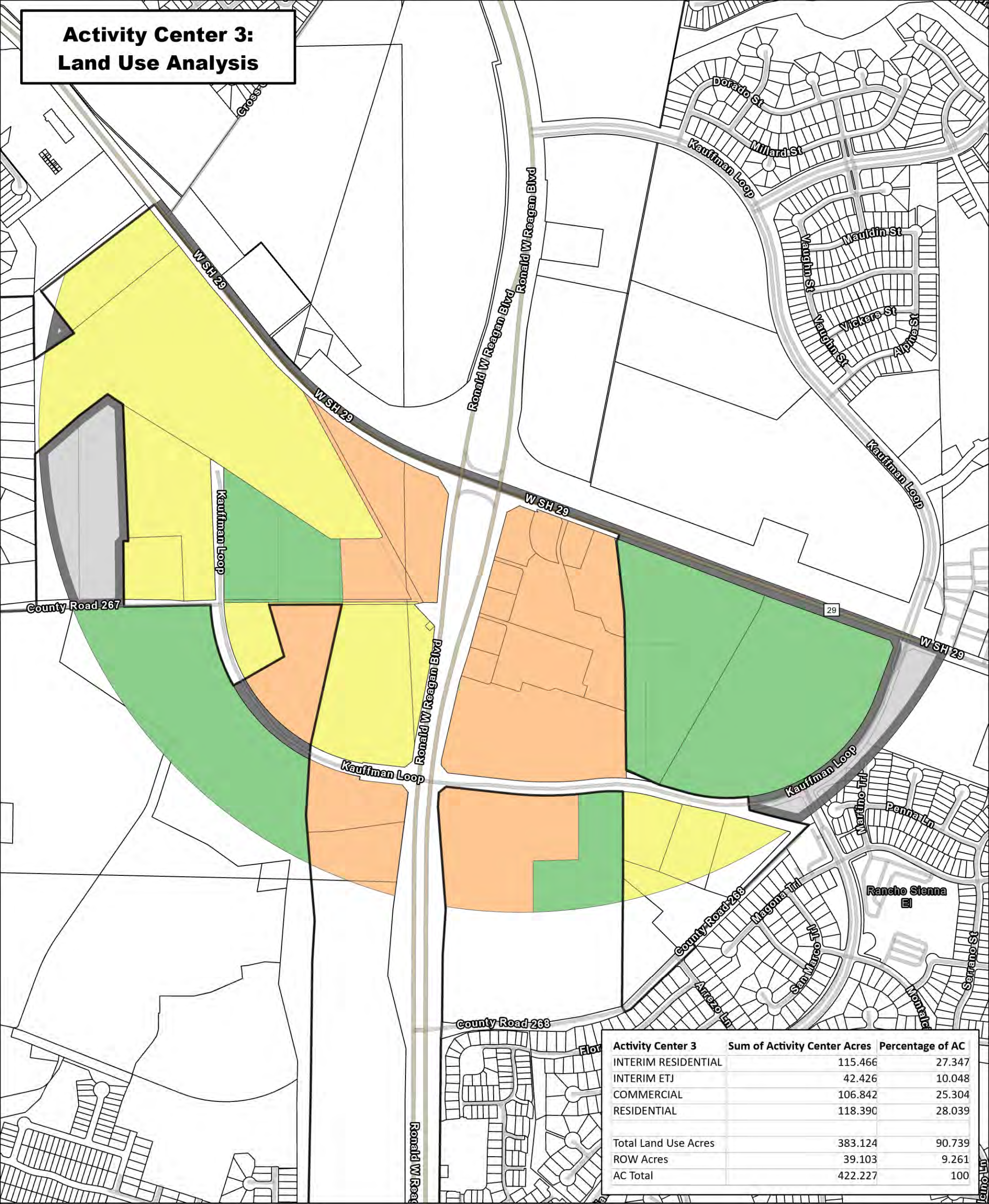
Activity Center 2	Sum of Activity Center Acres	Percentage of AC
INTERIM RESIDENTIAL	320.011	46.691
COMMERCIAL	173.953	25.380
RESIDENTIAL	96.671	14.105
INTERIM ETJ	38.866	5.671
Total Land Use Acres	629.501	91.847
ROW Acres	55.881	8.153
AC Total	685.382	100

Legend

- Leander City Limits
- Activity Center
- Activity Center Use
 - Residential
 - Residential-Interim
 - Commercial
 - ETJ-Interim



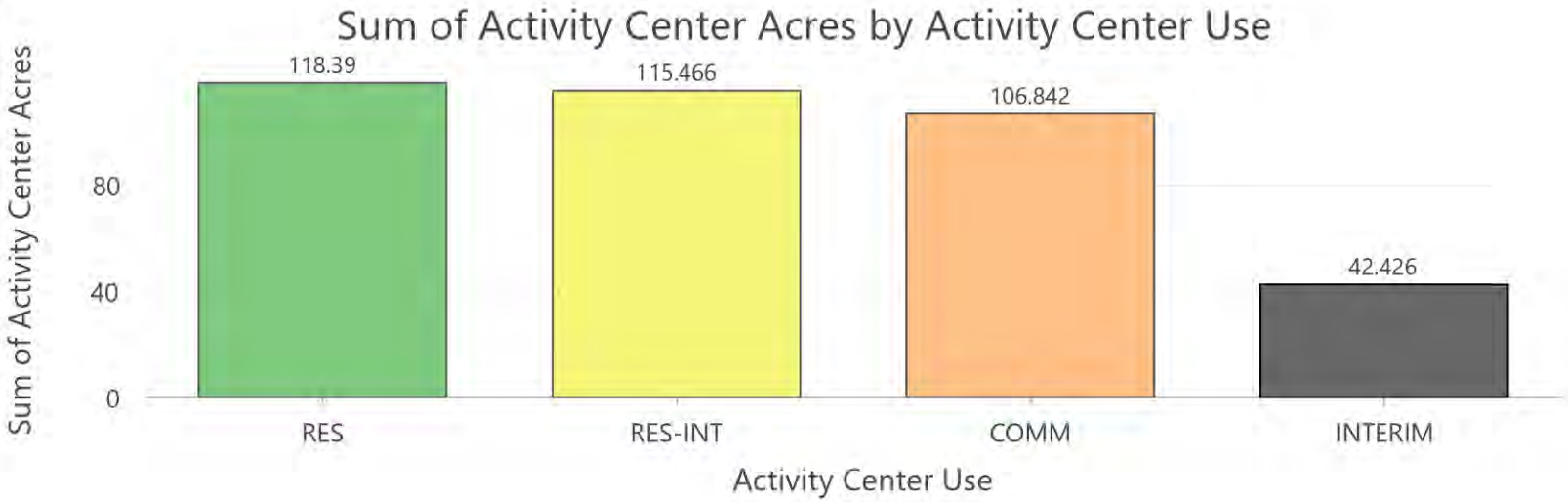
Activity Center 3:
Land Use Analysis



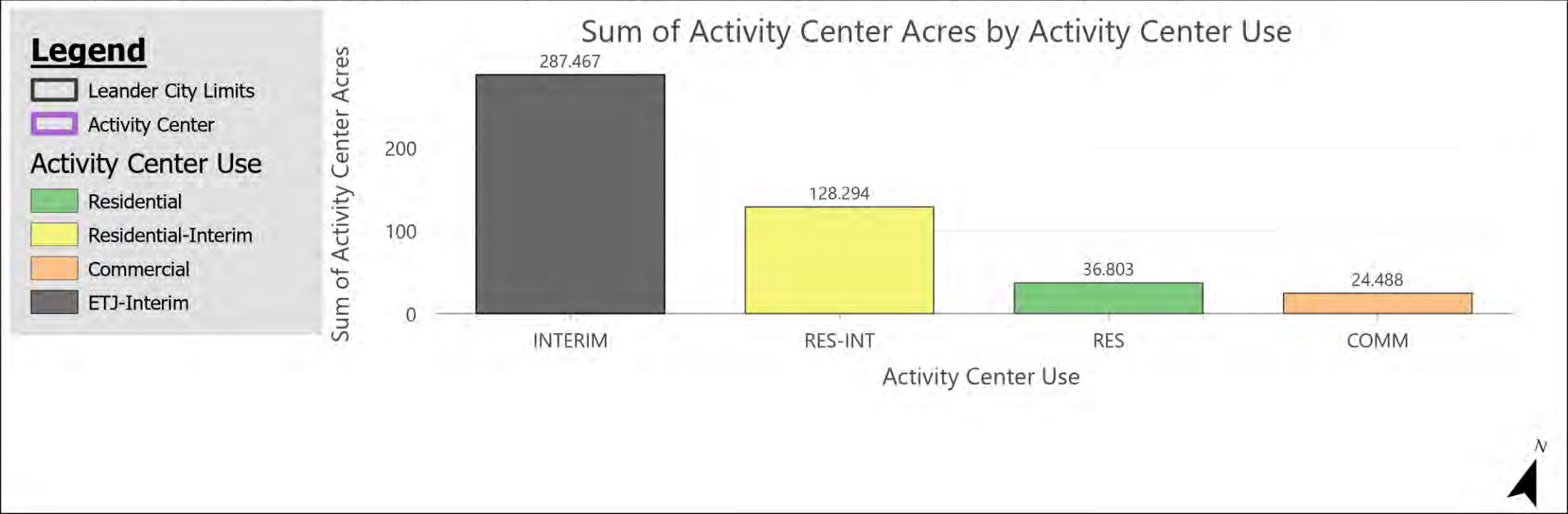
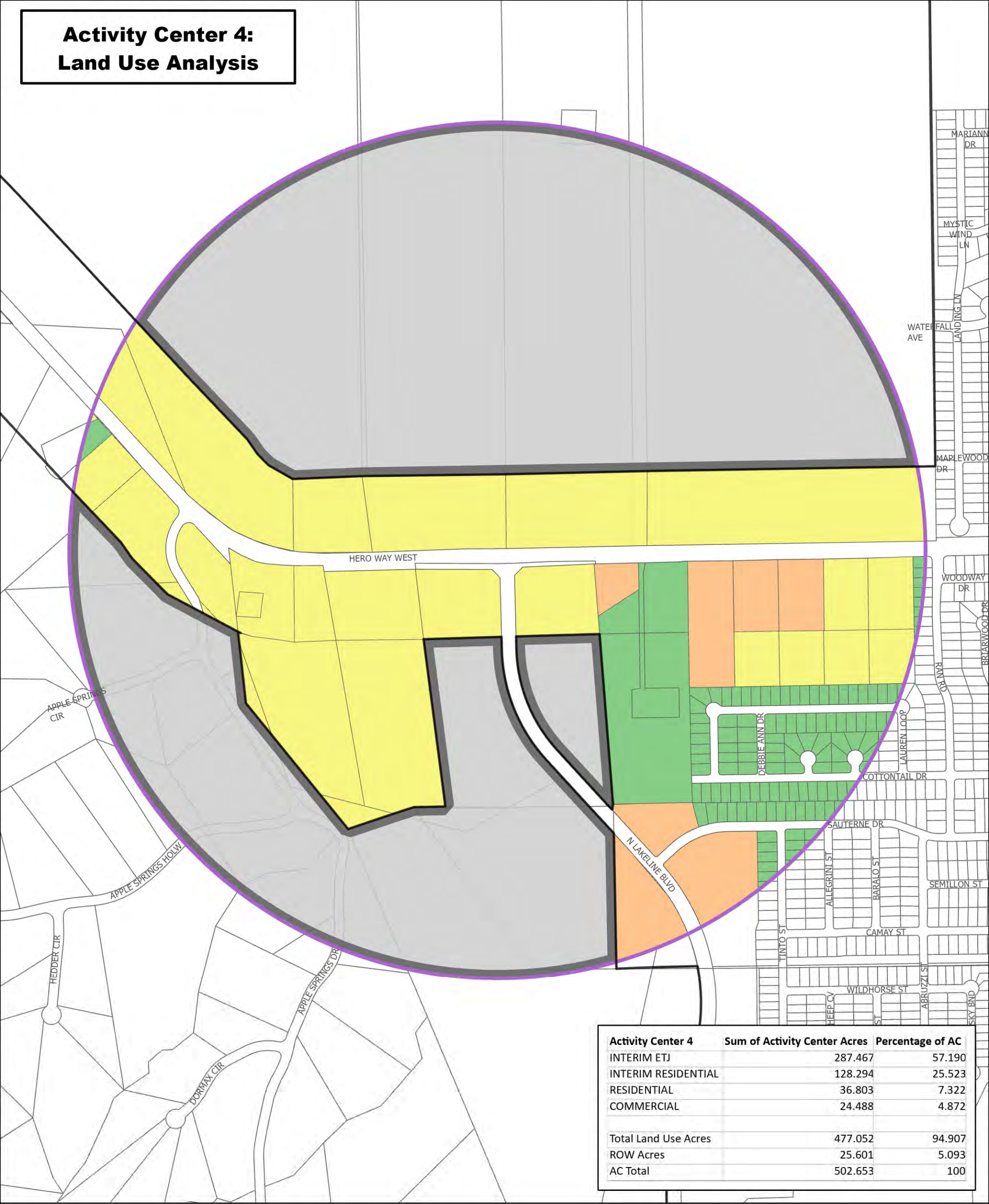
Activity Center 3	Sum of Activity Center Acres	Percentage of AC
INTERIM RESIDENTIAL	115.466	27.347
INTERIM ETJ	42.426	10.048
COMMERCIAL	106.842	25.304
RESIDENTIAL	118.390	28.039
Total Land Use Acres	383.124	90.739
ROW Acres	39.103	9.261
AC Total	422.227	100

Legend

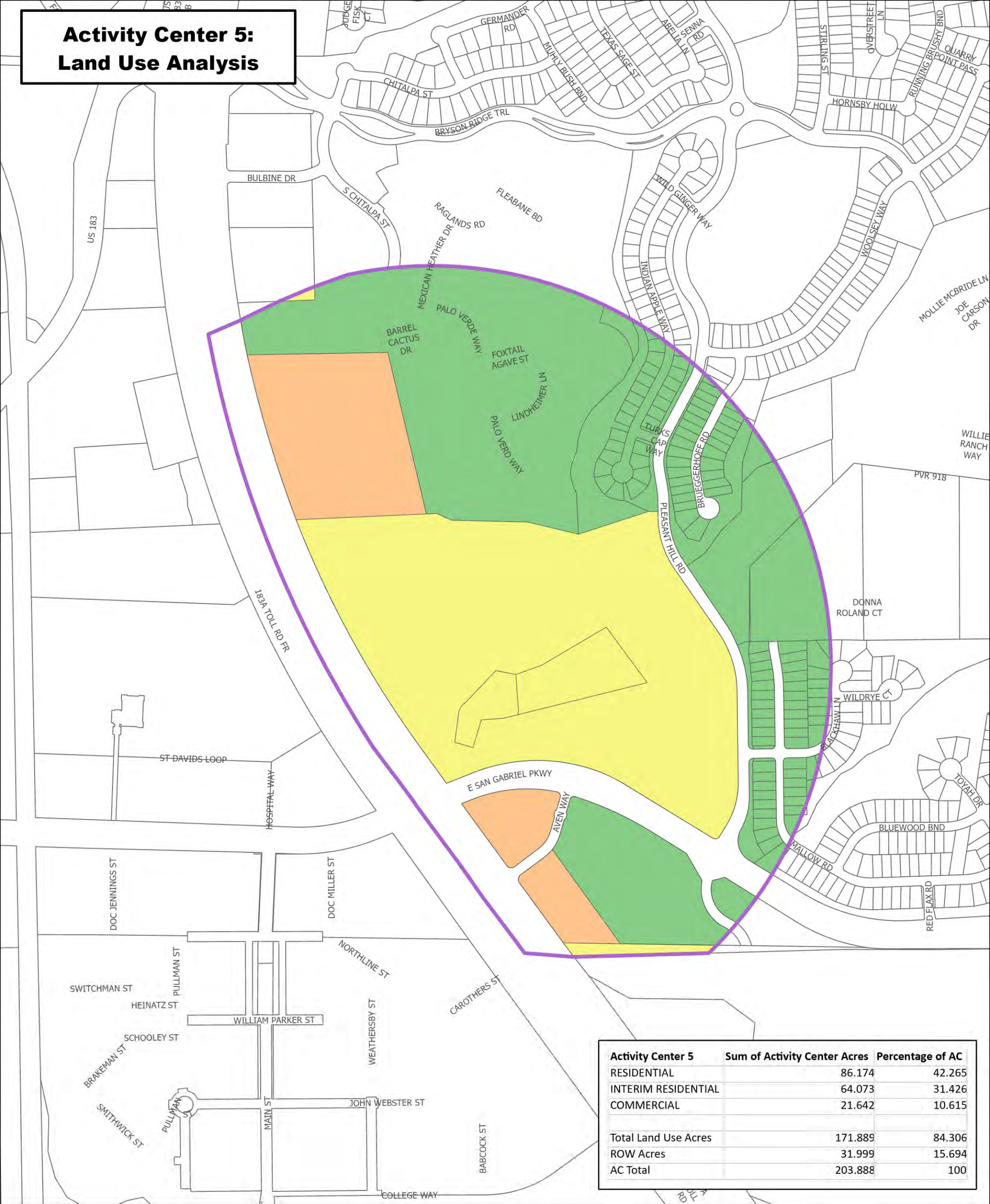
- Leander City Limits
- Activity Center Use
 - Residential
 - Residential-Interim
 - Commercial
 - ETJ-Interim



Activity Center 4:
Land Use Analysis



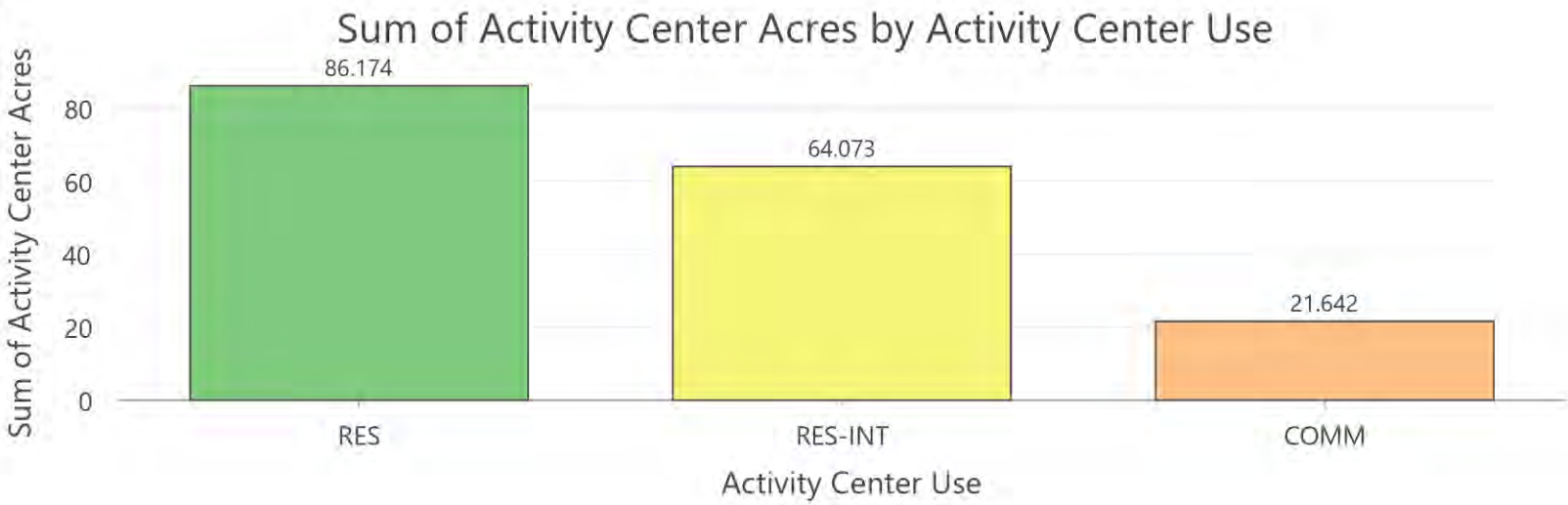
Activity Center 5: Land Use Analysis



Activity Center 5	Sum of Activity Center Acres	Percentage of AC
RESIDENTIAL	86.174	42.265
INTERIM RESIDENTIAL	64.073	31.426
COMMERCIAL	21.642	10.615
Total Land Use Acres	171.889	84.306
ROW Acres	31.999	15.694
AC Total	203.888	100

Legend

- Leander City Limits
- Activity Center
- Activity Center Use
 - Residential
 - Residential-Interim
 - Commercial



ACTIVITY CENTER SUMMARIES

Activity Center 1	Sum of Activity Center Acres	Percentage of AC
COMMERICAL	104.789	48.403
RESIDENTIAL	80.754	37.301
Total Land Use Acres	185.543	85.704
ROW Acres	30.956	14.299
AC Total	216.493	100
Activity Center 2	Sum of Activity Center Acres	Percentage of AC
INTERIM RESIDENTIAL	320.011	46.691
COMMERCIAL	173.953	25.380
RESIDENTIAL	96.671	14.105
INTERIM ETJ	38.866	5.671
Total Land Use Acres	629.501	91.847
ROW Acres	55.881	8.153
AC Total	685.382	100
Activity Center 3	Sum of Activity Center Acres	Percentage of AC
INTERIM RESIDENTIAL	115.466	27.347
INTERIM ETJ	42.426	10.048
COMMERCIAL	106.842	25.304
RESIDENTIAL	118.390	28.039
Total Land Use Acres	383.124	90.739
ROW Acres	39.103	9.261
AC Total	422.227	100
Activity Center 4	Sum of Activity Center Acres	Percentage of AC
INTERIM ETJ	287.467	57.190
INTERIM RESIDENTIAL	128.294	25.523
RESIDENTIAL	36.803	7.322
COMMERCIAL	24.488	4.872
Total Land Use Acres	477.052	94.907
ROW Acres	25.601	5.093
AC Total	502.653	100
Activity Center 5	Sum of Activity Center Acres	Percentage of AC
RESIDENTIAL	86.174	42.265
INTERIM RESIDENTIAL	64.073	31.426
COMMERCIAL	21.642	10.615
Total Land Use Acres	171.889	84.306
ROW Acres	31.999	15.694
AC Total	203.888	100



EXECUTIVE SUMMARY
01/27/2023

AGENDA SUBJECT:

Discuss current and potential short-term rental regulations in the city.

BACKGROUND:

This item will provide the City Council to discuss the city's current and potential short-term rental regulations.

PRESENTER:

Robin Griffin, Executive Director of Development Services

Attachments

1. Short Term Rentals Summary

SHORT TERM RENTALS

Short Term Rentals		
Pros	Neutrals	Cons
Hotel Occupancy Tax (HOT)	Cost of program establishment	Enforcement - Additional Staff (code violations, inspection, hotline, permitting, police)
Houses are upgraded to commercial codes (life/health/safety)	Updates to Composite Zoning Ordinance & Building Codes	Maintenance/Update records
Registration and renewal of unchecked use changes.	Challenges with property addressing	Potential loss of residential character
		Enforcement of Occupancy Violations (life/safety)
		Parking
		Noise



EXECUTIVE SUMMARY
01/27/2023

AGENDA SUBJECT:

Discuss local priorities related to the Texas Legislature's 88th regular session.

BACKGROUND:

City Attorney Paige Saenz will provide an overview of bills filed that could potentially impact the City.

PRESENTER:

Paige Saenz, City Attorney

Attachments

1. 2023 City Related Bills Filed
2. Legislative Summary

City-Related Bills Filed 2023 Session

Table of Contents

Property Tax.....	1
Public Safety.....	11
Sales Tax.....	32
Community and Economic Development	35
Elections.....	45
Emergency Management.....	63
Municipal Courts	67
Open Government.....	68
Other Finance and Administration	75
Personnel.....	87
Purchasing.....	99
Transportation	100
Utilities and Environment	101

Property Tax

H.B. 29 (Murr) – **School District Property Taxes:** would: (1) provide for the elimination of school district maintenance and operations property taxes by January 1, 2026, with certain exceptions; and (2) create a joint interim committee on the elimination of school district maintenance and operations property taxes.

H.B. 32 (Capriglione) – **Appraisal Cap:** would: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.J.R. 6**, below).

H.B. 38 (Murr) – **School District Property Taxes:** would: (1) provide for the elimination of school district maintenance and operations property taxes, with certain exceptions; and (2) among other tax increases, raise the state sales and use tax rate to 12 percent to compensate for the loss of school district maintenance and operations property taxes.

H.B. 40 (Zwiener) – **Property Tax Exemptions:** would provide that a person is entitled to an exemption from taxation of the portion of the appraised value of the person’s property that is

attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.J.R. 25**, below.)

H.B. 84 (Bernal) – Homestead Appraisal: would provide that when determining the market value of a residence homestead, the chief appraiser shall: (1) only consider the value of other residence homesteads in the same neighborhood, and (2) not consider the value of property without a residence homestead exemption when determining the market value for real property with a homestead exemption.

H.B. 144 (Bernal) – Property Tax Exemption: would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (See **H.J.R. 16**, below.)

H.B. 145 (Vasut) – Appraisal Cap: would reduce the property tax appraisal cap on homesteads from ten to 3.5 percent and apply the new appraisal cap to all real property. (See **H.J.R. 10**, below.)

H.B. 147 (Bernal) – Property Tax Exemption: would provide that a qualifying caregiver is entitled to a property tax exemption of the total appraised value of the qualifying caregiver's residence homestead for the period during which the qualifying individual for whom the qualifying caregiver provides care is on an interest list for long-term services and supports under the Medicaid program. (See **H.J.R. 16**, below.)

H.B. 159 (Landgraf) – Tax Information Notice: would require the designated officer or employee of a city to publish certain property tax information relating to the no-new-revenue tax rate, the voter-approval tax rate, and debt service tax rate in the newspaper.

H.B. 215 (Jarvis Johnson) – Homestead Exemptions: would, among other things, provide that: (1) an individual is entitled to an exemption from taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead tax exemption for their residence homestead for at least the preceding 10 years; and (2) the surviving spouse of an individual who qualified for an exemption under (1), above, is entitled to an exemption from taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which they qualified for the exemption; (b) the surviving spouse was 55 years of age or older when their spouse died; and (c) the property was the residence homestead of the surviving spouse when their spouse died and remains their residence homestead.

H.B. 260 (Murr) – Appraisal of Open Space Land: would require 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.

H.B. 295 (Toth) – Appraisal Cap: would, among other things: (1) provide that the appraised value of residence homestead for the first year the owner qualifies for a homestead exemption is equal to the market value of the property; (2) provide that the appraised value of residence homestead for a subsequent tax year is equal to the appraised value of the property for the preceding tax year as adjusted by the chief appraiser for the current tax year to reflect any positive change from the preceding tax year in the purchasing power of the dollar for consumers in this state as determined by the comptroller; and (3) require an owner of property to apply for the appraisal increase limitation under (2), above, using an application form prescribed by the comptroller that includes, among other information, the purchase price of the property paid by the applicant. (See **H.J.R. 14**, below.)

H.B. 335 (Bell) – Appraisal Cap: would reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.J.R. 18**, below.)

H.B. 398 (Shine) – Property Tax Exemption: would provide that property owned by a Type A or Type B economic development corporation is exempt from taxation if the property is used for a public purpose.

H.B. 402 (Schofield) – Property Tax Limitation: would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.J.R. 21**, below.)

H.B. 419 (Shine) – Property Tax Exemption: would provide that an individual is entitled to an exemption from property taxation by a taxing unit other than a school district of a portion of the appraised value of the individual's residence homestead in an amount equal to five percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption. (See **H.J.R. 23**, below.)

H.B. 449 (Schofield) – Property Tax Appraisal: would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as agricultural land, open-space land, timberland, parkland, or public access airport property. (See **H.J.R. 28**, below.)

H.B. 456 (Craddick) – Property Tax Exemption: would exempt a royalty interest owned by a charitable organization from property taxation.

H.B. 481 (Goldman) – Property Tax Freeze: would establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.J.R. 30**, below.)

H.B. 523 (Vasut) – Appraisal Review Board: would authorize the appraisal review board, on motion of the chief appraiser or of a property owner, to order the appraised value of an owner's property in the current tax year and either of the two preceding tax years to be changed to the sales price of the property in the current tax year if, for each tax year for which the change is to be made:

(1) the property qualifies as that owner's residence homestead; (2) the sales price of the property is at least 10 percent less than the appraised value of the property; and (3) the board makes a finding that the sales price reflects the market value of the property.

H.B. 543 (Raymond) – Property Appraisal: would require the chief appraiser to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with Disabilities Act Standards for Accessible Design or any successor standards. (See **H.J.R. 42**, below.)

H.B. 623 (Cody Harris) – Property Tax Exemption: would exempt the value of animal feed held by the owner for sale at retail from ad valorem taxation. (See **H.J.R. 47**, below.)

H.B. 634 (Lozano) – Appraisal of Open-Space Land: would provide that to qualify for appraisal as open-space land, property must have been devoted principally to agricultural use or to production of timber or forest products for only two of the preceding seven years, reducing the existing requirement that property must have devoted to that use for at least five of the preceding seven years.

H.B. 664 (Bailes) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent.

H.B. 665 (Bailes) – Appraisal Cap: would establish a 3.5 percent appraisal cap on commercial real property.

H.B. 707 (Geren) – Property Tax Freeze: would establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.J.R. 49**, below.)

H.B. 721 (Schofield) – Property Tax Collection: would provide that the interest rate associated with a tax lien during a period of deferred collection of taxes on the residence homestead of an elderly or disabled individual or a disabled veteran is the lower of the five-year Constant Maturity Treasury Rate reported by the Federal Reserve Board as of January 1 of that year or five percent. (Note: Current law provides for a five percent interest rate.)

H.B. 740 (J. Gonzalez) – Homestead Tax Deferral: would, among other things: (1) entitle an individual to defer collection of a tax imposed on the portion of the appraised value of the property the individual owns and occupies as the individual's residence homestead that exceeds the sum of: (a) 105 percent of the appraised value of the property for the preceding year; and (b) the market value of all new improvements to the property; and (2) provide that if the collection of taxes on a residence homestead was deferred in a prior tax year and the sum of the amounts described by (1), above, exceeds the appraised value of the property for the current tax year, the amount of taxes the collection of which may be deferred is reduced by a calculated amount; and (3) set the annual interest rate during the deferral at five percent.

H.B. 741 (Goodwin) – Property Tax Exemption: would exempt from ad valorem taxation property used to provide child-care services without regard to the beneficiaries' ability to pay, if the provider of the services meets Texas Rising Star Program certification criteria.

H.B. 745 (Dean) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.B. 152** by **Kolkhorst**.) (See **H.J.R. 51**, below.)

H.B. 746 (Dean) – Appraisal Cap: would expand the application of the ten percent appraisal cap on a residence homestead to all real property.

H.B. 774 (Collier) – Property Tax Appraisal: would authorize the chief appraiser, in appraising a residence homestead that is more than 30 years old and that is located in a tax increment reinvestment zone, to exclude from consideration the value of new or substantially remodeled residential properties in the same neighborhood that would otherwise be considered. (See **H.J.R. 52**, below.)

H.B. 794 (Schatzline) – Appraisal Cap: would: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.J.R. 55**, below.)

H.B. 808 (Metcalf) – Appraisal Districts: would: (1) require a chief appraiser to be elected at the general election for state and county officers by the voters of the county in which the appraisal district is established; (2) provide that the chief appraiser serves a two-year term beginning January 1 of every other odd-numbered year; and (3) provide that to be eligible to serve as chief appraiser, an individual must be a resident of the county in which the appraisal district is established and must have resided in the county for at least four years preceding the date the individual takes office.

H.B. 809 (Metcalf) – Appraisal Districts: would provide that: (1) an appraisal district board of directors consists of five directors elected at the general election for state and county officers; (2) the directors are elected from each of the four commissioners precincts in the county in which the appraisal district is established and one member is elected at large from the county; (3) to be eligible to serve as a director, a director elected from a commissioners precinct must be a resident of that precinct and a director elected at large must be a resident of the county; and (4) directors serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 810 (Metcalf) – Appraisal Review Board: would provide that: (1) an appraisal review board consists of five members elected at the general election for state and county officers; (2) the board members are elected from each of the four commissioners precincts in the county in which the appraisal district is established and one member is elected at large from the county; and (3) the members serve two-year terms beginning on January 1 of odd-numbered years.

H.B. 868 (K. Bell) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to 3.5 percent. (See **H.J.R. 57**, below.)

H.B. 1027 (Slawson) – Property Tax Appraisal: would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as open-space land, timberland, parkland, or public access airport property. (Companion bill is **S.B. 279** by **King**.)

H.B. 1041 (Tepper) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to 2.5 percent. (See **H.J.R. 64**, below.)

H.B. 1083 (Bucy) – Property Tax Freeze: would expand the existing law authorizing cities to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses to all taxing units other than school districts. (See **H.J.R. 68**, below.)

H.B. 1127 (Martinez-Fischer) – Property Tax Installment Payments: would provide that: (1) any individual who qualifies for a residential homestead exemption or disabled veteran exemption may pay off property taxes in ten equal installment payments without penalty or interest if the first installment is paid before the delinquency date and is accompanied by notice to the taxing unit that the person will pay the remaining taxes in nine equal installments; and (2) each of the remaining nine installments must be paid before the first day of each month for each of the nine months following the date on which the first installment is paid.

H.B. 1223 (Metcalf) – Appraisal Cap: would reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.J.R. 73**, below.)

H.B. 1224 (Metcalf) – Appraisal Cap: would expand the application of the ten percent appraisal cap on a residence homestead to all real property. (See **H.J.R. 74**, below.)

H.B. 1244 (Shine) – Property Tax Discounts: would, among other things: (1) provide that a person is entitled to a discount for the early payment of property taxes on the amount of tax due on real property that is the person's residence homestead as follows: (a) if a taxing unit mails its property tax bills on or before September 30, the following discounts apply: (i) three percent if the tax is paid in October or earlier; (ii) two percent if the tax is paid in November; and (iii) one percent if the tax is paid in December; and (b) if a taxing unit mails its tax bills after September 30, the following discounts apply: (i) three percent if the tax is paid before or during the next full calendar month following the date on which the tax bills were mailed; (ii) two percent if the tax is paid during the second full calendar month following the date on which the tax bills were mailed; and (iii) one percent if the tax is paid during the third full calendar month following the date on which the tax bills were mailed; (2) authorize the governing body of a taxing unit to adopt discounts for the early payment of property taxes on properties other than residence homesteads; and (3) require a mortgage servicer who pays property tax on behalf of a borrower to, on the written request of the borrower, pay the property tax on a property occupied by the borrower as the borrower's residence homestead early enough for the borrower to qualify for the three percent discount provided in (1), above, as applicable.

H.B. 1251 (Plesa) – Property Tax Exemption: would: (1) for purposes of the property tax exemption on the residence homestead of the surviving spouse of a first responder, expand the definition of "first responder" to include: (a) a special agent of United States Immigration and Customs Enforcement; (b) a customs and border protection officer or border patrol agents of

United States Customs and Border Protection; and (c) an immigration enforcement agent or deportation officer of the United States Department of Homeland Security; and (2) in the case of the surviving spouse of a first responder described by (1), above, provide that the surviving spouse is entitled to an exemption if the surviving spouse has not remarried since the death of the first responder and was a resident of this state at the time of the first responder's death.

H.B. 1294 (Muñoz) – Appraisal District Board of Directors: would: (1) change the composition of the board of directors of an appraisal district to five elected directors, one elected from each of the four commissioners precincts of the county plus either the county assessor-collector, or if the county assessor-collector is ineligible to serve on the board, one director elected at large; and (2) require that elected directors reside in the commissioners precinct from which they were elected, or for a director elected at large, in the county.

H.B. 1317 (Shine) – Electronic Communications: would require tax officials, including cities, to establish a procedure by which to communicate electronically with property owners who request electronic communication.

H.B. 1319 (Shine) – Electronic Payments: would require tax officials, including cities, to establish a procedure by which to accept payment electronically from property owners who request electronic payment.

H.J.R. 6 (Capriglione) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.B. 32**, above.)

H.J.R. 10 (Vasut) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 3.5 percent and apply the new appraisal cap to all real property. (See **H.B. 145**, above.)

H.J.R. 13 (Jarvis Johnson) - Property Tax Exemption: would amend the Texas Constitution to provide that: (1) an individual is entitled to an exemption from property taxation of the total appraised value of the individual's residence homestead if: (a) the individual is 80 years of age or older; and (b) the individual has received a homestead property tax exemption for at least the preceding ten years; and (2) the surviving spouse of an individual who qualifies for an exemption under (1), above, is entitled to an exemption from property taxation of the total appraised value of the same property to which the deceased spouse's exemption applied if: (a) the deceased spouse died in a year in which the deceased spouse qualified for the exemption; (b) the surviving spouse was 55 years of age or older when the deceased spouse died; and (c) the property was the residence homestead of the surviving spouse when the deceased spouse died and remains the residence homestead of the surviving spouse. (See **H.B. 215**, above.)

H.J.R. 14 (Toth) - Appraisal Cap: would amend the Texas Constitution to provide that the appraised value of residence homestead: (1) for the first year the owner qualifies for a homestead exemption is equal to the market value of the property; and (2) for a subsequent tax year is equal to the appraised value of the property for the preceding tax year as adjusted by the chief appraiser

for the current tax year to reflect any positive change from the preceding tax year in the purchasing power of the dollar for consumers in this state. (See **H.B. 295**, above.)

H.J.R. 16 (Bernal) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxes the total assessed value of the residence homestead of an unpaid caregiver of an individual who is eligible to receive certain long-term services. (See **H.B. 147**, above.)

H.J.R. 18 (Bell) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to five percent and apply the new appraisal cap to all real property. (See **H.B. 335**, above.)

H.J.R. 21 (Schofield) – Property Tax Limitation: would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **H.B. 402**, above.)

H.J.R. 23 (Shine) – Property Tax Exemption: would amend the Texas constitution to authorize the legislature to provide that an individual is entitled to an exemption from property taxation by a taxing unit other than a school district of a portion of the appraised value of the individual's residence homestead in an amount equal to five percent, or a greater percentage not to exceed 25 percent specified by the governing body of the taxing unit before July 1, of the average appraised value in the current tax year of all residence homesteads that are located in the same county as the individual's homestead and that qualify for an exemption. (See **H.B. 419**, above.)

H.J.R. 25 (Zwiener) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exempt from property taxation the portion of the appraised value of a person's property that is attributable to the installation in or on the property of a rainwater harvesting or graywater system. (See **H.B. 40**, above.)

H.J.R. 28 (Schofield) – Property Tax Appraisal: would amend the Texas Constitution to repeal the provision that subjects land designated for agricultural use to an additional tax when the land is diverted to a purpose other than agricultural use or sold. (See **H.B. 449**, above.)

H.J.R. 29 (Schofield) – Delinquent Property Taxes: would amend the Texas Constitution to provide that a residence homestead is not subject to seizure or sale for delinquent property taxes.

H.J.R. 30 (Goldman) – Property Tax Freeze: would amend the Texas Constitution to establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.B. 481**, above.)

H.J.R. 42 (Raymond) – Property Tax Exemption: would amend the Texas Constitution to authorize the legislature to exclude from the market value of real property any improvement, or feature incorporated into an improvement, made to a property if the primary purpose of the improvement or feature is compliance with the requirements of the 2010 Americans with

Disabilities Act Standards for Accessible Design or any successor standards. (See **H.B. 543**, above.)

H.J.R. 43 (Raymond) – **Property Tax Exemption**: would amend the Texas Constitution to, among other things, authorize a local option property tax exemption for a residence homestead owned by a parent or guardian of a person who is disabled and who resides with the parent or guardian. (See **H.B. 582**, above.)

H.J.R. 47 (Cody Harris) – **Property Tax Exemption**: would amend the Texas Constitution to authorize the legislature to exempt the value of animal feed held by the owner for sale at retail from ad valorem taxation. (See **H.B. 623**, above.)

H.J.R. 49 (Geren) – **Property Tax Freeze**: would amend the Texas Constitution to establish a mandatory tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses applicable to all taxing units other than school districts. (See **H.B. 707**, above.)

H.J.R. 51 (Dean) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **S.J.R. 18** by Kolkhorst.) (See **H.B. 745**, above.)

H.J.R. 52 (Collier) – **Property Tax Appraisal**: would amend the Texas Constitution to authorize the legislature to authorize the chief appraiser, in appraising a residence homestead that is more than 30 years old and that is located in a tax increment reinvestment zone, to exclude from consideration the value of new or substantially remodeled residential properties in the same neighborhood that would otherwise be considered. (See **H.B. 774**, above.)

H.J.R. 55 (Schatzline) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.B. 794**, above.)

H.J.R. 57 (K. Bell) – **Appraisal Cap**: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 3.5 percent. (See **H.B. 868**, above.)

H.J.R. 64 (Tepper) – **Appraisal Cap**: would amend the Texas Constitution to reduce the property tax appraisal cap on homesteads from ten to 2.5 percent. (See **H.B. 1041**, above.)

H.J.R. 65 (Tepper) – **Appraisal Cap**: would amend the Texas Constitution to authorize the legislature to limit increases in the appraised value of commercial and rental real property for property tax purposes to 8 percent per year.

H.J.R. 68 (Bucy) – **Property Tax Freeze**: would amend the Texas Constitution to authorize a political subdivision other than a school district to adopt a property tax freeze on the residence homestead of individuals who are elderly or disabled and their surviving spouses. (Note: Cities

already have this authority. H.J.R. 68 would expand the authority to additional political subdivisions that levy property taxes.) (See **H.B. 1083**, above.)

H.J.R. 72 (Dean) – Appraisal Cap: would authorize the legislature to expand the application of the ten percent appraisal cap on a residence homestead to all real property.

H.J.R. 73 (Metcalf) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (See **H.B. 1223**, above.)

H.J.R. 74 (Metcalf) – Appraisal Cap: would authorize the legislature to expand the application of the ten percent appraisal cap on a residence homestead to all real property. (See **H.B. 1224**, above.)

H.J.R. 76 (Geren) – Public School Funding: would amend the Texas Constitution to require state funding of public schools in an amount that constitutes at least 50 percent of the cost of maintaining and operating the public school system.

S.B. 102 (Johnson) – Property Tax Appraisal: would provide that in a property tax protest or appeal on the grounds of unequal appraisal of property based upon the value relative to the median appraised value of a reasonable number of comparable properties, the appraisal district must generally use comparable properties located within the appraisal district, unless a reasonable number of comparable properties does not exist in the appraisal district, in which case the median appraised value of a reasonable number of comparable properties may be calculated using comparable properties in other parts of the state.

S.B. 152 (Kolkhorst) – Appraisal Cap: would amend the Texas Constitution to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **H.B. 745** by Dean.) (See **S.J.R. 18**, below.)

S.B. 178 (Kolkhorst) – Appraisal Cap: would amend the Texas Constitution to establish a 20 percent appraisal cap on real property other than a residence homestead. (See **S.J.R. 19**, below.)

S.B. 196 (Eckhardt) – Homestead Exemption: would: (1) authorize the governing body of a taxing unit, in the manner provided by law for official action by the body, to adopt a local option property tax exemption of a portion, expressed as a dollar amount, of the appraised value of an individual's residence homestead; (2) provide that if the governing body adopts a local option homestead exemption of a dollar amount of the appraised value of a residence homestead, the amount of the exemption in a tax year may not be less than \$5,000; and (3) provide that an individual is entitled to an exemption adopted under (1), above, in addition to any other exemptions provided by law. (See **S.J.R. 20**, below.)

S.B. 199 (Eckhardt) – Public Facility Corporation: would provide that a leasehold or other possessory interest in a public facility would not be exempt from property taxes if the public facility user: (1) refuses to rent a residential unit in a housing development to an individual or family because the individual or family participates in the housing choice voucher program; or (2)

uses a financial or minimum income standard that requires an individual or family participating in the housing choice voucher program to have a monthly income of more than 250 percent of the individual's or family's share of the total monthly rent payable for a residential unit.

S.B. 262 (Hinojosa) – Appraisal of Open-Space Land: would provide that to qualify for appraisal as open-space land, property must have been devoted principally to agricultural use or to production of timber or forest products for only two of the preceding seven years, reducing the existing requirement that property must have been devoted to that use for at least five of the preceding seven years. (Companion bill is **H.B. 634** by Lozano.)

S.B. 279 (King) – Property Tax Appraisal: would repeal the additional property taxes imposed as a result of the sale or change in the use of land appraised as open-space land, timberland, parkland, or public access airport property. (Companion bill is **H.B. 1027** by Slawson.)

S.B. 288 (Hinojosa) – Property Tax Exemption: would: (1) for purposes of the property tax exemption on the residence homestead of the surviving spouse of a first responder, expand the definition of “first responder” to include: (a) a special agent of United States Immigration and Customs Enforcement; (b) a customs and border protection officer or border patrol agents of United States Customs and Border Protection; and (c) an immigration enforcement agent or deportation officer of the United States Department of Homeland Security; and (2) in the case of the surviving spouse of a first responder described by (1), above, provide that the surviving spouse is entitled to an exemption if the surviving spouse has not remarried since the death of the first responder and was a resident of this state at the time of the first responder's death.

S.J.R. 18 (Kolkhorst) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to reduce the property tax appraisal cap on residence homesteads from ten to five percent. (Companion bill is **H.J.R. 51** by Dean.) (See **S.B. 152**, above.)

S.J.R. 19 (Kolkhorst) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to establish a 20 percent appraisal cap on real property other than a residence homestead. (See **S.B. 178**, above.)

S.J.R. 20 (Eckhardt) – Homestead Exemption: would amend the Texas Constitution to, among other things: (1) authorize the governing body of a political subdivision to exempt from property taxes a portion, expressed as a dollar amount not less than \$5,000, of the market value of the residence homestead of an individual; and (2) provide that the legislature by general law may prohibit the governing body of a political subdivision that adopts an exemption under (1), above, from reducing the amount of or repealing the exemption. (See **S.B. 196**, above.)

Public Safety

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

H.B. 73 (Murr) – Landowner Liability: would, among other things, provide 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.

H.B. 76 (Reynolds) – Failure to Report Lost or Stolen Firearm: would: (1) create a criminal offense if a person: (a) owns a firearm that is lost or stolen; and (b) fails to report the loss or theft to a law enforcement agency on or before the fifth day after the date the person became aware the firearm was lost or stolen; (2) provide that a peace officer who receives a report from the owner of a firearm that the firearm was lost or stolen shall report the loss or theft to the Department of Public Safety (DPS) including: (a) the name of the owner and information about the firearm; and (b) the date the owner became aware of the lost or stolen firearm; (3) provide that DPS shall maintain the report until the fifth anniversary of the date the owner became aware the firearm was lost or stolen; and (4) provide that the clerk of the court shall provide written notice to DPS of a conviction or deferred adjudication for a violation of (1), above, no later than the fifth day after the date the person is convicted or placed on deferred adjudication community supervision.

H.B. 77 (Neave Criado) – Missing Child: would, among other things: (1) amend the definition of a "missing child" to include the child voluntarily leaving the child's home without the consent of the custodian for a substantial length of time or without intent to return, by repealing the prior definition that included engaging in conduct indicating a need for supervision; (2) add the definition of "status offense" to include certain conduct committed by a child that would not be considered a crime if committed by an adult; (3) provide the place and conditions of detainment if the child is accused only of a status offense; (4) require that a child not be detained at a place of non-secure custody for longer than six hours, or at a non-secure correctional facility for longer than 24 hours, after the time the child arrived at the place of detention; (5) provide that if the child is not released before the sixth hour after the time the child arrived at the place of detention, the child is entitled to a detention hearing that must be held before the 24th hour after the time the child arrived at the place of detention, excluding weekends and holidays; and (6) repeal current law authorizing a law enforcement officer to fingerprint or photograph the child to establish the child's identity under certain circumstances. (Companion bill is **S.B. 83** by **Johnson**.)

H.B. 80 (Gervin-Hawkins) – ETJ Animal Control: would provide that a municipal animal control authority may impound and manage dangerous dogs and aggressive dogs in the extraterritorial jurisdiction (ETJ) of the city if: (1) the authority receives a notarized affidavit: (a) signed by at least two residents from different households in the ETJ requesting assistance from the authority; and (b) alleging that dangerous or aggressive dogs have repeatedly attacked humans, domestic animals, or livestock within the ETJ, and due to their presence, the ETJ is an unsafe environment for humans, domestic animals, or livestock; and (2) no animal control authority is authorized to operate in the ETJ, or the operating animal control authority does not provide for the impoundment or management of dangerous dogs or aggressive dogs.

H.B. 106 (Bernal) – Firearms: would, among other things: (1) require a licensed firearms dealer to report the sale of more than one rifle or semiautomatic rifle to the same buyer, during a single transaction or multiple transactions in a five business day period, to the Department of Public Safety and the police department of the municipality in which the licensed firearms dealer is

located or, if the licensed firearms dealer is not located in a municipality, the sheriff of the county in which the licensed firearms dealer is located; and (2) create a Class A misdemeanor offense for a person who violates (1), above.

H.B. 123 (Goodwin) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **S.B. 144** by **Gutierrez**.)

H.B. 127 (Canales) – Marihuana Concentrate: would: (1) define marihuana concentrate as the resin extracted from marihuana or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; and (2) add marihuana concentrate as a controlled substance subject to criminal penalties for possession or delivery of marihuana concentrate. (Companion bill is **S.B. 87** by **Johnson**.)

H.B. 136 (Reynolds) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm,

provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **S.B. 144 by Gutierrez.**)

H.B. 178 (Murr) – Evidence Testing for Controlled Substances: would provide that if evidence that may be a controlled substance is submitted to a lab for testing, and it is reasonably possible that the substance is or contains fentanyl, a test must be performed to determine whether the substance is or contains fentanyl.

H.B. 179 (Goodwin) – Firearms: would, among other things: (1) create a criminal offense for a person who intentionally or knowingly displays a firearm while attending or within 500 feet of a public demonstration; and (2) provide defenses to prosecution under (1), above.

H.B. 192 (Schaefer) – Firearms: would: (1) remove “on the premises of any government court or offices utilized by the court” from the list of places where a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon; and (2) provide that a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon, unless pursuant to written regulations or written authorization of the applicable government court, in: (a) a courtroom or other room in which a judicial proceeding is being held; (b) a jury room; (c) a judge’s chambers; or (d) the office of a member of a judge’s staff.

H.B. 208 (Murr) – Drug Free Zones: would increase certain controlled substance offenses to a felony of the first degree if it is shown at trial that the offense was committed in, on, or within 1,000 feet of any real property that is owned, rented, or leased to a school or school board, the premises of a public or private youth center, a playground, or on a school bus.

H.B. 218 (Moody) – Marijuana: would, among other things: (1) reduce the criminal penalties for certain drug offenses; (2) provide that a peace officer who is charging a person under (1), above, may not arrest the person and shall issue a citation; (3) provide that records of a person charged with certain drug offenses relating to a complaint may be expunged in certain circumstances; (4) require a court that dismisses a complaint under (2), above, to provide written notice to the person of the person’s right to expunction under the bill; (5) provide that the justice or municipal judge shall require a person who requests expungement under the bill to pay a fee in the amount of \$30 to defray the cost of notifying state agencies of orders of expungement; and (6) create a penalty group 2-B to include Tetrahydrocannabinol or its synthetic equivalents.

H.B. 258 (M. Gonzalez) – Motorcycle Profiling: would provide that: (1) a peace officer may not engage in enforcement-initiated action based wholly or partly on an individual operating a

motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity, including a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the peace officer extends beyond the period necessary to effectuate the purpose of the stop; and (2) each law enforcement agency shall adopt a detailed written policy on motorcycle profiling that: (a) clearly defines acts constituting motorcycle profiling; (b) strictly prohibits peace officers employed by the agency from engaging in motorcycle profiling; (c) implements a process by which an individual may file a complaint with the agency if the individual believes that a peace officer employed by the agency has engaged in motorcycle profiling with respect to the individual; and (d) requires appropriate disciplinary action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have engaged in motorcycle profiling in violation of the agency's policy.

H.B. 278 (Cortez) – Licensing Veterans as Peace Officers: would: (1) allow a political subdivision, including a city, to employ as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that the Texas Commission on Law Enforcement issue a peace officer 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 (b) is an honorably discharged veteran of the armed forces of the United States.

H.B. 309 (Goodwin) – Pet Adoption: would: (1) require a releasing agency to collect a \$75 fee from each new owner who adopts a dog or cat that is not sterilized and then refund the collected fee to an owner who provides confirmation that the adopted cat or dog has been sterilized; and (2) provide that all fees not refunded must be used for the purpose of providing animal sterilization services.

H.B. 347 (Jarvis Johnson) – Children in Custody: would, among other things, require law enforcement to: (1) adopt a written policy regarding the safe placement of a child who is in the custody of a person that is arrested; (2) coordinate with child-care providers, nonprofit organizations, and faith-based entities in the agency's region to develop options for safe living arrangements for a child who is in the custody of a person that is arrested; and (3) develop agreements with the entities in (2), above, that provide procedures for the law enforcement agency to release a child to the care of those entities.

H.B. 382 (Collier) – Criminal Penalties for Marihuana Possession: would provide a defense to possession of certain consumable hemp products containing a controlled substance or marihuana if: (1) the person possesses a product that purports by the product's label to contain a consumable hemp product that is authorized under state or federal law; (2) the product described by (1), above, contains a controlled substance or marihuana, other than the substances extracted from hemp in the otherwise legal concentrations; and (3) the person purchased the product described by (1), above, from a retailer the person reasonably believed was authorized to sell a consumable hemp product.

H.B. 388 (S. Thompson) – Criminal Penalties for Marihuana Possession: would reduce criminal penalties for the possession of two ounces or less of marihuana.

H.B. 410 (S. Thompson) – Cite and Release: would, with respect to issuing citations in lieu of arrest for misdemeanor offenses, provide that: (1) the Texas Southern University, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other law enforcement organizations, shall publish a model policy related to the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, that includes the procedure for a peace officer, upon a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person; (2) each law enforcement agency shall adopt a written policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only, provided such policy meets the requirements of the model policy described in (1), above; (3) a law enforcement agency may adopt the model policy developed under (1), above; and (4) a peace officer may not arrest, without warrant, a person found only committing one or more misdemeanors related to certain traffic offenses that are punishable by fine only, and in such instances shall issue a written notice to appear to the person.

H.B. 412 (S. Thompson) – Covert Law Enforcement Activity: would provide that a defendant may not be convicted for an offense under the Texas Controlled Substances Act on the testimony of a person who is acting covertly on behalf of a law enforcement agency, regardless of whether that person is a licensed peace officer or special investigator, unless the testimony is corroborated by other evidence.

H.B. 413 (S. Thompson) – Progressive Disciplinary Matrix: would provide, among other things, that: (1) a public employer, including a city, that has not adopted civil service for its public safety employees, shall implement, for its city police officers, a progressive disciplinary matrix and adopt implementing rules that consist of a range of progressive disciplinary actions applied in a standardized way based on the nature of the infraction and the officer's prior conduct record; (2) the matrix described in (1), above, must include: (a) standards for disciplinary actions relating to the use of force against another person, including the failure to de-escalate force incidents in accordance with departmental policy; (b) standards for evaluating the level of discipline appropriate for uncommon infractions; and (c) presumptive actions to be taken for each type of infraction and any adjustment to be made based on a police officer's previous disciplinary record; (3) a meet and confer agreement must: (a) implement the progressive disciplinary described in (1), above; and may not conflict with and does not supersede a statute, ordinance, order, civil service provision, or rule concerning the disciplinary actions that may be imposed on a police officer under the progressive disciplinary matrix; (4) for cities that have adopted civil service, the civil service commission shall adopt rules that prescribe the disciplinary actions that may be taken against a police officer under a progressive disciplinary matrix described in (1), above; (5) in an appeal of a disciplinary action by a police officer to a hearing examiner, the hearing examiner must presume the disciplinary action applied under a progressive disciplinary matrix is reasonable unless the facts indicate that the police department inappropriately applied a category of offense to the particular violation; (6) a collective bargaining agreement may not conflict with an ordinance, order, statute, or rule concerning the disciplinary actions that may be imposed on police officers under a progressive disciplinary matrix implemented by the city; and (7) a collective bargaining contract affecting police officers may not conflict with a state or local civil service provision implementing a progressive disciplinary matrix.

H.B. 415 (S. Thompson) – Peace Officer Training: would provide that basic peace officer training must include training on the duty of a peace officer to request and render aid for an injured person.

H.B. 418 (S. Thompson) – Peace Officers: would: (1) amend current law to provide that a peace officer has the discretion on whether or not, if authorized, to: (a) interfere without a warrant to prevent or suppress a crime; or (b) arrest offenders without a warrant so that they may be taken before the proper magistrate or court and be tried; and (2) provide that a peace officer shall: (a) identify as a peace officer before taking any action within the course and scope of the officer's official duties unless the identification would render the action impracticable; and (b) intervene if the use of force by another peace officer: (i) exceeds which is reasonable under the circumstances; (ii) violates departmental policy, state, or federal law; (iii) puts any person at risk of bodily injury, unless the officer reasonably believes that the other officer's use of force is immediately necessary to avoid imminent harm to a peace officer or other person; or (iv) is not required to apprehend or complete the apprehension of a suspect.

H.B. 459 (Hull) – Use of Chemical Irritant Spray: would provide 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 on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person. (Companion bill is **S.B. 133** by West.)

H.B. 484 (Meza) - Suicide Prevention in Jail: would provide that each municipal jail must: (1) provide two hours of training to each jailer or person responsible for the supervision of a person confined in the jail on the procedures for identifying, documenting, and handling a person who is potentially suicidal or has a mental health condition; (2) conduct and document mental health screenings during the inmate intake process; (3) house in a cell with cameras any person that is identified as potentially suicidal; (4) regularly check on each person described by (3), above; and (5) report to the attorney general any incident involving the suicide or attempted suicide of a person confined in the jail not later than 48 hours after the incident.

H.B. 485 (Gervin-Hawkins) – Offenses on Public Transportation: would increase the criminal penalty for certain offenses committed in a vehicle operated by a public transportation system.

H.B. 504 (Wu) – No-Knock Warrants: would provide that: (1) only the following magistrates may issue a warrant authorizing a no-knock entry: (a) a district court judge; (b) a statutory county court judge; (c) a judge of a county court who is an attorney licensed by the state; (d) a judge of municipal court of record who is an attorney licensed by the state; or (e) any magistrate if the county in which the warrant is issued does not have: (i) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state; (ii) a county court judge who is an attorney licensed by this state; or (iii) a statutory county court judge; and (2) a magistrate listed in (1), above, may issue a no-knock warrant only if: (a) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee; and (b) the warrant requires each peace officer executing the

warrant be in uniform or otherwise clearly identifiable as a peace officer. (Companion bill is **S.B. 140** by West.)

H.B. 533 (Wu) – Warrantless Arrests: would provide that peace officer may seize any firearm in plain sight and readily accessible to a person when a peace officer, without a warrant, takes the person into custody because the officer: (1) has reason to believe and does believe that: (a) the person is a person with mental illness; and (b) because of that mental illness there is a substantial risk of serious harm to the person or to others unless the person is immediately restrained; and (2) believes that there is not sufficient time to obtain a warrant before taking the person into custody.

H.B. 544 (Julie Johnson) – Reporting Protective Orders and Convictions: would: (1) provide that, on receipt of an original or modified protective order from the clerk of the court, a law enforcement agency must immediately, and not later than the third business day after the date the order is received, enter the information into the statewide law enforcement information system maintained by the Department of Public Safety (DPS); (2) require a local entity to report a conviction involving family violence that would prohibit a person from possessing a firearm under state or federal law to DPS not later than the fifth calendar day after the judgment of conviction is entered; and (3) require DPS to report to the FBI for use with the National Instant Criminal Background Check System each protective order and each conviction for a family violence misdemeanor not later than the fifth calendar day after the date DPS receives the information that the protective order or judgment of conviction was entered.

H.B. 568 (Bowers) – Peace Officer Training: would provide 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.

H.B. 569 (Bowers) – Burglary of Vehicles: would provide that a person who maintains a place to which persons habitually go to burglarize vehicles in violation of state law and who knowingly tolerates the activity and fails to make reasonable attempts to abate the activity maintains a common nuisance.

H.B. 588 (Raymond) – Statewide Disaster Alarm System: would, among other things, provide that the Texas Division of Emergency Management with the cooperation of the office of the governor and appropriate state agencies shall develop and implement a statewide alert system to active in the event of a disaster affecting any location in Texas.

H.B. 636 (Patterson) – Firearm Regulation: would allow a person to carry a handgun at a polling place if the person is licensed to carry a handgun and is working as an election judge during early voting or on election day.

H.B. 648 (Gervin-Hawkins) – Passing School Bus: would provide an exception to the prohibition of using photographic traffic signal enforcement systems in order for a local authority or a school district to issue a civil or criminal charge or citation, as applicable, for a passing school bus violation based on a recorded image produced by a school bus monitoring system.

H.B. 660 (Cook) – Protective Orders: would provide 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.

H.B. 668 (Collier) – Coin-Operated Machines: would, with respect to the comptroller's duty to regulate skill or pleasure coin-operated machines, require the comptroller to disclose confidential information, including information in a tax permit, license, or registration certificate application, to a law enforcement agency that submits to the comptroller a written request for the information in connection with an investigation the agency is conducting.

H.B. 684 (Cole) – Police Vehicles: would require police patrol vehicles to be conspicuously marked as a police vehicle with the insignia of the applicable law enforcement agency clearly visible at a distance of up to 500 feet under normal atmospheric conditions.

H.B. 689 (Rosenthal) – False Report Liability: would provide that: (1) a person who submits a false report to a law enforcement agency or emergency service provider, with the intent that the law enforcement agency or emergency service provider take action against a falsely accused person, is liable to the falsely accused person for an amount not to exceed \$250 if the report was submitted due to bias or prejudice against the falsely accused person's race, color, disability, religion, national origin or ancestry, age, gender, sexual orientation or gender identity; and (2) a falsely accused person who prevails in an action described in (1), above, may recover attorney's fees and costs incurred in bringing the action.

H.B. 690 (Rosenthal) – Office of Community Violence Intervention: would, among other things: (1) create the Office of Community Violence Intervention (Office) for the purposes of, among other things: (a) providing leadership, coordination, and technical assistance to promote effective state and local efforts on reducing preventable injuries and deaths resulting from all forms of physical violence; (b) collaborating with governmental entities, law enforcement agencies, community-based organizations, business leaders, and other appropriate individuals in Texas to develop evidence-based policies, strategies, and interventions to reduce the impacts of violence in

Texas; and (c) awarding grants; (2) provide that the Office, with the advice of an advisory committee, shall award grants for community violence intervention and prevention through a competitive process to counties and cities that are disproportionately impacted by a high incidence of violence; and (3) provide that a county or municipal recipient of a grant award under (2), above, must distribute not less than 50 percent of the grant money to one or more of the following: (a) a community-based organization; (b) an Indian tribe or tribal organizations; or (c) a public entity whose primary focus is community safety or gun violence prevention.

H.B. 732 (Wu) – Gambling: would provide an affirmative defense to prosecution for certain gambling offenses if the offenses occur in a private residence.

H.B. 735 (Meza) – Family Violence Cases: would: (1) require a court, in regard to a person convicted of certain family violence offenses or subject to a family violence protective order, to provide written notice to the person that he/she is prohibited from acquiring, possessing, or controlling a firearm, and order the person to surrender all firearms; and (2) provide various ways a person in (1), above, may surrender a firearm, including surrender to a law enforcement agency.

H.B. 762 (Reynolds) – No-Knock Warrants: would prohibit a magistrate, including a municipal judge, from issuing an arrest or search warrant that authorizes a peace officer from entering, for the purpose of executing a warrant, into a building or other place without giving notice of the officer's authority or purpose before entering.

H.B. 765 (Harless) – Capital Murder: would provide, that for purposes of the offense of murder against a peace officer or fireman who is acting in the lawful discharge of an official duty and who a person knows is a peace officer or fireman, the actor is presumed to have known the person murdered was a peace officer or fireman if the person was wearing a distinctive uniform or badge indicating the person's employment as a peace officer or fireman.

H.B. 799 (Harris) – Officer Misconduct: would, among other things: (1) prohibit a law enforcement agency from disclosing to an attorney representing the state information relating to misconduct by a peace officer who is or will serve as a witness in a criminal proceeding unless the allegation of misconduct has been finally adjudicated as sustained and not on appeal; (2) authorize a peace officer, who is the subject of a report of misconduct submitted to an attorney representing the state by a law enforcement agency or who has been notified of a determination by the attorney representing the state that the officer is not considered credible to testify in a criminal proceeding as a result of an allegation of misconduct, to dispute that report or determination by filing a petition with the State Office of Administrative Hearings (SOAH); (3) require an administrative law judge employed by the SOAH to determine by a preponderance of the evidence whether the alleged misconduct occurred regardless of whether the applicable officer was terminated or whether that officer resigned, retired, or separated in lieu of termination; and (4) provide that if the allegation of misconduct is not supported by a preponderance of the evidence, the administrative law judge shall provide notice of the finding to any attorney representing the state the petitioner identifies as having received a report or as having made a determination and the attorney representing the state may not consider the information when evaluating the peace officer's credibility as a witness.

H.B. 828 (Dutton) – Age of Criminal Responsibility: would, among other things, generally raise the age of criminal responsibility from 17 to 18, including for purposes of city adoption of juvenile curfew ordinances.

H.B. 861 (Lozano) – Kratom Products: would impose regulations on the sale of Kratom and Kratom products, including labelling and prohibiting the sale to a minor, and authorize a city attorney, among others, to bring an action to recover a civil penalty for violation of those regulations.

H.B. 892 (Burrows) – Accreditation Grant Program: would, among other things, provide that the governor's criminal justice division shall establish and administer a grant program to provide financial assistance, in an amount that does not exceed \$50,000, to a law enforcement agency for the purpose of becoming accredited or maintaining accreditation: (1) through the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program; (2) by the Commission on Accreditation for Law Enforcement Agencies, Inc.; (3) by the International Association of Campus Law Enforcement Administrators; or (4) by an association or organization designated by the division. (Companion bill is **S.B. 267** by **King**.)

H.B. 898 (Stucky) – Increased Punishment for Passing Certain Vehicles: increases the penalties for drivers who pass certain stopped emergency or utility vehicles on a roadway without either slowing down or changing lanes.

H.B. 925 (Dutton) – Firearm Regulation: would, among other things:

1. with some exceptions, prohibit a person within Texas from manufacturing or causing to be manufactured, distributing, transporting, or importing into Texas, or causing to be distributed, transported, or imported into Texas, keeping for sale, offering or exposing for sale, or giving or lending any assault weapon, .50 caliber rifle, or unserialized firearm;
2. with some exceptions, prohibit a person from purchasing, selling, offering to sell, or transferring ownership of any firearm precursor part in Texas that is not a federally regulated firearm precursor part;
3. prohibit a person from selling, supplying, delivering, or giving possession or control of a firearm to any person who is under 21 years of age, with some exceptions, including an exception for a firearm that is not a handgun to a person who is 18 years of age or older and is an active peace officer or reserve peace officer who is authorized to carry a firearm in the course and scope of employment;
4. provide that Numbers 1, 2, and 3, above, do not apply to the sale of an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part to, or the purchase, transportation, importation, sale or other transfer, or manufacture of an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part by, any law enforcement agency or public entity that employs peace officers, or any authorized law enforcement representative thereof, if that agency, entity, or representative is not prohibited by law from

possessing an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part;

5. provide that, so long as the firearm or firearm precursor part is transported in compliance with the provisions of the bill, an individual may sell, deliver, or transfer an assault weapon, .50 caliber rifle, unserialized firearm, or firearm precursor part to an authorized representative of a city, city and county, county, or state government, or of the federal government, provided that the entity is acquiring the weapon as part of an authorized, voluntary program in which the entity is buying or receiving weapons from private individuals;
6. require that enforcement of the bill is enforced exclusively through private civil actions;
7. prohibit a political subdivision, including a city, a district, county, or city attorney, or an executive or administrative officer or employee of Texas or a political subdivision of Texas from enforcing the bill or filing a civil action under the bill against any person;
8. provide that the fact that conduct violates the bill is not an independent basis for enforcement of any other law of Texas, or the denial, revocation, suspension, or withholding of any right or privilege conferred by the law of Texas or a political subdivision of Texas, including any business licenses and permits, or a threat to do the same, by Texas, a political subdivision of Texas, a district, county, or city attorney, or an executive or administrative officer or employee of Texas or a political subdivision of Texas, or a board, commission, or similar body assigned authority to do so under law, against any person;
9. provide that any person, other than an officer or employee of Texas or political subdivision of Texas, may bring a civil action against any person who: (a) knowingly violates Numbers 1, 2, or 3, above; (b) knowingly engages in conduct that aids or abets another person in violating Numbers 1, 2, or 3, above, regardless of whether the person knew or should have known that the person aided or abetted would be violating Numbers 1, 2, or 3, above; or (c) knowingly commits an act with the intent to engage in the conduct described by Number 9(a) or (b);
10. provide that if a claimant prevails in an action under the bill, the court shall award injunctive relief, statutory damages in an amount not less than \$10,000 for each weapon or firearm precursor part as to which the defendant violated the bill and for each weapon or firearm precursor part as to which the defendant aided or abetted a violation of the bill, and attorney's fees and costs;
11. provide that a state official, or a district, county, or city attorney may not intervene in an action brought under the bill but the bill does not prohibit a state official, or a district, county, or city attorney from filing an amicus curiae brief in the action;

12. provide that an action may not be brought under the bill against a federal government, state, or political subdivision, or an employee of a federal government, state, or political subdivision on the basis of acts or omissions in the course of discharge of official duties;
13. provide that a political subdivision has governmental immunity, and each officer and employee of a political subdivision of Texas has official immunity in any action, claim, or counterclaim or any type of legal or equitable action that challenges the validity of any provision or application of the bill, on constitutional grounds or otherwise;
14. provide that any person, including an entity, attorney, or law firm, that seeks declaratory or injunctive relief to prevent Texas, a political subdivision of Texas, a governmental entity or public official in Texas, or a person in Texas from enforcing any statute, ordinance, rule, regulation, or other type of law that regulates or restricts firearms, or that represents any litigant seeking that relief, is jointly and severally liable to pay the attorney's fees and costs of the prevailing party; and
15. provide that, for the purposes of Number 14, above, a party is considered the "prevailing party" if a court: (a) dismisses any claim or cause of action brought by the party seeking the declaratory or injunctive relief described by Number 14, above, regardless of the reason for the dismissal; or (b) enters judgment in favor of the party opposing the declaratory or injunctive relief described by Number 14, above, on any claim or cause of action.

H.B. 928 (Dutton) – Asset Forfeiture: would require: (1) a final conviction for an underlying offense in order to pursue forfeiture of contraband; and (2) a court to dismiss a contraband forfeiture proceeding on proof of a dismissal or acquittal of the underlying offense, regardless of whether the owner or interest holder has met any requirements under the Texas Rules of Civil Procedure in the forfeiture proceeding, including answering the state's civil complaint.

H.B. 931 (Dutton) – Officer Training: would create the officer training advisory committee to conduct a study of the Texas Commission on Law Enforcement's training programs that are established and maintained for individuals seeking to be peace officers, county jailers, school marshals, public security officers, and telecommunicators.

H.B. 936 (Dutton) – Deadly Force: would provide that: (1) a peace officer is justified in using deadly force against another when and to the degree the peace officer reasonably believes the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if: (a) the use of force would have been justified under state law; (b) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and (c) the peace officer reasonably believes: (i) the conduct for which arrest is authorized included the use or attempted use of deadly force; or (ii) there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to the actor or another if the arrest or apprehension is delayed; and (2) a person who is not a peace officer but is acting in a peace officer's presence and at the officer's direction is justified in using deadly force against another when and to the degree the person reasonably believes the deadly force is immediately necessary to make a lawful arrest, or to prevent escape after a lawful arrest, if: (a) the use of force would have been justified under state law; (b) the person to be arrested or attempting to escape after arrest possesses a deadly

weapon; and (c) the actor reasonably believes: (i) the felony or offense against the public peace for which arrest is authorized included the use or attempted use of deadly force; or (ii) there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to another if the arrest or apprehension is delayed.

H.B. 938 (Dutton) – Use of Force: would amend current law to provide that the standard for: (1) the justified use of force against a person by a peace officer, a person acting in a peace officer's presence and at the officer's direction or a person other than a peace officer is an objectively reasonable standard; (2) the justified use of deadly force against a person by a peace officer or a person acting in a peace officer's presence and at the officer's direction is an objectively reasonable standard; and (3) the justified use of any force, including deadly force, by a guard employed by a correctional facility or a peace officer to prevent the escape of a person from a correctional facility is an objectively reasonable standard.

H.B. 946 (Dutton) – Spoliation: would, among other things, in criminal proceedings: (1) require the state, except as permitted by other law, to preserve evidence in its possession, custody, or control and prevent the destruction, alteration, or loss of that evidence; and (2) after a hearing outside the presence of the jury, allow for the court to make a spoliation determination against the state for evidence that is destroyed, altered, or lost by an act or omission of the state.

H.B. 974 (Zwiener) – Crowd Control: would provide that each law enforcement agency shall adopt a policy on crowd control that prohibits its peace officers from using less lethal projectiles (ammunition commonly known as "rubber bullets," "wooden bullets," "sponge rounds," and "bean bag rounds") to control the activity or movement of a gathering of people.

H.B. 978 (Ordaz Perez) – Pet Groomers: would, among other things: (1) create a criminal offense for pet cruelty by a pet groomer; and (2) authorize the city or county in which the conduct occurs to sue to collect a civil penalty, which may be retained by the city or county along with the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees.

H.B. 1031 (Slaton) – Remote Vehicle Disabling Technology: would: (1) create a state jail felony offense if a person: (a) manufactures, distributes, or possesses with intent to distribute remote vehicle disabling technology (RVDT) that is capable of being: (i) activated or engaged by a motor vehicle manufacturer or governmental entity, and (ii) installed on a light truck or passenger car; (b) installs on a light truck or passenger car RVDT that is capable of being activated or engaged by the vehicle manufacturer or a governmental entity; or (c) sells a light truck or passenger car on which RDVT is installed that is capable of being activated or engaged by the vehicle manufacturer or a governmental entity; and (2) subject a vehicle dealer's or manufacturer's license to revocation.

H.B. 1036 (Meza) – Discharge of Weapon: would: (1) require a law enforcement agency that is authorized to employ peace officers to adopt a policy regarding a peace officer discharging a firearm at or in the direction of a moving vehicle; and (2) provide that such policy must prohibit a police officer from discharging a firearm at or in the direction of a moving vehicle unless the peace officer discharges the firearm only when and to the degree the officer reasonably believes is immediately necessary to protect the officer or another person from the use of unlawful deadly

force by an occupant of the vehicle by means other than by using the moving vehicle to strike any person.

H.B. 1059 (Thierry) – Prostitution: would provide that: (1) a child may not be referred to juvenile court for prostitution; (2) a law enforcement officer taking possession of a child suspected of engaging in prostitution shall: (a) use best efforts to deliver the child to the child's parent or another person entitled to take possession of the child; (b) in the event the officer cannot find an individual under (a), above, take the child to a local service provider who will facilitate the assignment of a caseworker; or (c) in the event an individual under (a) and (b), above, is unavailable, transfer possession of the child to the Department of Family Protective Services; and (3) a person may not be prosecuted for prostitution that the person committed when younger than 17 years of age.

H.B. 1076 (Neave-Criado) – Peace Officer Licensing: would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements to obtain a license and TCOLE's rules.

H.B. 1094 (Cunningham) – Disposition of Abandoned or Unclaimed Personal Property: would, among other things, provide that: (1) for purposes of any unclaimed or abandoned personal property, a person designated by the city to dispose of the property may, instead of sending a notice to the last known address of the owner of the property by certified mail, place a one-time notice on the internet website and social networking website of the law enforcement agency that seized the property; and (2) the notice described in (1), above, shall state that if the owner does not claim the property before the 90th day after the date of the notice, the property shall be disposed of, and the proceeds placed in the city treasury.

H.B. 1152 (Vo) – Licensing Veterans as Peace Officers: would: (1) allow a political subdivision, including a city, to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States; and (2) require that the Texas Commission on Law Enforcement issue a peace officer 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 (b) is an honorably discharged veteran of the armed forces of the United States.

H.B. 1178 (Rogers) – Blood Search Warrants: would remove the requirement that a magistrate be an attorney licensed by this state to issue a search warrant to collect a blood specimen from a person who is arrested for certain intoxication offenses.

H.B. 1200 (Reynolds) – Medical Marihuana: would: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by qualifying patients with certain debilitating medical conditions; (2) provide for medical cannabis registry identification cards; (3) authorize the licensing of dispensing organizations and testing facilities; and (4) authorize an application fee for licenses to operate a dispensing organization.

H.B. 1233 (Gonzalez) – Crime Stoppers Tips: would provide that: (1) a law enforcement agency must acknowledge in its written statement to the attorney representing the state that, among other information, any crime stoppers tips that are required to be disclosed have been disclosed; and (2) a law enforcement agency that receives a tip shall disclose the tip to the attorney representing the state if the agency files a case with the attorney representing the state related to the criminal activity or the conduct described in the tip.

H.B. 1289 (Campos) – Child Abuse and Neglect Investigation Training: would provide, among other things, that the Department of Family and Protective Services: (1) develop a training program for each person who investigates any instance of suspected child abuse or neglect at the state or local level; and (2) collaborate with appropriate law enforcement agency personnel in developing and implementing the training program.

H.B. 1341 (Wu) – Marihuana: would, among other things: (1) repeal the Texas Compassionate Use Act; (2) repeal criminal offenses related to marihuana, including delivery and possession of marihuana; and (3) remove certain regulations related to the cultivation, manufacture, delivery, and possession of marihuana and cannabis.

H.B. 1346 (Bucy) – Alcohol Sales: would authorize: (1) a local option election to be held on the proposition of whether to prohibit or legalize the sale of liquor for off-premise consumption on Sunday; and (2) in an area where the sale on Sunday of liquor for off-premises consumption has been approved by local option election: (a) the holder of a package store permit to sell, offer for sale, or deliver liquor on Sunday between 10 a.m. and 9 p.m.; (b) the holder of a wholesaler's permit to sell, offer for sale, or deliver liquor to a retailer anytime on Sunday; and (c) the holder of a local distributor's permit to sell, offer for sale, or deliver liquor to a retailer on Sunday between 5 a.m. and 9 p.m.

H.B. 1347 (Dutton) – Resisting Arrest: would require the complaint, information, or indictment in the prosecution of a criminal case in which the sole allegation is that a person has resisted arrest to state the underlying offense for which the person was resisting arrest.

S.B. 87 (Johnson) – Marihuana Concentrate: would: (1) define marihuana concentrate as the resin extracted from marihuana or a compound, manufacture, salt, derivative, mixture, or preparation of the resin; and (2) add marihuana concentrate as a controlled substance subject to criminal penalties for possession or delivery of marihuana concentrate. (Companion bill is **H.B. 127** by Canales.)

S.B. 106 (Menéndez) – Immigration: would repeal certain provisions governing state and local enforcement of immigration laws and other provisions related to immigration law, such as the requirement that a law enforcement agency honor a detainer request.

S.B. 133 (West) – Use of Chemical Irritant Spray: would provide 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 on a student 10 years of age or younger unless the student poses a serious risk of harm to the student or another person. (Companion bill is **H.B. 459** by Hull.)

S.B. 140 (West) – No-Knock Warrants: would provide that: (1) only the following magistrates may issue a warrant authorizing a no-knock entry: (a) a district court judge; (b) a statutory county court judge; (c) a judge of a county court who is an attorney licensed by the state; (d) a judge of municipal court of record who is an attorney licensed by the state; or (e) any magistrate if the county in which the warrant is issued does not have: (i) a municipal court of record with a courtroom located in that county and a judge who is an attorney licensed by this state; (ii) a county court judge who is an attorney licensed by this state; or (iii) a statutory county court judge; and (2) a magistrate listed in (1), above, may issue a no-knock warrant only if: (a) the complaint is submitted concurrently with a statement that approves the use of a no-knock entry and that is signed by the chief administrator of the law enforcement agency employing the affiant or by the chief administrator's designee; and (b) the warrant requires each peace officer executing the warrant be in uniform or otherwise clearly identifiable as a peace officer. (Companion bill is **H.B. 504** by **Wu**.)

S.B. 144 (Gutierrez) – Extreme Risk Protective Orders: would, among other things: (1) provide that, in certain circumstances, courts may issue an extreme risk protective order against a person exhibiting dangerous behavior or conduct, including any behavior or conduct related to the person's use of firearms, requiring the person to relinquish his or her firearms; (2) require local law enforcement agencies to: (a) take possession of a person's firearms when a court issues an extreme risk protective order against that person and to immediately provide the person a written copy of the receipt for the firearm and written notice of the procedure for return of the firearm; (b) if applicable, notify the court that issued the extreme risk protective order that the person who is the subject of the order has relinquished the firearm not later than seven days after the law enforcement agency receives the firearm; (c) conduct a check of state and national criminal history record information to verify whether the person may lawfully possess a firearm not later than 30 days after receiving notice from the court that the extreme risk protective order has expired; and (d) if the check described in (c), above, verifies that the person may lawfully possess a firearm, provide written notice to the person by certified mail stating that the firearm may be returned to the person if the person submits a written request before the 121st day after the date of the notice; (3) provide that a local law enforcement agency in possession of a firearm relinquished because of an extreme risk protective order may not destroy the firearm but may sell the firearm to a licensed firearms dealer if the check in (2)(c), above, shows that the person may not lawfully possess a firearm or the person does not submit a written request as required by (2)(d), above; and (4) provide that the proceeds from the sale of a firearm in (3), above, shall be paid to the owner of the seized firearm, less the cost of administering this article with respect to the firearm. (Companion bill is **H.B. 123** by **Goodwin**.)

S.B. 183 (Miles) – Official Oppression: would provide that the offense of official oppression is a second-degree felony if the public servant, at the time of the offense, is a licensed peace officer and: (1) causes bodily injury to another or threatens another with imminent bodily injury; and (2) while engaging in the conduct described in (1), above, causes serious bodily injury to another, or uses or exhibits a deadly weapon.

S.B. 208 (Eckhardt) – Marihuana: would, among other things, reduce criminal penalties for delivery and possession of marihuana.

S.B. 209 (Eckhardt) – Cannabis: would, among other things: (1) authorize the cultivation, manufacture, processing, distribution, sale, testing, transportation, delivery, transfer, possession, use, and taxation of cannabis and cannabis products; (2) provide that a person may prohibit or restrict the possession, consumption, cultivation, distribution, processing, sale, or display of cannabis or cannabis products on property the person owns, occupies, or manages; (3) provide that a commissioners court of a county may order an election to approve the operation of cannabis growers, cannabis establishments, or cannabis testing facilities in the county; (4) provide that a county that authorizes the operation of cannabis growers, cannabis establishments or cannabis testing facilities in the county may adopt regulations consistent with the bill governing the hours of operation, location, manner of conducting business, and number of cannabis growers, cannabis establishments, or cannabis testing facilities; and (5) require a license to operate as a cannabis grower, cannabis establishment, cannabis secure transporter, or cannabis testing facility. (See **S.J.R. 22**, below.)

S.B. 218 (Eckhardt) – Disciplinary Action Against Peace Officers: would: (1) require the Texas Commission on Law Enforcement to establish grounds under which the commission shall suspend or revoke a peace officer license on a determination by the commission that the license holder's continued performance of duties as a peace officer constitutes a threat to the public welfare, including a lack of competence in performing duties, illegal drug use or addiction that substantially impairs the officer's ability to perform duties, lack of truthfulness in court proceedings or other governmental operations, failure to follow the directives of a supervising officer or to follow the policies of the employing law enforcement agency, and certain discriminatory conduct; and (2) prohibit the commission from considering whether an officer is prosecuted for or convicted of an offense based on the conduct that is the ground for suspension or revocation.

S.B. 219 (Eckhardt) – Texas Commission on Law Enforcement: would provide, among other things, that:

1. the Texas Commission on Law Enforcement (TCOLE) shall establish a fee for the issuance of a license as follows: (a) \$80 for a peace officer license; and (b) \$25 for a license other than a peace officer license;
2. TCOLE shall develop and make available, to all law enforcement agencies, a model policy and associated training materials regarding the use of force by peace officers, and such policy must: (a) be designed to minimize the number and severity of incidents in which peace officers use force and include an emphasis on conflict de-escalation and the use of force in a manner proportionate to the threat posed and to the seriousness of the alleged offense; and (b) be consistent with the guiding principles on the use of force issued by the Police Executive Research Forum;
3. in developing a model policy described under Number 2, above, TCOLE shall consult with: (a) law enforcement agencies and organizations, including the Police Executive Research Forum and other national experts on police management and training; and (b) community organizations;

4. on request of a law enforcement agency, TCOLE shall provide the agency with training regarding the policy developed under Number 2, above;
5. TCOLE, by rule, shall establish grounds under which it shall suspend or revoke a peace officer license on a determination that the license holder's continued performance of duties as a peace officer constitutes a threat to the public welfare;
6. the grounds under Number 5, above, must include: (a) lack of competence in performing the license holder's duties as a peace officer; (b) illegal drug use or an addiction that substantially impairs the license holder's ability to perform the license holder's duties as a peace officer; (c) lack of truthfulness in court proceedings or other governmental operations; (d) failure to follow the directives of a supervising officer or to follow the policies of the employing law enforcement agency; (e) discriminatory conduct; or (f) conduct indicating a pattern of: (i) excessive use of force; (ii) abuse of official capacity; (iii) inappropriate relationships with persons in the custody of the license holder; (iv) sexual harassment or sexual misconduct while performing the license holder's duties as a peace officer; or (v) misuse of information obtained as a result of the license holder's employment as a peace officer and related to the enforcement of criminal offenses;
7. a body worn camera policy does not have to require an officer be provided access to any recording of an incident involving the officer before the officer is required to make a statement about the incident;
8. a recording created with a body worn camera and documenting an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may be released to the public regardless of whether criminal matters have been finally adjudicated and all related administrative investigations have concluded;
9. a law enforcement agency shall permit a person who is depicted in a recording of an incident described by Number 8, above, or, if the person is deceased, the person's authorized representative, to view the recording, on request of the applicable person, provided any authorized representative who is permitted to view the recording was not a witness to the incident; and
10. a law enforcement agency shall adopt a policy for releasing to the public a recording described by Number 8, above, that prioritizes access to the recording in the following order: (a) the civilian oversight system associated with the law enforcement agency, if any; (b) the officer who used deadly force or is under investigation and the individual who is the subject of the recording, or if the individual is deceased, the individual's authorized representative, and any attorney representing the officer, individual, or representative; and (c) the public.

S.B. 224 (Alvarado) – Catalytic Converter Theft: among other things, creates a presumption that a person in possession of two or more catalytic converters unlawfully appropriated the catalytic converters, unless the actor: (1) is the owner of each vehicle from which the catalytic converters were removed; or (2) possessed the catalytic converters in the ordinary course of engaging in a business that is required to be licensed or registered, or is otherwise regulated, by this state or a political subdivision of this state, including: (a) an automotive wrecking and salvage yard; (b) a registered metal recycling entity; (c) a registered vehicle dealer; or (d) a garage or shop that is engaged in the business of repairing motor vehicles; or (3) is an employee or agent of a person described by (2), above, and the actor possessed the catalytic converters while performing a duty within the scope of that employment or agency.

S.B. 252 (Alvarado) – Licensing Veterans as Peace Officers: would: (1) allow a political subdivision, including a city, to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and (2) require that the Texas Commission on Law Enforcement issue a peace officer 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 (b) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge.

S.B. 253 (Eckhardt) – Firearm Signage: would authorize a person to provide notice that firearms are prohibited on property by posting a sign that: (1) includes, in both English and Spanish, language that is identical to or substantially similar to the following statements, depending on the situation: (a) “No firearms permitted on this property”; (b) “No concealed handguns permitted on this property”; or (c) “No openly carried handguns permitted on this property”; (2) appears on a white background with black block letters at least one inch in height; (3) contains a pictogram that shows, on a white background, a handgun drawn in black ink within a red circle of at least six inches in diameter and a diagonal red line across the handgun; and (4) is displayed in a conspicuous manner clearly visible to the public.

S.B. 267 (King) – Accreditation Grant Program: would, among other things, provide that the governor’s criminal justice division shall establish and administer a grant program to provide financial assistance, in an amount that does not exceed \$50,000, to law enforcement agencies for the purpose of becoming accredited or maintaining accreditation: (1) through the Texas Police Chiefs Association Law Enforcement Best Practices Recognition Program; (2) by the Commission on Accreditation for Law Enforcement Agencies, Inc.; (3) by the International Association of Campus Law Enforcement Administrators; or (4) by an association or organization designated by the division. (Companion bill is **H.B. 892** by **Burrows**.)

S.B. 269 (Perry) – Residential Picketing: would provide that a person commits an offense that is a Class B misdemeanor if the person engages in picketing before or about the dwelling of any individual with the intent to harass or disturb the individual in the individual’s dwelling.

S.B. 285 (Eckhardt) – Asset Forfeiture: would provide, among other things, that: (1) if contraband, other than money, is seized by law enforcement, law enforcement shall notify the owner at the time the owner is taken into or released from custody; (2) if there is no prosecution or conviction following the seizure, the magistrate shall notify the person found in possession of

the contraband that the state may initiate a proceeding to destroy or forfeit the property seized; (3) the person may contest the destruction or forfeiture by appearing before the magistrate on the 30th day after the date the notice was posted; (4) at a proceeding in (2), above, the state has the burden of proving it is entitled to destroy or forfeit the property or proceeds by proving by a preponderance of the evidence that the property or proceeds are contraband; (5) if the state fails to prove by a preponderance of the evidence, the property or proceeds, including the interest earned on the proceeds if the proceeds were deposited in an interest-bearing bank account, must be returned to the interested party not later than the 61st day after the date of the magistrate's ruling; (6) if money is seized in connection with a gambling offense, the state or the political subdivision of the state that employs the law enforcement agency must either deposit the money in an interest-bearing bank account or deposit or store the money in a readily accessible and secure manner until a final judgment is rendered concerning the violation or in a forfeiture proceeding in (2), above; (7) if the state or political subdivision fails to comply with (6), above, a person may bring a civil action against the state or political subdivision for damages incurred by the failure; and (8) sovereign immunity of this state and governmental immunity of a political division to suit and from liability are waived to the extent of liability created by (7), above.

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

S.B. 376 (Johnson) – Peace Officer Licensing: would provide that: (1) a political subdivision, including a city, that commissions and employs peace officers may commission and employ as a peace officer a legal permanent resident of the United States; and (2) the Texas Commission on Law Enforcement (TCOLE) shall issue a peace officer license to a person who is a legal permanent resident of the United States if the person meets the requirements to obtain a license and TCOLE's rules. (Companion bill is **H.B. 1076** by **Neave Criado**.)

S.B. 386 (Hall) – Capital Murder of Peace Officer or Firefighter: would provide 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) made an identification as a peace officer or fireman to the actor.

S.B. 405 (Eckhardt) – Lost or Stolen Firearm Reporting: would provide that: (1) a peace officer who receives a report from an owner of a firearm that the firearm was lost or stolen shall report the loss or theft to the Department of Public Safety (DPS); (2) require the report to include: (a) the name of the owner; (b) any available information about the firearm; and (c) the date that the owner became aware the firearm was lost or stolen; (3) DPS shall regularly send all reports received under (1), above, to the National Crime Information Center; and (4) failure to report to a peace officer or law enforcement agency a lost or stolen firearm by an owner within 24 hours after the time the person became aware the firearm was lost or stolen constitutes a criminal offense.

S.B. 432 (Middleton) – Catalytic Converter Theft: would, among other things: (1) provide that an actor in possession of property consisting of a catalytic converter that has been removed from

a motor vehicle is presumed to have unlawfully appropriated the property unless the actor: (a) is the owner of the vehicle from which the catalytic converter was removed; (b) possessed the catalytic converter in the ordinary course of engaging in a business that is required to be licensed or registered or is otherwise regulated, by this state or a political subdivision of this state, including: (i) an automotive wrecking and salvage yard; (ii) a metal recycling entity; (iii) a motor vehicle dealer; or (iv) a garage or shop that is engaged in the business of repairing motor vehicles; or (c) is an employee or agent of a person described by (1), above, and the actor possessed the catalytic converter while performing a duty within the scope of that employment or agency; and (2) create a state jail felony if the value of property stolen is less than \$30,000 and the property stolen is a catalytic converter.

S.B. 443 (Menéndez) – Peace Officer Training: would provide that as part of the minimum curriculum requirements for a training program on de-escalation and crisis intervention techniques to facilitate interaction with persons with mental impairments, the program must include instruction on interacting with persons with Alzheimer’s disease and other dementias, including techniques for recognizing symptoms, communicating effectively, employing alternatives to physical restraints, and identifying signs of abuse, neglect, or exploitation. (Companion bill is **H.B. 568** by **Bowers**.)

S.B. 446 (Menendez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void. (Companion bills **H.B. 167** and **H.B. 177** by **Cortez**)

S.B. 465 (Bettencourt) – Catalytic Converter Theft: would, among other things: (1) provide that a person commits an offense if the person intentionally or knowingly possesses a catalytic converter that has been removed from a motor vehicle and the person is not a person who is authorized to possess the catalytic converter; (2) provide that an offense under (1), above, is a state jail felony, unless the person has been previously convicted of the same offense or engaged in conduct constituting a conspiracy to commit a certain offense with respect to a catalytic converter, in which case the offense is a third-degree felony; (3) create a state jail felony for criminal mischief if a motor vehicle that is damaged, destroyed, or tampered with during the removal or attempted removal of a catalytic converter from the motor vehicle and the amount of pecuniary loss is less than \$30,000; and (4) create a state jail felony for theft if the value of property stolen is less than \$30,000 and the property stolen is a catalytic converter.

S.J.R. 22 (Eckhardt) – Cannabis: would amend the Texas Constitution to provide that the legislature by law shall authorize and regulate the possession, cultivation, and sale of cannabis in Texas. (See **S.B. 209**, above.)

Sales Tax

H.B. 24 (Neave Criado) – Sales Tax Exemption: would exempt maternity clothing from the sales tax.

H.B. 43 (Spiller) – Value Added Tax: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

H.B. 48 (Neave Criado) – Sales Tax Exemption: would exempt children’s diapers and baby wipes from the sales tax.

H.B. 70 (Howard) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax.

H.B. 105 (Noble) – Sales Tax Exemption: would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **S.B. 65**.)

H.B. 164 (Canales) – Sales Tax Exemption: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods, one beginning in August and one beginning in January.

H.B. 199 (Howard) – Sales Tax Exemption: would exempt child and adult diapers from the sales tax.

H.B. 268 (Toth) – Value Added Tax: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

H.B. 346 (Jetton) – Sales Tax Exemption: would exempt certain school supplies purchased by a teacher from the sales taxes.

H.B. 432 (Schofield) – Sales Tax Sourcing: would, among other things, generally provide that for purposes of city sales and use taxes, sales of taxable items are consummated at the location in the state where the item was stored immediately before shipment, delivery, or transfer of possession to the customer.

H.B. 510 (Wu) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax. (Companion bill is **S.B. 128** by Springer.)

H.B. 577 (Leo-Wilson) – Value Added Tax: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

H.B. 640 (Julie Johnson) – Street Maintenance Sales Tax: would, among other things, provide that: (1) for a city in which a majority of the voters voting in each of the last two consecutive elections concerning the adoption or reauthorization of the street maintenance sales tax favored adoption or reauthorization and in which the tax has not expired since the first of those two consecutive elections, the city may call an election to reauthorize the tax for a period of eight or ten years, instead of four years; and (2) revenue from the street maintenance sales tax may be used to maintain and repair: (a) a city street or sidewalk; and (b) a city water, wastewater, or stormwater system located in the width of a way of a city street.

H.B. 688 (Cole) – Sales Tax Exemption: would exempt a personal computer or tablet computer from the sales tax during the same weekend that school supplies and backpacks are exempt from the sales tax.

H.B. 1037 (Meza) – Sales Tax Exemption: would exempt taxable items used to assist persons with intellectual, developmental, or cognitive disabilities from the sales and use tax.

H.B. 1216 (Dean) – Marketplace Seller: would exclude from the definition of “marketplace seller” an affiliate of the marketplace provider.

H.B. 1265 (Button) – Sales Tax Exemption: would exempt certain wound care dressing products and feminine hygiene products from the sales tax. (Companion bill is **S.B. 379** by **Huffman**.)

S.B. 65 (Zaffirini) – Sales Tax Exemption: would exempt the furnishing of an academic transcript from sales taxes. (Companion bill is **H.B. 105**.)

S.B. 128 (Springer) – Sales Tax Exemption: would exempt feminine hygiene products from the sales tax. (Companion Bill is **H.B. 510** by **Wu**.)

S.B. 278 (Eckhardt) – Sales Tax Exemption: would exempt the sale, use, or consumption of college textbooks from sales taxes during two seven-day periods designated by the comptroller, one beginning in August and one beginning in January. (Companion bill is **H.B. 164** by **Canales**.)

S.B. 327 (Hall) – Sales Tax Exemption: would exempt the following emergency preparation items from the sales tax: hand warmer, lantern tool, highway flare, sewing kit, Swiss Army knife, nylon rope, foldable shovel, wrench, pliers, sleeping bag, waterproof matches, and water purifier.

S.B. 333 (Schwertner) – Local Sales Tax Sourcing: would provide that: (1) a location that, under the law in effect on August 31, 2019, was a place of business of the retailer for purposes of certain economic development agreements, entered into by a retailer and a city on or before August 31, 2019, remains a place of business of the retailer for the term of the agreement; and (2) during the term of the agreement, the sale of a taxable item is consummated at that place of business if the sale would have been consummated at that place of business under the law in effect on August 31, 2019.

S.B. 340 (Springer) – Sales Tax Exemption: would exempt child and adult diapers from the sales tax.

S.B. 341 (Springer) – Mixed Beverage Tax: would exclude a nonprofit entity temporary event permittee that sells only wine and malt beverages containing alcohol in excess of one-half of one percent by volume but not more than 17 percent by volume from the definition of “permittee” for purposes of the mixed beverage gross receipts and sales tax so that those permittees are not subject to the taxes.

S.B. 379 (Huffman) – **Sales Tax Exemption**: would exempt certain wound care dressing products and feminine hygiene products from the sales tax. (Companion bill is **H.B. 1265** by **Button**.)

Community and Economic Development

H.B. 92 (Landgraf) - **Residential Food Production**: would, among other things, (1) prohibit a municipality and a property owners' association from adopting or enforcing an ordinance or restrictive covenant that prohibits any of the following activities on a residence homestead property: (a) the growing of fruits and vegetables; (b) the raising or keeping of: (i) six or fewer domestic fowl; or (ii) six or fewer adult rabbits; or (c) installing for on-site use: (i) a solar or wind-powered energy device; (ii) an underground shelter; (iii) rain barrels or a rainwater harvesting system; or (iv) a standby electric generator; (2) allow a municipality and a property owners' association to impose: (a) reasonable regulations on the growing of fruits and vegetables on a residence homestead that do not have the effect of prohibiting growing those plants, including a requirement that the growing area be maintained in good condition if visible from the street or adjoining property and for the trimming or removal of a tree for the maintenance of a utility easement; and (b) reasonable regulations on the raising and keeping of rabbits and fowl on a residence homestead to control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of these animals, including: (i) limitations on the number of animals that is more than the minimum number allowed by this law or a total combined number of eight fowl and rabbits; (ii) a prohibition on raising or keeping of a rooster; (iii) defining the minimum distance between an animal shelter and a residential structure; (iv) requiring fencing or shelter sufficient to contain the animals; (v) defining the minimum requirements for combined housing and outdoor space as provided by this law; (vi) adopting requirements to address sanitary conditions to prevent offensive odors or pests; or (vii) requiring that the animals be kept in the side or rear yard; and (3) provide that an adopted ordinance or restrictive covenant that violates this law is void. (See **H.J.R. 9**, below.)

H.B. 149 (Murr) – **Sale of Parkland**: would allow any home rule city to sell park land owned by the city without an election if: (1) the park is of two acres or less; (2) the park is no longer usable and functional as a park; (3) the proceeds of the sale will be used to acquire land for park purposes; (4) a public hearing on the proposed conveyance is held by the city council and it is found that the property is no longer usable and functional as a park; and (5) the park is conveyed pursuant to an ordinance adopted by the city council, unless within 60 days from the date of the public hearing the city council is presented with a petition opposing the conveyance, in which case the city council shall either deny the conveyance or shall approve the conveyance subject to holding an election.

H.B. 163 (Spiller) – **Lobby Registration**: would provide that a person who has established an attorney-client relationship with a political subdivision to provide legal services and who is entitled to receive compensation, reimbursement, or expenses under an agreement under which the person is retained or employed by the political subdivision is not required to register as a lobbyist.

H.B. 170 (Spiller) – **Community Advocacy**: would: (1) prohibit the governing body of a public entity, including a city, from spending public money or providing other compensation to a lobbyist to communicate directly with one or more members of the legislative branch to influence legislation pending before the legislature unless the expenditure is: (a) authorized by a majority

vote of the governing body of the entity in an open meeting of the governing body; and (b) voted on by the governing body as a stand-alone item on the agenda at the meeting; (2) require a public entity that contracts with a lobbyist to publish on the entity's Internet website: (a) the amount of money authorized for the purpose of contracting with the person; (b) the name of the person, (c) a copy of the contract; (d) the amount of money, if any, spent by the entity for membership fees or dues to a nonprofit state association or organization of similarly situated entities that contracts with a lobbyist; and (e) a copy of any current legislative agenda or resolution adopted by the entity; (3) prohibit a lobbyist that contracts with a public entity from communicating directly with a member of the legislative branch on behalf of the entity regarding legislation pending before the legislature that specifically proposes to amend Tax Code Sections 26.04 or 26.041 (dealing with calculation of property tax rates); (4) prohibit a public entity from providing reimbursement to a lobbyist for an expenditure made by the person for food, beverages, or entertainment; (5) provide that if a public entity does not comply with (1) - (4), above, a resident of or person receiving services from the entity may file a sworn complaint with the Texas Ethics Commission against the entity; (6) provide that an officer or employee of a public entity is not prevented from: (a) providing information for a member of the legislative branch; (b) appearing before a legislative committee; or (c) communicating directly with one or more members of the legislative branch to influence legislation pending before the legislature; and (7) repeal the requirement that a political subdivision prominently display on its website a disclosure and itemization of certain expenditures relating to lobbying activities after entering into a consulting services contract.

H.B. 183 (Gates) – Dissolution of Municipal Management Districts: would, among other things, provide for the dissolution of a municipal management district (MMD) by written petition filed with the MMD's board of directors by the owners of the majority of the assessed value of the property subject to assessment or taxation by the district.

H.B. 234 (Bernal) – Real Property Sales Price Disclosure: would provide that: (1) a person may not record an instrument conveying commercial or industrial real property under a contract for sale unless the instrument discloses the sales price of the property; (2) the purchaser of any commercial or industrial property for which an instrument is recorded in violation of (1), above, is liable to the state for a civil penalty in an amount equal to five percent of the sales price of the property; (3) the attorney general or the county or district attorney for the county in which the commercial or industrial property is located may bring suit to recover a penalty from (2), above; and (4) an instrument conveying only a mineral interest in real property need not disclose the sales price.

H.B. 254 (Bernal) – Sale of Distilled Spirits: would, among other things, authorize the holder of distiller's and rectifier's permit to sell distilled spirits at a civic or distilled spirits festival, farmers' market, celebration, or similar event.

H.B. 265 (Bernal) – Housing Discrimination: would: (1) prohibit housing discrimination under the Texas Fair Housing Act on the basis of sexual orientation or gender identity; and (2) prohibit the Texas Workforce Commission from deferring proceedings and referring a complaint about discrimination described in (1), above, to a city if the city does not have laws prohibiting the alleged discrimination.

H.B. 276 (Cortez) – Residential Food Production: would, among other things, (1) prohibit a city from adopting or enforcing an ordinance that prohibits any of the following activities on a single-family residential lot: (a) the growing of fruits and vegetables; or (b) the raising of six or fewer domestic fowls or six or fewer rabbits; (2) allow a city to impose reasonable regulations on the growing of the fruits and vegetables in the front, side, or rear yard of a residence, including: (a) a requirement that the growing area be maintained in good condition of visible from the street faced by the lot or from an adjoining lot; and (b) a requirement for the trimming or removal of a tree as necessary for the maintenance of a utility easement; (3) allow a city to impose reasonable regulations on the raising or keeping of fowls or rabbits on a single-family residential lot to control odor, noise, safety, or sanitary conditions that do not have the effect of prohibiting the raising or keeping of the fowl or rabbits, including: (a) a limit on the number of fowl or rabbits that is more than the minimum number allowed by (1), above, or a total combined number of eight fowl and rabbits; (b) a prohibition on raising or keeping of a rooster; (c) the minimum distance between an animal shelter and a residential structure other than the animal owner’s own residence; (d) a requirement for fencing or shelter sufficient to contain the fowl or rabbits on the owner’s property; (e) minimum requirements for combined housing and outdoor space of at least 20 square feet per fowl and nine square feet per rabbit; (f) a requirement to address sanitary conditions in a manner that prevents accumulation of animal waste in a quantity sufficient to create an offensive odor or attract pests; or (g) a requirement that the fowl or rabbits may only be kept in the side or rear yard of a residence; (4) provide that the requirements in (1) and (2), above, do not apply to a condominium unit; and (5) provide that an ordinance adopted by a city that violates state law is void.

H.B. 297 (Bernal) – Payday and Auto Title Lending: would provide for the statewide regulation of payday and auto title lenders. Of primary importance for cities, the bill would: (1) provide that a city ordinance regulating credit access businesses is not preempted by state law; and (2) provide that, if a city ordinance conflicts with a provision of state law, the more stringent regulation controls.

Additionally, the bill would, among other things:

(1) require the contract and other documents provided by a credit access business to be written wholly in English or the language in which the contract is negotiated, and read in their entirety in the language in which the contract is negotiated to any consumer who cannot read; (2) prohibit a credit services organization from assisting a consumer in obtaining an extension of consumer credit in any form other than a single-payment payday loan, multiple-payment payday loan, single payment auto title loan, or multiple-payment auto title loan; (3) provide that each day of a continuing violation of a provision related to state notice and disclosure requirements or state licensing and regulation requirements by a credit services organization constitutes a separate offense; (4) provide that the general limitations on payday and auto title loans in the bill apply to any consumer physically located in this state at the time the loan is made, regardless of whether the loan was made in person in this state; (5) require a credit access business to require certain types of documentation to establish a consumer’s income for purposes of extending credit; (6) provide specific limitations on the structure of single-payment and multiple-payment payday and auto title loans; (7) require any refinance of a payday or auto title loan to: (a) be authorized by state law; (b) be in the same form as the original loan; and (c) meet all requirements applicable to

the original loan; and (8) require a credit access business to maintain a complete set of records of all loans and retain the records until the third anniversary of the date of the loan.

H.B. 299 (Murr) – Recovery Housing: would, among other things: (1) prohibit a city or county from adopting or enforcing an ordinance, order, or other regulation that prevents a recovery house from operating in a residential community; and (2) require the Health and Human Services Commission to adopt minimum standards for certification as a recovery house that are consistent with standards from the National Alliance for Recovery Residences and authorize one or more credentialing organizations to develop and administer a voluntary certification program for recovery housing.

H.B. 376 (Rogers) – Landowner’s Bill of Rights: would provide that the Landowner’s Bill of Rights must additionally include: (1) notice of a landowner’s right to submit a report of decreased value of the landowner’s remaining property to the county appraisal district office after a taking; and (2) a copy of the report of decreased value issued by the comptroller.

H.B. 427 (VanDeaver) – Excavation Notice: would provide, among other things, that within a certain timeframe before beginning excavation, a person who intends to excavate shall: (1) notify a notification center; and (2) place at least one temporary sign displaying certain required information at or near the excavation site, which sign may not be removed until the excavation is complete; however, the sign required in (2), above, may only be placed on: (a) property by owner consent; (b) a public highway in a location that does not obstruct traffic; or (c) a street lamp or utility sign, pole, or fixture.

H.B. 540 (Longoria) – Library Construction Grants: would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library. (Companion bill is **S.B. 197** by **Eckhardt**.)

H.B. 586 (E. Thompson) – Annexation of Roadways: would provide 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 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 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.

H.B. 615 (Patterson) – Economic Development Corporation: would authorize an economic development corporation, by election, to spend on a project for: (1) general infrastructure, limited to the development, improvement, maintenance, or expansion of streets and roads, water supply facilities, or sewage facilities; or (2) improving, enhancing, or supporting public safety, including: (a) expenditures for improving public safety facilities; (b) expenditures for public safety equipment and for first responders and other personnel; and (c) other expenditures that enhance the level of services provided by public safety facilities.

H.B. 643 (Patterson) – Sexually Oriented Businesses: would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business.

H.B. 696 (Rogers) – Excavation Notice: would provide that not later than two hours after receipt of a notice of intent to excavate, a notification center shall notify each landowner in the proposed area of excavation.

H.B. 708 (Shaheen) – Sexually Oriented Businesses: would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business.

H.B. 780 (Collier) – Homeless Housing: would expand the ability of the Texas Department of Housing and Community Affairs to administer a homeless housing and services program in each city in the state with a population of 285,500 or more to include programs to prevent homelessness resulting from displacement due to economic development activities.

H.B. 783 (Meza) – Cemeteries: would, 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, provide that: (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.

H.B. 787 (Patterson) – Tax Incentives: would provide that: (1) a business entity is ineligible to receive a tax incentive if the entity assists an employee to obtain an abortion, including by paying all or part of any charges associated with the procedure or costs associated with traveling to a location for the procedure; and (2) a business entity that is receiving a tax incentive on the date the entity becomes ineligible under (1), above, may not receive an incentive: (a) after December 31 of the calendar year in which the entity becomes ineligible for a property tax incentive; or (b) after the date the entity becomes ineligible for any other incentive other than a property tax incentive.

H.B. 834 (Campos) – Homelessness: would, among other things: (1) provide that the Department of Housing and Community Affairs may implement and administer a pilot program to solicit donations made by text message for the benefit of local programs that provide services to homeless individuals and families in municipalities with a population of 285,000 or more; and (2) provide

that of any money donated under the program, the department shall allocate: (a) not less than 65 percent for costs associated with housing homeless individuals and families; (b) not less than 20 percent for transportation costs; (c) not less than five percent for the promotion of the program; and (d) not more than 10 percent for overhead and administrative costs.

H.B. 866 (Oliverson) – Plat or Plan Submissions Limitations: provides, among other things, that a city may not: (1) require a person to fulfill any prerequisites or conditions or obtain any approvals before filing a copy of a plan or plat; (2) delay the starting date for calculating any timeframe to approve or disapprove a plan or plat by not considering the date the plan or plat was filed as the starting date; or (3) refuse to accept, acknowledge, process, or act on a filed copy of the plan or plat.

H.B. 912 (Campos) – Homelessness: would, among other things: (1) provide that the Texas Department of Housing and Community Affairs (TDHCA) may: (a) operate the transitional housing pilot program in coordination with one or more cities or counties; and (b) provide a grant from the Ending Homelessness fund to a city or county with which TDHCA coordinates to operate the program; and (2) require TDHCA to give priority in issuing grants from the Ending Homelessness fund to cities and counties that coordinate with TDHCA in the operation of the transitional housing pilot program.

H.B. 913 (Campos) – Homelessness Data System: would: (1) require the Texas Interagency Council on Homelessness to collaborate with a state agency designated by the council to establish a statewide homelessness data system through which state agencies and local governmental entities are able to access and share information related to individuals experiencing homelessness; (2) provide that, in developing the data system, the council and the state agency designated by the council shall, among other things, consult with representatives of the entities in (1), above, to determine the challenges faced by those entities in addressing homelessness and how best to improve the responses to those challenges; and (3) require the data system established in (1), above, to: (a) to the extent permitted by a data sharing agreement, collect data from other homelessness data systems maintained or operated by a state agency, local law enforcement agency, or other entity of Texas; and (b) collect, aggregate, analyze, and share homelessness information submitted to the data system with entities that have access to the system.

H.B. 953 (Dutton) – Tax Preferences: would: (1) require a select commission to review all state and local “tax preferences” and develop a review schedule under which tax preferences are reviewed once during each six-year period; (2) require the commission in (1), above, to file a final report on tax preferences to the governor and the presiding officers of the Senate Finance Committee and the House Ways and Means Committee not later than September 1 of each even-numbered year; (3) provide that a tax preference included in a final report under (2), above, expires on the second anniversary of the date the final report is filed, unless reauthorized by law; and (4) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2024, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **H.J.R. 60**, below.)

H.B. 983 (Leo-Wilson) – Land Use Regulation of Schools: would provide, among other things, that: (1) cities shall consider an open-enrollment charter school 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; (2) cities may not take any action that prohibits an open-enrollment charter school from operating a public school campus, educational support facility, athletic facility, or administrative office that it could not take against a school district; (3) sections (1) and (2), above, apply to property owned or leased by the charter school; (4) charter schools may be exempt from city ordinances and regulations related to municipal drainage utility systems; and (5) 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.

H.B. 1014 (Plesa) - Housing Authority: would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs .

H.B. 1148 (Rosenthal) – Housing Assistance Regulation: would repeal the provisions in current law that generally prohibit a city or county from adopting or enforcing an ordinance or regulation that prohibits an owner, lessee, sublessee, assignee, managing agent, or other person having the right to lease, sublease, or rent a housing accommodation from refusing to lease or rent the housing accommodation to a person because the person’s lawful source of income to pay rent includes funding from a federal housing assistance program.

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

H.B. 1159 (Anderson) - Housing Authority: would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code. (Companion bill is **S.B. 349** by **Campbell**.)

H.B. 1193 (Turner) – Housing Discrimination Prevention: provides that a property owners' association may not include or enforce a provision in a dedicatory instrument that prohibits or restricts, or has the effect of prohibiting or restricting, a property owner from renting a dwelling to a person based on the person's method of payment.

H.B. 1246 (Craddick) – Automatic Disannexation: (1) defines “full municipal services” to mean (a) the provision of (i) police protection; (ii) fire protection, including fire hydrants; (iii) emergency medical services; and (iv) certain solid waste collection services; and (b) the operation and maintenance of (i) water and wastewater facilities; (ii) roads and streets including road and street lighting; and (iii) any other facility, building, or service owned by the city; and provides that (2) any area in which the city is not providing or causing the provision of full municipal services is disannexed as of December 31, 2023 unless the city is not currently required to provide full municipal services under a service plan or has entered into a regulatory plan or other written agreement to extend the time for providing or waive provision of full municipal services; (3) should a city fail or refuse to recognize the disannexation of an area under section (2), above, a person owning property located in the area may bring an action against the city to compel disannexation of the portion of the property located in the city and may recover attorney's fees and court costs; and (4) governmental immunity is waived for purposes of section (3), above. (Companion bill is **S.B. 369** by **Campbell**.)

H.B. 1266 (Schatzline) – Sexually Oriented Businesses: would provide that a commercial enterprise that provides a drag performance for an audience of two or more individuals is a sexually oriented business. (Companion bill **S.B. 476** by **Hughes**).

H.B. 1279 (Tepper) – Reduction of Extraterritorial Jurisdiction: would provide, among other things, that the extraterritorial jurisdiction of a city is the unincorporated area contiguous to the corporate boundaries located within: (1) 250 feet of those boundaries, for cities with fewer than 5,000 inhabitants; (2) 500 feet of those boundaries, for cities with 5,000 to 24,999 inhabitants; (3) 1,000 feet of those boundaries, for cities with 25,000 to 49,999 inhabitants; (4) one-quarter mile of those boundaries, for cities with 50,000 to 99,999 inhabitants; and (5) one-half mile of those boundaries, for cities with 100,000 or more inhabitants.

H.B. 1286 (Guillen) – RV Parks: would: (1) adopt certain construction safety standards applicable to certain privately owned and operated recreation vehicle parks or campgrounds on which sites for recreational vehicles, recreational park trailers, or other camping units are offered primarily for use by the public for overnight stays; and (2) prohibit a city from adopting a policy, rule, ordinance, or order that regulates environmental health and sanitation, electrical distribution system safety, liquefied petroleum gas storage and dispensing safety, or fire protection, if the policy, rule, ordinance, or order imposes more stringent standards than those adopted in (1), above.

H.B. 1292 (Campos) – Homeless Showers: would provide that a city with a population of 500,000 or more shall: (1) provide homeless individuals residing in the municipality with access to mobile showers in a sufficient number to allow daily shower access by each person residing in the municipality and sufficient access to address the hygienic needs and prevention of hygienic-related illnesses in the municipality's homeless population; and (2) use all available federal money, including money provided under the American Rescue Plan Act of 2021, that is available to implement (1), above.

H.B. 1307 (Toth) – Disannexation: would: (1) authorize registered voters in a certain area to petition a city for disannexation of the area; and (2) authorize registered voters in a certain area to petition for release of the area from a city's extraterritorial jurisdiction.

H.B. 1348 (Stucky) – Regulation of Veterinarians: would provide a city may not adopt or enforce a regulation that: (1) regulates the practice of veterinary medicine; or (2) prohibits a veterinarian from performing a procedure on an animal that is not prohibited by other law.

H.J.R. 9 (Landgraf) – Property Rights: would amend the Texas Constitution to: (1) provide that an individual has the right to conduct activities on the individual's homestead property to secure access to food, water, electric power, and shelter, subject to laws protecting public health and safety; and (2) enable the legislature to enact laws to protect the rights in (1), above.

H.J.R. 26 (Schofield) – Post-Condemnation Repurchase Rights: would amend the Texas Constitution to entitle a person from whom a real property interest is acquired by an entity through eminent domain for a public use, or that person's heirs, successors, or assigns, to repurchase the property under certain circumstances subject to certain conditions.

H.J.R. 60 (Dutton) – Tax Preferences: would amend the Texas Constitution to require the periodic review of state and local tax preferences. (See **H.B. 953**, above.)

S.B. 59 (Zaffirini) – Notice for Tax Sales: would require a political subdivision that sells property in a property tax sale to provide notice of water and wastewater requirements if the real property subject to the sale is presumed to be for residential use.

S.B. 103 (Johnson) – Tax Preferences: would, among other things: (1) require the comptroller to identify each state and local tax preference and develop a review schedule under which tax preferences are reviewed once during each six-year period; (2) require the Legislative Budget Board (LBB) to periodically review each state and local tax preference according to the schedule created by the comptroller; (3) require the LBB to file a preliminary report on tax preferences to the Senate Finance Committee and the House Ways and Means Committee not later than September 1 of each even-numbered year; (4) require the Senate Finance Committee and the House Ways and Means Committee to review the preliminary report and, not later than December 1 of each even-numbered year, provide to the governor, lieutenant governor, and speaker of the house a final report on the reviews of tax preferences; and (5) provide that each tax preference enacted by the legislature that becomes law on or after September 1, 2024, expires six years after the date it takes effect, unless the legislature provides an earlier or later expiration date. (See **S.J.R. 14**, below.)

S.B. 197 (Eckhardt) – Library Construction Grants: would: (1) add construction grants for the establishment of new public libraries or the improvement of existing libraries to the list of possible grants programs that may be established by the Texas State Library and Archives Commission; and (2) allow libraries and library systems to use state grants for new construction, rehabilitation, or renovation of a library or the infrastructure of a library. (Companion bill is **H.B. 540** by **Longoria**, above.)

S.B. 147 (Kolkhorst) – Property Ownership Prohibition: would provide that the following may not purchase or otherwise acquire title to real property in Texas: (1) a governmental entity of China, Iran, North Korea, or Russia (the Specified Nations); (2) a company or other entity that is: (a) headquartered in one of the Specified Nations; (b) directly or indirectly held or controlled by

the government of one of the Specified Nations; or (c) owned by or the majority of stock or other ownership interest of which is held or controlled by individuals who are citizens of the Specified Nations; (3) a company or other entity that is owned by or the majority of stock or other ownership interest of which is held or controlled by a company or entity described by (2), above; or (4) an individual who is a citizen of one of the Specified Nations.

S.B. 149 (Springer) – City Regulation: would: (1) prohibit a city from adopting or enforcing an ordinance, rule, or regulation that imposes a restriction, condition, or regulation on commercial activity; (2) allow a city to adopt and enforce an ordinance, rule, or regulation that: (a) is essential to directly regulating a uniquely local concern that the city council determines cannot be of similar concern in another city because of the uniqueness of the local concern; (b) is essential to necessary regulation of local land use; (c) is essential to protecting citizens' physical safety; (d) is expressly authorized to be adopted by a state statute; or (e) requires nondiscrimination in the provision of employment or service to any person on the basis of any state or federally protected class, sexual orientation, or gender identity; (3) provide that a city acting under (2)(a), above, must contemporaneously adopt a detailed written statement describing the uniquely local concern and the basis for the determination that the concern cannot be of similar concern in another city; and (4) provide that, for purposes of (2)(d), above, a state statute that provides the statute does not preempt or affect municipal regulatory authority may not be construed to expressly authorize an ordinance, rule, or regulation.

S.B. 175 (Middleton) – Community Advocacy: would: (1) prohibit a political subdivision from spending public funds to: (a) hire an individual required to register as a lobbyist for the purpose of lobbying a member of the Texas legislature; or (b) pay a nonprofit state association or organization that: (i) primarily represents political subdivisions; and (ii) hires or contracts with an individual required to register as a lobbyist; (2) provide that if a political subdivision engages in activity prohibited by (1), above, a taxpayer or resident of the political subdivision is entitled to injunctive relief to prevent any further prohibited activity and any further payments of public funds; and (3) provide that a taxpayer or resident who prevails in an action under (2), above, is entitled to recover reasonable attorney's fees and costs from the political subdivision.

S.B. 190 (Miles) – Unauthorized Signs: would provide for a civil penalty of up to \$5,000 to be collected from a person (1) who places or commissions the placement of an unauthorized sign on the right-of-way of a public road, or (2) whose commercial advertisement is placed on a sign described in (1), above.

S.B. 201 (Eckhardt) – Property Valuation in Condemnation: would provide that when valuing property subject to a conservation easement for the purposes of condemnation, the value of the property being condemned as well as any damages to the owner's remaining property shall be valued based on the property's highest and best use as though the property was not burdened by a conservation easement.

S.B. 259 (Springer) – Filing of Plats, Plans and Building Permits: provides, among other things, that: (1) unless specifically authorized by another state law, a city may not: (a) require a person to submit or obtain approval of any document or fulfill any other prerequisites or conditions before the person files a copy of the plan or plat with the city; or (b) refuse to accept a filed copy of the

plan or plat; (2) not later than the 45th day after the date an application for a building permit is submitted, a city must either: (a) grant or deny the permit; or (b) provide written notice to the applicant stating the reasons why the city has been unable to grant or deny the permit application in the time required; and (3) a city may not: (a) deny a permit solely because the city cannot comply with requirements in (2), above; or (b) require an applicant to waive the requirements of (2), above.

S.B. 349 (Springer) - Housing Authority: would require any housing authority policy permitting tenant ownership of a pet to comply with all applicable county or municipal restrictions on dangerous dogs imposed under the Health and Safety Code.

S.B. 367 (Alvarado) – Relocation Assistance Limitation: provides that a person is not considered to be displaced in connection with an acquisition of real property for purposes of qualifying for relocation assistance if: (1) the person moves or discontinues the person's business, moves personal property, or moves from the person's dwelling as a direct result of code enforcement; and (2) the code enforcement is due to the person's negligence or abandonment of the person's real property.

S.B. 369 (Campbell) – Automatic Disannexation: (1) defines “full municipal services” to mean (a) the provision of (i) police protection; (ii) fire protection, including fire hydrants; (iii) emergency medical services; and (iv) certain solid waste collection services; and (b) the operation and maintenance of (i) water and wastewater facilities; (ii) roads and streets including road and street lighting; and (iii) any other facility, building, or service owned by the city; and provides that (2) any area in which the city is not providing or causing the provision of full municipal services is disannexed as of December 31, 2023 unless the city is not currently required to provide full municipal services under a service plan or has entered into a regulatory plan or other written agreement to extend the time for providing or waive provision of full municipal services; (3) should a city fail or refuse to recognize the disannexation of an area under section (2), above, a person owning property located in the area may bring an action against the city to compel disannexation of the portion of the property located in the city and may recover attorney's fees and court costs; and (4) governmental immunity is waived for purposes of section (3), above. (Companion bill is **H.B. 1246** by Craddick.)

S.J.R. 14 (Johnson) – Tax Preferences: would amend the Texas Constitution to require the periodic review and expiration of state and local tax preferences. (See **S.B. 103**, above.)

Elections

H.B. 39 (Murr) – Election Fraud: would increase the penalty for certain election fraud offenses to a state jail felony.

H.B. 52 (Spiller) – Illegal Voting: would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

H.B. 67 (Ortega) – Early Voting by Mail: would provide, among other things, that any qualified voter is eligible for early voting by mail. (Companion bill is **S.B. 120** by Menendez.)

H.B. 75 (Zwiener) – Voter Identification: would provide that an identification card issued by a Texas public university is an acceptable form of identification for voting provided that the card: (1) contains the person’s photograph, date of birth, and full legal name; and (2) has not expired, or if expired, has expired no earlier than four years before the date of presentation.

H.B. 153 (Swanson) – Voting Options: would provide, among other things, that a voter shall be given the opportunity to select “I choose not to vote in this race” instead of voting for the candidate(s) appearing on the ballot or the write-in candidate(s) for each race.

H.B. 161 (Toth) – Early Voting Ballots: would require, among other things: (1) an early voting ballot voted by mail to include a unique code readable by an electronic device that may be used to verify the authenticity of the ballot; (2) the early voting ballot board to identify the unique code included on each ballot with an electronic device and compare the code on the ballot to the codes recorded by the early voting clerk; and (3) rejection of the ballot if the recorded code on the ballot does not match that recorded by the early voting clerk.

H.B. 190 (Swanson) – Petitions and Ballot Propositions: would, among other things:

1. require that a petition for a city election contain or have attached a caption for the proposed measure that identifies the proposed measure by its chief features, describing its character and purpose with such definiteness and certainty that voters are not misled;
2. provide that unless the caption is modified under Number 11, below, the city council in a home-rule city must proceed with an election requested by a petition despite a complaint that the petition violates Number 1, above, and in doing so shall comply with all ordinary timelines and requirements for the election;
3. require a proposition proposing an amendment to a city charter or a voter-initiated initiative or referendum as requested by a petition to use wording identical to the caption of any corresponding petition described in Number 1, above, as applicable;
4. provide that if a court orders a home-rule city to order a new election if a contested election is declared void, a qualified voter of the home-rule city may seek from the court a writ of mandamus to compel the city council to use wording identical to the caption of the corresponding petition;
5. authorize a qualified voter of a home-rule city to seek from the court a writ of mandamus to compel the city council to use ballot proposition language identical to the caption of the corresponding petition;
6. require a court to give absolute priority to a mandamus petition brought under Number 5, above, and require the court to make its determination without delay and prior to the deadline for printing ballots;
7. authorize the court to award a petitioner who substantially prevails in an action under Number 5, above, reasonable attorney’s fees, expenses, and court costs;

8. waive governmental immunity to suit and liability to the extent of liability created by Number 7, above;
9. authorize the city council of a home-rule city or a qualified voter of the home-rule city to file a complaint with the secretary of state alleging that a caption under Number 1, above, is invalid;
10. require the secretary of state to review a caption alleged to be invalid not later than the seventh day after the date the secretary receives the complaint;
11. provide that if the secretary of state determines that caption is invalid, the secretary of state shall modify the caption and provide the modified caption to the home-rule city for use as a ballot proposition, but only after seeking input from the persons who signed or circulated the petition and only to the extent necessary for compliance with Number 1, above;
12. provide that action by the secretary of state determining that a caption is invalid may not be considered by a court as evidence that the caption does not comply with the standard expressed in Number 1, above;
13. provide that the illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to have signed the petition and signed the petition on or after the 180th day before the petition was filed;
14. require the secretary of state to adopt a standard petition form for petition-initiated city elections and publish the form on the secretary's website;
15. prohibit a city from requiring the submission of information on or with a petition that the standard petition form published by the secretary of state does not provide for or require to be provided;
16. provide that a person who circulates or submits a petition is not required to use the secretary of state's standard petition form;
17. require the city secretary to determine the validity of a petition, including the petition signatures, not later than the 30th day after the date the city receives the petition;
18. prohibit a city secretary from invalidating a petition on the grounds of an inadequate caption, but authorize the city secretary to file a complaint under Number 9, above, and modify the caption as directed by the secretary of state;
19. prohibit a city from restricting who may collect petition signatures;

20. provide that a city may repeal a charter amendment adopted by a petition-initiated election only by a petition-initiated election held for the specific purpose of repealing the amendment;
21. prohibit a city from repealing a charter amendment adopted by a petition-initiated election by adopting a new or revised city charter; and
22. repeal the authority for: (a) a city secretary to verify signatures by statistical sample; and (b) charter provisions or ordinances governing the validity or verification of petition signatures to remain effective if they were in effect on September 1, 1985.

H.B. 222 (Slaton) – Illegal Voting: would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

H.B. 241 (Bucy) – Early Voting by Mail: would provide, among other things, that any qualified voter is eligible for early voting by mail. (Companion bill is **S.B. 120** by **Menendez**.)

H.B. 259 (Goodwin) – Preferential Voting: would, among other things, provide that: (1) the governing body of a city or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city or school district; (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; and (3) a runoff election shall not be held for an office to which preferential voting applies.

H.B. 281 (Bucy) – Voter Registration: would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at a polling place at which the person would be allowed to vote if the person submits a voter registration application, presents adequate proof of identification, and submits an affidavit stating the person is eligible to vote and voting only once in the election on the day the person offers to vote.

H.B. 294 (Schofield) – Federal Elections: would, among other things, provide that: (1) a primary or general election for a federal office, other than the office of the president or vice president of the United States, or a resulting runoff election (a “federal election”) is a separate election from any other election in the state; (2) a federal election may not list on the federal ballot any proposition or election for state or county office; (3) to the extent feasible, a federal election and an election that is not a federal election (a “state election”) shall be held separately and concurrently using the same precincts and polling locations; and (4) the secretary of state shall adopt rules to enact the provisions of (1)-(3), above, and the rules adopted must reduce voter disruption and confusion to the greatest extent possible, including rules requiring use of the same area in which voters are being accepted for voting and the same voting stations for state and federal elections.

H.B. 296 (Bucy) – Mobility Impaired Voters: would: (1) require an election officer to accept a person who is offering to vote and has a mobility problem that substantially impairs the person’s ability to ambulate before accepting others offering to vote at the polling place and who arrived

before the person; and (2) provide that if a voter is eligible for early voting by mail on the ground of disability, the balloting materials may be provided by e-mail in PDF format, through a scanned format, or by any other method of electronic transmission authorized by the secretary of state in writing.

H.B. 302 (Bucy) – Election Day Holiday: would designate the first Tuesday after the first Monday in November of an even-numbered year as a state holiday.

H.B. 315 (Cortez) – Early Voting Ballot: would provide that: (1) the official application form for an early voting ballot must include a statement prescribed by the secretary of state explaining the benefits of furnishing an applicant's telephone number, including how that information assists the early voting clerk; and (2) the secretary of state shall make the statement described in (1), above, available on the secretary of state's website.

H.B. 317 (Bucy) – Early Voting: would provide, among other things, that: (1) a voter registrar's office shall not remain open for purposes of providing voter registration information during extended hours or weekend hours if early voting by personal appearance is required to be conducted for extended hours or weekend hours; (2) an authority ordering an election may order early voting by personal appearance at the main early voting polling place to be conducted during an early voting period extended from the fourth day before election day for any number of consecutive days up to and including the day before election day; and (3) an authority that extends early voting under (1), above, shall order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period.

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

H.B. 357 (Bucy) – Early Voting by Mail: would provide 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: (1) the voter's date of birth; and (2) the voter's driver's license number, personal identification card number or the last four digits of the voter's social security number.

H.B. 359 (Bucy) – Mail in Ballots: would: (1) require election notice posted on a county's website to include: (a) the location of each polling place that will be open on election day; (b) the location of each polling place that will be open for early voting; and (c) each location that will be available to voters to deliver a marked ballot voted by mail; (2) authorize a voter to deliver a marked ballot voted by mail in person to the early voting clerk's office or to another designated location while

the polls are open on election day or during the early voting period; (3) provide that a voter delivering a marked ballot in person may return only the voter's own ballot; and (4) authorize the county clerk to designate any of the following locations for delivering marked ballots under (2), above: (a) the early voting clerk's office; (b) any polling place open for early voting or for election day; or (c) any suitable location that meets criteria prescribed by the secretary of state.

H.B. 365 (Bucy) – Early Voting By Mail: would provide, among other things, that: (1) for a ballot to be voted by mail on the ground of absence from the county of residence, the early voting ballot application must include an e-mail address for the applicant to which the ballot is sent by electronic transmission; (2) the officially prescribed application form for an early voting ballot on an application for a ballot to be voted by mail must include, in the space for an applicant applying on the ground of absence from the county of residence, that the applicant wishes to receive the balloting materials by electronic transmission and provide an e-mail address; (3) a voter voting by mail on the ground of absence from the voter's county of residence may elect to receive the balloting materials by electronic transmission on the voter's application for an early voting ballot to be voted by mail; (4) balloting materials to be sent by electronic transmission as described in (3), above, include: (a) the appropriate ballot; (b) ballot instructions, including instructions that inform a voter that the ballot must be returned by mail to be counted; (c) instructions prescribed by the secretary of state on how to create a ballot envelope and carrier envelope or signature sheet for the ballot; and (d) a list of certified write-in candidates, if applicable; (5) the balloting materials described in (3), above, may be provided by e-mail to the voter: (a) in a portable document format or similar file type or through a scanned format; or (b) by any other method of electronic transmission authorized by the secretary of state in writing; (6) an e-mail address used to request balloting materials described in (3), above, is confidential and does not constitute public information for purposes of the Texas Public Information Act, and an early voting clerk shall ensure that the voter's e-mail address is excluded from public disclosure; and (7) a marked ballot received through electronic transmission as provided by (3), above, shall be returned to the early voting clerk by mail or common or contract carrier through procedures prescribed by the secretary of state.

H.B. 371 (Bucy) – Runoff Elections: would: (1) provide that a runoff election shall be held on the sixth Saturday after the date of the main election; and (2) repeal the provision that allows a home-rule city charter to provide for a runoff election date later than provided by state law.

H.B. 374 (Bucy) – Early Voting by Mail: would provide that an application for a ballot to be voted by mail serves as an application both for a ballot for the main election and for any resulting runoff election unless the applicant indicates otherwise on the application.

H.B. 378 (Bucy) – Voter Registration and Campaigning: would, with the exception of reasonable restrictions on the time, place, or manner, prevent a political subdivision, property owners' association, homeowners' association, or property manager from adopting or enforcing a rule, order, ordinance, or policy, that prevents an individual from accessing private property for the purpose of registering voters or communicating political messages.

H.B. 380 (Bucy) – Election Database: would, among other things, require: (1) the secretary of state to post on the secretary of state's public Internet website a database of election information,

including: (a) the name of the authority giving notice of an election; (b) each office to be filled at the election; (c) whether the office is elected at large or by district; and (d) the dates of the preceding and next election for the office; (2) a political subdivision other than a county, including a city, to provide the information described in (1), above, to the county in electronic format in January of each year; (3) the secretary of state to post on the secretary of state's Internet website a database containing information about officeholders and candidates for office including, among other positions, the office of mayor or a position on the city council, to include the following information: (a) name; (b) office title, including any district, place, or position and a notation that the person is an incumbent; (c) if the office is elected at large or by district; (d) the date of the previous and next election for the office; (e) public mailing address; (f) public telephone number, if available; (g) public e-mail address, if available; and (h) if the individual has filed as a write-in candidate; (4) a political subdivision, including a city, to provide information about a candidate or officeholder to the county in which the political subdivision is located, and the county shall forward that information to the secretary of state; and (5) the secretary of state to make the name, office, and party affiliation of the holder of a partisan elected office, the office of mayor, or a position on the governing body of a city or board of trustees of an independent school district available on the secretary of state's Internet website for as long as the person holds that office.

H.B. 386 (J. Gonzalez) – Voter Accommodation: would: (1) require an election officer to designate a parking space at each polling place for a voter who is physically unable to enter the polling place without personal assistance or likelihood of injuring the voter's health that is not a parking space designated specifically for persons with disabilities; (2) require the parking space to 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; and (3) provide, as an alternative to displaying a phone number under (2)(b), above, that a parking space may provide the voter with a button or intercom that the voter may use to request assistance from an election officer.

H.B. 397 (Goldman) – Illegal Voting: would increase the penalty for illegal voting to a felony of the second degree and the penalty for attempt to illegally vote to a state jail felony.

H.B. 426 (Schofield) – Primary Runoff Election Date: would set the primary runoff election date for a non-federal office as the second Tuesday in April following the general primary election.

H.B. 455 (Schofield) – General Election: would authorize a political subdivision other than a county or municipal utility district to change the date on which it holds its general election for officers to the November uniform election date.

H.B. 488 (Meza) – Voter Registration: would, among other things: (1) require the voter registrar to appoint at least one election officer serving each polling place as a regular deputy registrar; and (2) provide that a person may register to vote at the polling place located in the precinct of the person's residence if the person submits a voter registration application and presents adequate proof of identification on the day the person offers to vote.

H.B. 499 (Meza) – Countywide Polling Place: would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **S.B. 117** by **Menendez**.)

H.B. 502 (Meza) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bill is **S.B. 120** by **Menendez**.)

H.B. 549 (Swanson) – Election Marshals: would provide, among other things, that:

1. the secretary of state has authority to take appropriate action to protect against violations of the Election Code;
2. the secretary of state shall appoint a state election marshal who reports to the secretary of state;
3. the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region;
4. appointments described in Number 3, above: (a) must be made not later than the 60th day before the date early voting is scheduled to begin in an election held on a uniform election date in November or a primary election; and (b) shall be in effect for 90 days, and may be extended by the state election marshal if the election marshal is conducting an investigation;
5. the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region;
6. the chief election marshal for a region shall assign election marshals to each alleged violation of Election Code occurring in the region as described by Number 9, below;
7. to be qualified as a state election marshal or an election marshal, a person must: (a) be licensed as a peace officer by the Texas Commission on Law Enforcement; (b) be commissioned by the DPS; (c) and have received training in election law from the secretary of state;
8. an election marshal has the powers and duties of a state inspector and other powers and duties as assigned by law;
9. a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and

10. if an election marshal investigates an alleged violation and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

(Companion bill is **S.B. 220** by **Bettencourt**.)

H.B. 589 (Toth) – **Election Audits**: would provide, among other things, that:

1. a person who participated in an election as a candidate, county chair of a political party, a presiding judge, an alternate presiding judge or the head of a specific-purpose political committee that supports or opposes a ballot measure may issue a written request to the county clerk for an explanation and supporting documentation for: (a) an action taken by an election officer that appears to violate the Election Code; (b) irregularities in precinct results; or (c) inadequacy or irregularity of documentation required to be maintained the Election Code;
2. no later than the 20th day after a request is received under Number 1, above, the county clerk shall provide the requested explanation and any supporting documentation;
3. a requestor described under Number 1, above, who is not satisfied with the explanation and supporting documentation provided under Number 2, above, may issue a request for further explanation and supporting documentation to the county clerk;
4. not later than the 10th day after the date a request under Number 3, above, the county clerk shall provide the requested explanation and any supporting documentation;
5. a requestor who is not satisfied with the explanation and supporting documentation provided under Number 4, above, may issue a request to the secretary of state for an audit of the issue described under Number 1, above;
6. not later than the 30th day after the date the secretary of state receives a request for an audit under Number 5, above, the secretary must determine whether the information submitted by the requestor sufficiently explains the irregularity identified under Number 1, above, and if insufficient, the secretary shall immediately begin an audit of the identified irregularity at the expense of the county;
7. on conclusion of the audit, the secretary of state shall provide notice of the findings of the audit to the person who submitted the request for the audit and the county clerk, and shall provide special notice to a county clerk detailing any violation of the Election Code found during the conduct of an audit;
8. if the county clerk does not remedy a violation detailed in the special notice described in Number 7, above, by the 30th day after the date the clerk receives the notice, the secretary

of state shall assess a civil penalty of \$500 for each violation not remedied and, if possible, remedy the violation on behalf of the county clerk.

9. if the secretary of state is not able to remedy the violation on behalf of the county clerk, the secretary shall assess an additional penalty under Number 8, above, for each day the county clerk does not remedy the violation until the violation is remedied;
10. the secretary of state shall maintain a record of county clerks who have been assessed a civil penalty under Number (8), above, and shall publish the record on the secretary's website; and
11. the attorney general may bring an action to recover a civil penalty that has not been paid.

H.B. 676 (Bucy) – Provisional Voting: would provide that: (1) an election officer serving a polling place is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) a voter registration certificate may contain an explanation of the voter's rights or duties under the Election Code, including the procedure for voting after changing residence to another county; (3) the registrar shall cancel a voter's registration immediately on receipt of notice that a voter has voted a provisional ballot in another county; (4) after changing residence to another county, a person shall be accepted for provisional voting if: (a) the person would have been eligible to vote in the county of former residence on election day if still residing in that county; (b) the person is registered to vote in the county of former residence at the time the person: (i) offers to vote in the county of new residence; or (ii) submitted a voter registration application in the county of new residence; (c) voter registration for the person in the county of new residence is not effective on or before election day; and (d) the person offers to vote in the person's new county of residence: (a) at any polling place during the early voting period; (b) at any polling place on election day if the county participates in the countywide polling place program; or (c) at the polling place of the precinct in which the person resides on election day if the county does not participate in the countywide polling place program; (5) not later than the 30th day after the election, the voter registrar shall notify the voter registrar for the voter's former county of residence that the voter was accepted for voting; (6) a person may cast a provisional ballot if the person would be eligible to vote in the election, but for the requirement to be a registered voter, and executes a specific affidavit; and (7) a provisional ballot cast shall be accepted if its determined from the information in the affidavit or contained in public records that the person: (a) is registered to vote in the county of the person's former residence; (b) has not previously voted in the election; and (c) is eligible to vote in the election, but for the requirement to be a registered voter

H.B. 701 (J. Gonzalez) – Early Voting By Mail: would provide that: (1) the secretary of state shall implement a program to allow a person to complete an application for an early voting ballot by mail over the internet from the official website of the State of Texas; (2) the program must: (a) permit an applicant to electronically sign the application; (b) deliver a completed application to the early voting clerk for the election who serves the election precinct of the applicant's residence; and (c) permit an applicant to check the status of the applicant's application; and (3) the program implemented under (2), above, must require a person to provide the following information before allowing the person to complete an application for an early voting ballot by mail: (a) the person's name and voter registration number or registration address; (b) the voter's driver's license number

or personal identification card number issued by the Department of Public Safety; and (c) the last four digits of the person's social security number.

H.B. 705 (J. Gonzalez) – Election Lawsuits: would provide that a district attorney shall defend an action, including an action for writ of mandamus, brought against an election judge or election clerk that alleges that the judge or clerk violated a provision of the Election Code while acting in the judge's or clerk's official capacity in the county served by the district attorney.

H.B. 789 (Rogers) – Candidate Qualifications: would amend current state law by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, the person must have paid all child support due and payable by the person unless: (1) the person has made all due payments under a payment plan; or (2) the child support due is being contested or negotiated. (See **H.J.R. 54**, below.)

H.B. 824 (Buckley) – Uniform Election Date: would authorize the governing body of a political subdivision, other than a county or municipal utility district, that holds its general election for officers on the May uniform election date to, not later than December 31, 2024, change the date on which it holds its general election for officers to the November uniform election date.

H.B. 919 (Slaton) – Early Voting: would, among other things: (1) provide that the period for early voting by personal appearance begins on the eighth day before election day and continues through the day before election day; and (2) repeal the current law providing that for an election held on the uniform election date in May and any resulting runoff election, the period for early voting by personal appearance begins on the 12th day before election day and continues through the fourth day before election day.

H.B. 941 (Dutton) – Final Convictions: would provide that a person who is ineligible for public office because of a final felony conviction may be made eligible by being released from the disabilities resulting from the conviction only if the release is made by a court of competent jurisdiction.

H.B. 1003 (Shaheen) – Poll Watcher: would, among other things, provide that a person is ineligible to serve as a watcher in an election if the person has been finally convicted of a felony of the first or second degree.

H.B. 1020 (Reynolds) – Transgender Voters: would: (1) provide that an indication of gender on a form of identification used for voting that does not align with the gender expression or identity of the person seeking to vote does not invalidate the form of identification for the purpose of accepting a voter for voting; and (2) require each program, standard, or material for any election official training to include: (a) guidance for election workers to accept photo identification that may not align with the voter's presenting gender expression or identity; and (b) information about voters who identify as transgender and their historical disenfranchisement.

H.B. 1160 (Rogers) – Candidate Qualifications: would amend current state law by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, the person must have paid all child support due and payable by the

person unless: (1) the person has made all due payments under a payment plan; or (2) the child support due is being contested or negotiated. (See **H.J.R. 54**, below.)

H.B. 1180 (Paul) – Mail Ballot Applications: would, among other things, provide that: (1) an early voting by mail ballot application must be submitted not later than the close of regular business in the early voting clerk's office or 12 noon, whichever is later, on the 15th day before election day; (2) a carrier envelope containing a marked ballot voted by mail must: (a) arrive at the address on the carrier envelope not later than 5 p.m. on the day before election day; (b) be placed for delivery by mail or common or contract carrier on or before the fourth day before election day; and (c) bear a cancellation mark of a common or contract carrier indicating placement for delivery on or before the fourth day before election day; (3) a marked ballot voted by mail that arrives after the prescribed time in (2), above, shall be counted if: (a) the ballot was cast from an address outside the United States; (b) the carrier envelope was placed for delivery before the time the polls are required to be closed on election day; and (c) the ballot arrives at the address on the carrier envelope not later than the fifth day after the date of the election; (4) the early voting clerk shall post notice of each delivery of balloting materials for ballots voted by personal appearance that is to be made before the time for opening the polls on election day; (5) the notice described in (4), above, shall: (a) be posted at the main early voting polling place and on the internet website of the entity conducting the election for at least 24 hours immediately preceding the delivery; (b) include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice; (6) at least 24 hours before each delivery, the early voting clerk shall notify the county chair of each political party having a nominee on the ballot of the time the delivery is to be made, and such notice must be in writing, by email, or by telephone; (7) the jacket envelopes containing early voting ballots voted by mail may be delivered to the ballot voting board between the end of the 20th day before the last period for early voting by personal appearance and the closing of the polls on election day, or as soon as practicable, at the time or times specified by the presiding judge of the board; (8) the jacket envelopes of early voting ballots voted by mail that are hand delivered in person on election and received by the early voting clerk at or before 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board as soon as practicable on election day; (9) the jacket envelopes of early voting ballots voted by mail that are hand delivered in person on election day and received by the early voting clerk after 3 p.m. on election day shall be delivered to the presiding judge of the early voting ballot board at the time overseas mail in ballots are delivered to the presiding judge; (10) the early voting clerk shall post notice of each delivery of ballot materials described in (7), above, that is made before the time for opening the polls on election day, on the main early voting polling place and on the internet website of the entity conducting the election continuously for 24 hours immediately preceding the delivery; (11) the notice described in (10), above, must include the dates and times that the early voting ballot board will convene to review or count ballots, if that information is known at the time the early voting clerk posts the notice; (12) at least 24 hours before each delivery described in (7), above, the early voting clerk shall notify, in writing, by email, or by telephone, the county chair of each political party having a nominee on the ballot of the time the delivery is made; and (13) not later than 72 hours before the initial date and time that the central counting station begins operations in an election, the central counting station manager shall post notice of the dates and times that the station will operate in the election in the place used for posting notice of meetings of the governing body of and on the internet website of the entity conducting the elections.

H.B. 1208 (Guillen) – Voting: would, among other things, provide that: (1) a child under 18 years of age may accompany the child's parent to a voting station, and if the child is under 14 years of age, may read or mark the ballot at the direction of the parent; and (2) reading or marking a ballot under (1), above, does not constitute assisting a voter to vote.

H.B. 1210 (Guillen) – May Uniform Election Date: would change the May uniform election dates to either: (1) the first Tuesday in May in an odd-numbered year; or (2) the fourth Tuesday in May in an even-numbered year, for an election held by a political subdivision other than a county or ordered by the governor.

H.B. 1217 (Swanson) – Temporary Branch: would, among other things: (1) repeal the provision in current law that provides for the days and hours of voting by personal appearance at a temporary branch polling place in certain counties with a population of less than 100,000; and (2) provide for the days and hours of early voting by personal appearance at all temporary branch polling places.

H.B. 1269 (Cole) – Early Voting: would provide that: (1) the early voting ballot board shall verify and count provisional ballots not later than the 10th day after the date of an election; (2) the early voting ballot board shall determine whether to accept mail ballots not later than the 10th day after the date of an election; and (3) the presiding judge of the early voting ballot board shall deliver written notice of the reason for the rejection of a ballot to the voter at the residence address on the ballot application not later than the 10th day after the local canvass.

H.B. 1270 (Cole) – Voter Registration: would, among other things: (1) provide that the voter registrar shall appoint, as a regular deputy registrar, at least one election officer serving each polling place for early voting by personal appearance or on election day; (2) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application that complies with state law to an election officer at the polling place; and (b) presents as proof of identification a form of photo identification that complies with state law and states the person's current address, or another form of identification along with proof of residency that complies with state law; and (3) require persons voting under (2), above, to be processed separately at the polling place from persons who are voting under regular procedures.

H.B. 1272 (Cole) – Early Voting: would provide that the period for early voting by personal appearance would begin on the first business day after the last day a voter registration becomes effective.

H.B. 1273 (Cole) – Early Voting Hours: would, among other things, provide that: (1) the voter registrar's office shall remain open for providing voter registration information during the hours that the main early voting polling place is open for voting; (2) the authority ordering an election, including city council, may order early voting by personal appearance at the main early voting polling place to be conducted: (a) on one or more Saturdays or Sundays during the early voting period; or (b) during an extended early voting period continuing for any number of consecutive days up to and including the day before election day; (3) the authority authorized to order extended early voting under (2), above, that orders the voting during an extended early voting period shall

order personal appearance voting at the main early voting polling place to be conducted for at least 12 hours on any weekday or Saturday and for at least five hours on any Sunday of the extended early voting period; (4) the election order and the election notice must state the dates and hours that extended voting described in (2), above, is ordered to be conducted; (5) the early voting clerk shall post notice for each election stating the dates and hours that extended voting described in (2), above, is ordered to be conducted; (6) the authority authorized under (2), above, to order extended early voting may also order extended early voting to be conducted at any one or more of the temporary branch polling places; and (7) not later than the time of the local canvass, the early voting clerk shall deliver to the local canvassing authority a report of the total number of early voting votes cast during the period of early voting by personal appearance for each candidate or measure by election precinct.

H.B. 1299 (Noble) – Mail in Ballots: would provide 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.

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

H.J.R. 54 (Rogers) – State Candidate Qualifications: would, among other things, amend the Texas Constitution by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed, to certain state offices, the person must have paid all child support due and payable by the person unless: (a) the person has made all due payments under a payment plan; or (b) the child support due is being contested or negotiated. (See **H.B. 789**, above.)

H.J.R. 70 (Rogers) – State Candidate Qualifications: would, among other things, amend the Texas Constitution by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed, to the office of State Senator or Representative, or to be a candidate for or elected to the office of Governor, the person must have paid all child support due and payable by the person unless: (a) the person has made all due payments under a payment plan; or (b) the child support due is being contested or negotiated. (See **H.B. 789** and **H.B. 1160**, above.)

S.B. 93 (Johnson) – Voter Registration: would, among other things: (1) provide that an election officer serving a polling place for early voting by personal appearance is a deputy voter registrar and has the same authority as a regular deputy registrar; (2) require two voter registrars to be present at each polling place while the polls are open; (3) provide that a person who would be eligible to vote in an election but for the requirement to be a registered voter must be accepted during voting by personal appearance for voting the ballot for the precinct of the person's residence as shown by the identification presented if the person: (a) submits a voter registration application

that complies with state law to an election officer at the polling place; and (b) presents as proof of residence a form of photo identification that complies with state law and states the person's current address; (4) require the election officer to return the original proof of residence to the voter; and (5) require a person voting under (3), above, to vote a provisional ballot in accordance with state law, except that the person is not required to submit an affidavit stating the person is a registered voter and is eligible to vote in the election.

S.B. 116 (Menéndez) – Voter Identification: would, among other things, expand the list of acceptable forms of identification for the purposes of voting and allow a voter to present two forms of certain types of identification from the expanded list as proof of identification, so long as one form of identification contains the name and address of the voter.

S.B. 117 (Menéndez) – Countywide Polling Place: would authorize the secretary of state to select any county to participate in the countywide polling place program. (Companion bill is **H.B. 499** by **Meza**.)

S.B. 120 (Menéndez) – Early Voting by Mail: would, among many other things, authorize early voting by mail for any qualified voter and provide for implementing procedures. (Companion bills is **H.B. 67** by **Ortega**.)

S.B. 220 (Bettencourt) – Election Marshals: would provide, among other things, that:

1. the secretary of state has authority to take appropriate action to protect against violations of the Election Code;
2. the secretary of state shall appoint a state election marshal who reports to the secretary of state;
3. the state election marshal shall appoint election marshals for each Department of Public Safety (DPS) region such that there is one election marshal for each 1,000,000 people who reside in the region;
4. appointments described in Number 3, above: (a) must be made not later than the 60th day before the date early voting is scheduled to begin in an election held on a uniform election date in November or a primary election; and (b) shall be in effect for 90 days, and may be extended by the state election marshal if the election marshal is conducting an investigation;
5. the state election marshal shall designate an election marshal in each DPS region as the chief election marshal for the region;
6. the chief election marshal for a region shall assign election marshals to each alleged violation of Election Code occurring in the region as described by Number 9, below;
7. to be qualified as a state election marshal or an election marshal, a person must: (a) be licensed as a peace officer by the Texas Commission on Law Enforcement; (b) be

commissioned by the DPS; (c) and have received training in election law from the secretary of state;

8. an election marshal has the powers and duties of a state inspector and other powers and duties as assigned by law;
9. a state inspector or election marshal shall promptly investigate an alleged violation of the Election Code that is: (a) supported by an affidavit or unsworn declaration; and (b) submitted to the state inspector or chief election marshal, and if submitted to the chief election marshal, assigned to the election marshal; and
10. if an election marshal investigates an alleged violation and finds probable cause exists that a violation is occurring or is likely to occur, the election marshal: (a) shall exercise all lawful means to prevent the violation from continuing or occurring; (b) may seek such orders, processes, or warrants from a court that the election marshal finds necessary to prevent the violation from continuing or occurring; and (c) may also file appropriate criminal charges.

(Companion bill is **H.B. 549** by Swanson.)

S.B. 221 (Bettencourt) – Recall Elections, Ballot Propositions, and Petitions: with regard to a city's ballot proposition language, the bill would:

1. require that a ballot proposition substantially submit a question with such definiteness and certainty that the voters are not misled;
2. provide that if a court orders a new election to be held after a contested election is declared void, a person may seek from the court a writ of mandamus to compel the governing body of a city to comply with the requirement that a ballot proposition substantially submit the question with such definiteness and certainty that the voters are not misled;
3. allow a religious organization to circulate or submit a petition in connection with a recall election;
4. provide that, not later than the seventh day after the date that a home rule city publishes ballot proposition language proposing an amendment to the city charter or another city law as requested by petition, a registered voter eligible to vote in the election may submit the proposition for review by the secretary of state (SOS);
5. require the SOS to review the proposition not later than the seventh day after the date the SOS receives the submission to determine whether the proposition is misleading or inaccurate;
6. provide that if the SOS determines that the proposition is misleading or inaccurate, the city shall draft a proposition to cure the defect and give notice of the new proposition;

7. authorize a proposition drafted by a city under Number 6, above, to be submitted to the SOS under the process outlined in Number 4, above;
8. provide that if the SOS determines that the city has on its third attempt drafted a proposition that is misleading or inaccurate, the SOS shall draft the ballot proposition;
9. require, in an action in a district court seeking a writ of mandamus to compel the city to comply with the provision described in Number 1, above, the court to make a determination without delay and authorize the court to: (a) order the city to use ballot proposition language drafted by the court; and (b) award a plaintiff or relator who substantially prevails reasonable attorney's fees, expenses, and court costs;
10. waive and abolish governmental immunity to suit to the extent of the liability created by Number 9(b), above;
11. provide that, following a final judgment that a proposition failed to comply with the provision described in Number 1, above, a city must submit to the SOS any proposition to be voted on at any election held by the city before the fourth anniversary of the court's finding; and
12. require a city to pay fair market value for all legal services relating to a proceeding regarding ballot proposition language enforcement.

In addition, with regard to petitions, the bill would:

1. provide that the illegibility of a signature on a petition submitted to a home-rule city is not a valid basis for invalidating the signature if the information provided with the signature legibly provides enough information to demonstrate that the signer is eligible to sign the petition and signed the petition on or after the 180th day before the date the petition was filed;
2. require the SOS to prescribe the form, content, and procedure for a petition and prohibit a home-rule city that uses a form that is different than the SOS form from invalidating a petition because it doesn't contain information that the petition form failed to provide for or required to be provided;
3. provide that a person who circulates or submits a petition is not required to use a petition form prescribed by the SOS or a home-rule city, but that a petition that does not use an officially prescribed form must contain the substantial elements required to be provided on the officially prescribed form;
4. require that the city secretary determine the validity of a petition, including verifying the petition signatures, not later than the 30th day after the date the city receives the petition;
5. prohibit a city from restricting who may collect petition signatures;

6. provide that the provisions described by Numbers 4 and 5, above, preempt home-rule charter procedures requiring the city council to hold an election on receipt of a petition; and
7. in regard to a charter amendment election petition: (a) provide that at least five percent of the registered voters of the city on the date of the most recent election held in the city or 20,000, whichever number is smaller, may submit a petition; and (b) require the notice of election include a substantial copy of the proposed amendment in which language sought to be deleted by the amendment is bracketed and stricken through and language sought to be added by the amendment is underlined.

S.B. 292 (Johnson) – Voted Ballots: would provide that voted ballots are confidential and not subject to disclosure under the Public Information Act until after expiration of the statutory preservation period.

S.B. 293 (Johnson) – Elections: would: (1) create a criminal offense for a person who: (a) knowingly threatens an election official, a family member of an election official, or an individual with whom the election official has a dating relationship; (b) directly or indirectly uses force, coercion, violence, restraint, damage, harm or loss, against another with the intent to influence an election official; (c) interferes with, hinders, or prevents an election official's administration of an election; (d) knowingly and without consent disseminates personal information about an election official or a family member of an election official, and that the person knows or reasonably should know, poses an imminent and serious threat to the election official's or family member's safety; (e) intentionally and physically obstructs an election official's access to or egress from any place where an election official is performing their statutory or other official duties related to the administration of an election; or (f) intentionally conspires with one or more persons to violate the above-listed offenses; and (2) except information relating to a current election official's home address, home telephone number, emergency contact information, or social security number, or reveals whether a current election official has family members, from the Public Information Act.

S.B. 310 (Hall) – Public Health Directives: would provide that: (1) during a state of disaster declared by the governor, if the governor issues a public health directive as the governor determines necessary to address the disaster, the directive must not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement; and (2) if the Department of State Health Services or a health authority issues a public health directive as the department or health authority determines necessary to address an outbreak of a communicable disease or public health disaster, the directive may not be more stringent than any public health directive for undocumented immigrants issued by United States Immigration and Customs Enforcement.

S.B. 359 (Eckhardt) - Preferential Voting: would, among other things, provide that: (1) the governing body of a city or school district may authorize, by majority vote, the use of a preferential voting system for the election of an officer of the city or school district; (2) the system must allow a voter to rank each candidate for an office through a numerical designation from the candidate the voter favors most to the candidate the voter favors least; and (3) a runoff election shall not be held for an office to which preferential voting applies. (Companion bill is **H.B. 259** by Goodwin.)

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

S.B. 397 (Hall) – Voting Machines: would provide that immediately after closing the polls for voting on the last day of early voting by personal appearance, the presiding election judge or alternate election judge shall print the tape to show the number of votes cast for each candidate or ballot measure for each voting machine.

S.B. 398 (Hall) – Federal Elections: would, among other things, provide that: (1) a primary or general election for a federal office, other than the office of the president or vice president of the United States, or a resulting runoff election (a “federal election”) is a separate election from any other election in the state; (2) a federal election may not list on the federal ballot any proposition or election for state or county office; (3) to the extent feasible, a federal election and an election that is not a federal election shall be held separately and concurrently using the same precincts and polling locations; and (4) the secretary of state shall adopt rules to enact the provisions of (1)-(3), above, and the rules adopted must reduce voter disruption and confusion to the greatest extent possible, including rules requiring use of the same area in which voters are being accepted for voting and the same voting stations for state and federal elections. (Companion bill is **H.B. 294** by Schofield.)

Emergency Management

H.B. 107 (Schaefer) – Violations of Emergency Management Plan: would repeal provisions of the Texas Disaster Act, which provide that a state, local, or interjurisdictional emergency management plan may: (1) provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense; and (2) prescribe a punishment for the offense but may not prescribe a fine that exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

H.B. 119 (Schaefer) – Judicial Review of Disaster Orders: would provide: (1) a person has standing to file suit in a Texas court to challenge a provision of an order issued by: (a) the governor or the presiding officer of the governing body of a political subdivision, including a city, that relates to a declared state of disaster if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the federal constitution or by a state or federal law; and (b) by the governor, the Health and Human Services Commissioner, the Department of State Health Services, or a health authority that relates to a declared public health disaster or is imposed as a control measure to prevent the spread of a communicable disease if the provision in the order is alleged to cause injury to the person or burden a right of the person that is protected by the state or federal constitution or by a state or federal law; and (2) the issuer of the order described in (1), above, has the burden of proving that the challenged provision in the order: (a) mitigates a threat to the public caused by the disaster or communicable disease, as applicable; and (b) is the least restrictive means of mitigating the threat.

H.B. 154 (Schaefer) – Face Coverings: would provide that the governor or a local official may not issue an executive order, proclamation, or regulation, as applicable, that requires a person to wear a mask or personal protective equipment unless expressly provided by a statute.

H.B. 448 (Schofield) – Disaster Order Compensation Damages: would provide, among other things, that: (1) a business owner is entitled to compensation from a governmental entity, including a city, for losses caused to the owner's business by an order, ordinance, or other regulation by a governmental entity, including an executive or local order issued during a declared state of disaster that: (a) closes a business permanently or temporarily; or (b) effectively closes a business by: (i) limiting the business's operations to the extent that the business owner cannot effectively maintain the business; or (ii) ordering customers not to patronize the business; (2) a business owner is not entitled to compensation under (1), above, if the governmental entity can demonstrate that the primary reason for the governmental action was: (a) a judicial finding that the business: (i) was a nuisance under the law; or (ii) violated other law; or (b) a finding that the business or owner failed to: (i) acquire or maintain a license required by the governmental entity for the business; (ii) file or maintain records required by the secretary of state; or (iii) pay taxes; and (3) sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of liability under (1), above.

H.B. 558 (Raymond) – Executive Orders: would provide that an executive order, proclamation, or regulation issued by the governor during a declared state of disaster that restricts the operation of or the hours of operation for a business that sells alcoholic beverages may not include a federal tax-exempt organization that benefits veterans of the United States armed forces.

H.B. 624 (Harris) – Emergency Medical Transport by Firefighters: would provide 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 protocols 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 emergency medical services and trauma care system shall develop the medical treatment and transport protocols necessary for the implementation of (1)(b), above, for the area covered by the system and provide notice of the protocols to the emergency medical providers and fire fighters in that area.

H.B. 860 (Gates) – Emergency Repairs to Residential Buildings: provides, among other things that: (1) a city shall allow an owner of a damaged residential building to immediately begin to repair to the building if: (a) the owner applies for an emergency permit; and (b) the repairs are necessary to protect public safety, prevent further damage to the building, or protect the overall structural integrity of the building; (2) an owner of a residential building may apply for an emergency permit to conduct repairs by filing an application not later than the third business day after the later of the date the repairs commence or the date the city is able to accept the application; (3) the governor may not exempt a city from (1), above, by an executive order related to a declared disaster; (4) an owner of a residential building who is prohibited from conducting repairs by a city in violation of (1), above, may bring an action against the city for damages, including litigation

costs and reasonable attorney's fees; and (5) governmental immunity to suit and from liability is waived.

H.B. 911 (Harrison) – Disaster Orders: would, among other things, provide that: (1) a state or local official may issue recommendations and nonbinding guidelines to assist with a state of disaster and may coordinate public and private resources to prevent or respond to the disaster; (2) notwithstanding any other law, an order issued by the governor or a state or local official that regulates or infringes on the rights of any private person must be: (a) narrowly tailored to serve a compelling public health or safety purpose; and (b) limited in duration, applicability, and scope to reduce any infringement on individual liberty; (3) district and appellate courts have jurisdiction to hear cases challenging a state or local disaster order and shall expedite hearings for the cases; (4) a court may invalidate or enjoin a disaster order or the application of a disaster order that is not narrowly tailored to serve a compelling public health or safety purpose because of the order's inequality in application to or impact on groups, situations, or circumstances; (5) only the governor may issue an order that infringes on a protected constitutional right in a non-trivial manner, including but not limited to: (a) the rights to travel, work, assemble, and speak; (b) the freedom of religious exercise; (c) the right to contract without state interference; (d) property rights; (e) the freedom from unreasonable searches and seizures; and (f) the freedom to purchase lawfully acquired firearms and ammunition; (6) an order in (5), above, expires on the 30th day after the date the governor issues the order unless the governor or legislature terminates the order on an earlier date or the legislature extends the order on or before the expiration date; and (7) the governor may only suspend state agency orders and rules (not statutory requirements) during a state of disaster.

H.B. 1023 (Harrison) – Disaster Declarations: would provide that during a federally declared public health emergency, a clinical laboratory is considered a state agency for purposes of regulation by the United States Food and Drug Administration when the laboratory is performing a laboratory developed test on a pathogen or agent that is the basis for the emergency declaration.

H.B. 1078 (Martinez) – Disaster Identification System: would, among other things, provide that: (1) the Texas Division of Emergency Management may include in its state emergency plan provisions for the use of a disaster identification system; (2) in an area subject to a state of disaster declaration, a person may elect to participate in a disaster identification system activated for that area; (3) the disaster identification system shall authorize the use of a device that is capable of displaying a flashing light and continuous light in either the color white or the colors blue, green, red, and yellow to communicate with disaster relief personnel; and (4) an executive order or proclamation declaring a state of disaster activates for the area subject to the declaration the disaster identification system described above.

S.B. 97 (Johnson) – Emergency Executive Orders: would provide that: (1) the governor shall limit an executive order, proclamation, or regulation that is issued, amended, or rescinded to address only the specific conditions or requirements of the disaster that is the subject of the executive order, proclamation, or regulation under a state of disaster; and (2) not later than Monday of each week during a declared disaster, the governor and the Texas Department of Emergency Management (TDEM) shall publish on the governor's website and TDEM's disaster web portal a

list of all executive orders, proclamations, and regulations issued by the governor during the previous seven-day period in chronological order.

S.B. 98 (Johnson) – Disaster Declaration: would, among other things, provide that if the Texas legislature is convened in a regular or special session during a state of disaster, only the legislature by law may renew the state of disaster, and not the governor.

S.B. 99 (Johnson) – Disaster Declaration: would, among other things: (1) require the legislature to appoint a joint disaster oversight committee; and (2) provide that if the governor determines a state of disaster requires renewal for more than 90 days from the date of the initial disaster declaration, the governor may renew the state of disaster only if: (a) the joint disaster oversight committee conducts a public hearing on renewal of the state of disaster; (b) the legislature convened in a regular or special session approves the renewal by a law that states the maximum number of days the state of disaster may continue following renewal; and (c) the governor's renewal of the state of disaster expires not later than the date set by the legislature under (b), above.

S.B. 100 (Johnson) – Disaster Declaration: would eliminate the governor's responsibility as commander in chief of state agencies, boards, and commissions having emergency responsibilities during the recovery period following a state of disaster.

S.B. 306 (Hall) – Quarantine Measures: would, among other things, provide that: (1) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, a health authority must: (a) provide notice of the control measures to the individual or group of individuals; and (b) provide to the individual or group of individuals an opportunity to demonstrate that implementing the control measures is unnecessary; (2) a health authority may not order an individual or a group of individuals to implement control measures described by (1), above, for a period that exceeds five days unless the health authority obtains from a district court of the county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing the health authority to order the individual or group of individuals to implement the control measures; and (3) in ordering an individual or group of individuals to implement control measures described by (1), above, a health authority to the greatest extent possible must: (a) use the least restrictive means available; (b) allow an individual to isolate or quarantine with other individuals subject to the same court order under (2), above; (c) if the individual subject to the control measure is a minor, allow the individual to isolate or quarantine with the individual's parent, legal guardian, or managing conservator; and (d) allow an individual to isolate or quarantine in the individual's home or with another family member or a friend.

S.B. 307 (Hall) – Federally Declared Public Health Emergencies: would provide that: (1) a city or its employees may not enforce or provide assistance to a federal agency or official with respect to enforcing a federal statute, order, rule, or regulation that: (a) is enacted or issued in response to a federally declared public health emergency; and (b) imposes a prohibition, restriction, or other regulation that does not exist under state law; (2) a city is ineligible to receive state money from the general revenue fund or a grant program if it through consistent actions or a contract adopts a rule, order, ordinance, or policy under which the city enforces or assists with the enforcement of a federal statute, order, rule or regulation described in (1), above; (3) an individual residing in the

city may file a complaint with the attorney general if the individual offers evidence to support an allegation in (1), above; (4) if the attorney general determines that a complaint filed under (3), above, is valid, the attorney general may file a petition for a writ of mandamus or apply for other equitable relief (including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs) in a district court in Travis County or in a county in which the city is located; (5) an appeal of an action brought under (4), above, shall be accelerated and an appellate court shall render its final order or judgment with the least possible delay; and (6) the attorney general shall defend a city in an action by the federal government for an act or omission consistent with this law.

Municipal Courts

H.B. 303 (Bernal) – Municipal Court Costs: would provide that: (1) the credit for time served in jail shall be applied to the amount of the fines and costs at a rate of not less than \$100 for each period served that is not less than eight hours or more than 24 hours, as specified by the justice or judge; (2) a justice or municipal court may not order the confinement of a person, including a child, for the failure to pay all or any part of a fine or costs imposed for the conviction of an offense punishable by fine only or contempt of a judgment entered for the conviction of an offense punishable by fine only; and (3) subject to (2), above, punishment for contempt of a justice court or municipal court is a fine of not more than \$100 or confinement in the county or municipal jail for not more than three days, or both such a fine and confinement in jail.

H.B. 734 (Vasut) – Community Service: would increase the amount of fines or costs considered to have been discharged for each eight hours of community service performed by a defendant from \$100 to \$150.

S.B. 84 (Johnson) – Deferred Adjudication: would provide that a person who has been placed under a custodial or noncustodial arrest for an offense is entitled to the expunction of all records and files related to the arrest in certain circumstances, including if the person is placed on deferred adjudication community supervision. (Companion bill is **H.B. 394** by **Collier**.)

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

S.B. 338 (Hinojosa) – Hypnotically Induced Testimony: would provide that the testimony 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.

S.B. 352 (Zaffirini) – Municipal Court Fines and Costs: would: (1) increase the credit against a fine for time served in jail or laboring in a county jail industries program, workhouse, farm, or improvements and maintenance projects from \$100 to \$150 per day; (2) require a justice or judge to apply any time the defendant was confined in jail or prison while awaiting trial to the defendant's

finest and costs; and (3) increase the amount of fines or costs considered to have been discharged for each eight hours of community service performed by a defendant from \$100 to \$150.

S.B. 372 (Huffman) – Confidentiality of Non-Judicial Work Product: would: (1) create 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, 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) establish certain defenses to prosecution for violations.

S.B. 381 (Zaffirini) – Municipal Court Recordkeeping: would provide that a court officer who has been provided a computerized case and financial management system by the county must maintain the fee record for all costs charged for services rendered in a criminal action or proceeding in the county-provided system and provide the computerized fee record in hard-copy form to the person charged with the cost.

S.B. 460 (Zaffirini) – Extending Community Supervision: would, among other things, provide that: (1) in a misdemeanor case, a judge may only extend the period of community supervision if: (a) the defendant fails to pay a previously assessed restitution amount; and (b) extending the supervision period will increase the likelihood that the defendant will fully pay the restitution amount; (2) in a felony or misdemeanor case, a judge may only extend the period of community supervision based on the defendant's failure to pay a previously assessed fine or cost, if after a hearing, the judge determines that the defendant has the financial resources to pay the fine or cost, and extending the supervision period will increase the likelihood that the defendant will fully pay the fine or cost; and (3) the total length of an extension of the period of community supervision for a misdemeanor under (2), above, may not exceed an additional two years beyond the applicable limit of three years.

Open Government

H.B. 30 (Moody) – Access to Law Enforcement Records: would provide, among other things, that:

1. the office of the attorney general shall establish and maintain, on its internet website, a publicly accessible database of officer-involved injury or death reports that are required to be submitted to the office;
2. the following information is public information under the Public Information Act (PIA):
 - (a) basic information about a criminal investigation; and (b) basic information contained in: (i) a search warrant; (ii) testimony, an affidavit, or other information used to support a finding of probable cause to execute a search warrant; (iii) an arrest warrant, an arrest report, an incident report, or an accident report; (iv) a mug shot; (v) a report relating to an officer-involved shooting; (vi) a report relating to an incident involving the discharge of a firearm by a peace officer, including the unintentional discharge of a firearm in the course of duty or in response to a call, regardless of whether a person is hit by gunfire or an allegation of misconduct is made; (vii) a report relating to a peace officer's use of force

resulting in death or serious bodily injury; or (viii) a report related to the death or serious bodily injury of an arrestee or detainee while the person is in the custodial care of a law enforcement agency;

3. law enforcement information that deals with the detection, investigation or prosecution of a crime that does not result in conviction or deferred adjudication, or an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution, that does not result in conviction or deferred adjudication is public information if: (a) a person who is a subject of the information, record, or notation, other than a peace officer, is deceased or incapacitated; or (b) each person who is a subject of the information, record, or notation consents to the release of the information, record, or notation;
4. a letter, memorandum, or document regarding a peace officer's alleged misconduct in the peace officer's departmental civil service personnel file (commonly referred to as the "g" file) is public information if: (a) a person who is a subject of the letter, memorandum, or document, other than the peace officer, is deceased or incapacitated; or (b) each person who is a subject of the letter, memorandum, or document consents to the release of the letter, memorandum, or document;
5. a law enforcement agency shall, with exceptions, make public any video recording in the agency's possession involving a critical incident, including an officer-involved shooting, use of force that results in death or serious bodily injury, or a custodial death, not later than the 60th day after the date of the critical incident;
6. a fire or police department in a civil service city may maintain a "g" file to store sensitive personal information, including the individual's home address, home telephone number, personal cellular telephone number, emergency contact information, social security number, personal financial information, information that reveals whether the person has family members, and any other personal information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;
7. a fire or police department in a civil service city shall disclose law enforcement disciplinary record information reasonably necessary to identify an allegation against a fire fighter or police officer that resulted in a sustained finding of misconduct, including: (a) any record created in furtherance of a law enforcement disciplinary proceeding; (b) each complaint, allegation, and charge against the employee; (c) the name of the employee complained of or charged; (d) the transcript of any disciplinary trial or hearing, including any exhibit introduced at the trial or hearing; (e) the disposition of any disciplinary proceeding; and (f) the final written opinion or memorandum supporting the disposition and discipline imposed, including the agency's: (i) complete factual findings; and (ii) analysis of the conduct and appropriate discipline of the covered employee;
8. a written request for information recorded by a body worn camera shall be treated as a request for public information under the PIA; and

9. provisions of current law related to withholding from release a portion of a body worn camera recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the person who is the subject of that portion of the recording or, if the person is deceased, from the person's authorized representative are repealed.

H.B. 96 (M. Gonzalez) – Confidential Appraisal Records: would add a customs and border protection officer or border patrol agent of the United States Customs and Border Protection to the list of individuals who may choose to restrict public access to their home address that is contained in appraisal records.

H.B. 576 (Raymond) – Autopsy Records: would provide that a photograph or x-ray of a body taken during an autopsy may be disclosed to the next of kin or legal representative of the deceased, subject to a discretionary exception under the Public Information Act.

H.B. 613 (Vasut) – Public Information Act Charges: would provide that a governmental body may not impose a charge for providing a copy of public information if: (1) the information is a political or campaign report required to be filed with the governmental body, unless all of those reports filed with the governmental body during the preceding three years are available to the public on the governmental body's internet website; (2) the governmental body fails to disclose the information on or before the 10th business day after the date of receiving the requestor's written request, unless the governmental body: (a) sends a written request for clarification to the requestor; or (b) requests a decision from the attorney general; or (3) the governmental body requests a decision from the attorney general and: (a) the governmental body fails to provide to the requestor: (i) a written statement that the governmental body wishes to withhold the requested information and has requested a decision from the attorney general; and (ii) a copy of the written request for a decision; or (b) the attorney general determines the requested information must be disclosed.

H.B. 1327 (Morales) – Dead Suspect Exception: would provide that the following information is not protected from disclosure under the Texas Public Information Act if the each person who is the alleged or suspected perpetrator of the crime being detected, investigated or prosecuted by law enforcement is deceased: (1) information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of a crime; and (2) an internal record or notation of a law enforcement agency or prosecutor that is maintained for internal use in matters relating to law enforcement or prosecution.

S.B. 42 (Zaffirini) – Open Meetings: would, among other things:

1. require a governmental body, including city council, to ensure that members of the public are able to listen to, and if applicable, speak by telephone at an open meeting of the governmental body at which at least a majority of the members of the body participate by a method other than by appearing in person at the meeting's physical location, including by telephone conference call or videoconference call;

2. require a governmental body that holds an open meeting described in Number 1, above, to:
(a) make the open meeting audible to the public by telephone and each location described by Number 3(b), below; (b) if the meeting is broadcast live over the internet or held wholly or partly by videoconference call, provide public access to both audiovisual and audio-only feeds of the open meeting over the internet or by using a free, widely available computer application; and (c) if applicable, allow members of the public to address the governmental body regarding an item on an agenda for the meeting before or during the body's consideration of the item: (i) by telephone; and (ii) by videoconference call if the meeting is held wholly or partly by videoconference call;
3. require the notice of an open meeting described in Number 1, above, to: (a) comply with the requirements of the Open Meetings Act; (b) list each physical location where a member of the public may observe and participate in the meeting, including: (i) any location that is open to the public where a member of the governmental body intends to participate in the meeting; and (ii) any facility provided by the governmental body for a member of the public to observe or speak at the meeting; (c) include a toll-free telephone number that members of the public may use to hear and, if applicable, speak at the meeting; (d) include access information for any audiovisual or audio-only feeds required under Number 2(b), above; and (e) include instructions for a member of the public to speak at the meeting: (i) from a remote location; or (ii) while physically present at a location described by (b), above;
4. require that an open meeting described in Number 1, above, be recorded, and except as otherwise provided by law, provide that the recording shall be made available to the public not later than 24 hours after the adjourning of the meeting;
5. authorize a person in attendance at an open meeting of a governmental body to stream live video and audio of all or any part of the meeting over the Internet;
6. provide that a governmental body may adopt reasonable rules relating to the location of livestreaming equipment and the manner in which the livestreaming is conducted;
7. require a meeting notice to include: (a) an agenda of the specific subjects to be considered in the open meeting so that the public is aware of the subjects for public deliberation; and (b) to the extent foreseeable at the time the notice is posted, the subjects to be considered in a closed meeting;
8. prohibit a governmental body from conducting a closed meeting on a subject not included in the notice under Number 7, above, unless the governmental body determines by official action during the open meeting for which the notice was posted that the necessity of considering the subject was not reasonably foreseeable at the time the notice was posted; and
9. require a governmental body to broadcast an open meeting over the Internet, or hold an open meeting by telephone conference call or videoconference call, if the physical location of the meeting is not accessible to members of the public or is not large enough to

accommodate all persons seeking to attend the meeting in person, including if the location has reduced capacity as the result of an emergency or urgent public necessity.

S.B. 43 (Zaffirini) – Public Information: would provide, among other things, that: (1) for purposes of the public information act, the following days are not considered business days of a governmental body, including a city: (a) a Saturday or Sunday; (b) a national holiday; (c) a state holiday; (d) the days on which Rosh Hashanah, Yom Kippur, or Good Friday falls (“optional holidays”) if the officer for public information of the governmental body observes the optional holiday; and (e) a day designated by the governmental body on which the body’s administrative offices are closed or operating with minimum staffing; (2) the designation described in (1)(e), above, for a governmental body other than an independent school district must be made by the executive director or other chief administrative officer; (3) a governmental body may designate, as described in (1)(e), above, not more than 10 days as nonbusiness days each calendar year; and (4) a governmental body shall make a good faith effort to post advance notice of the nonbusiness days designated under (1)(e), above, on the governmental body’s website.

S.B. 44 (Zaffirini) – Public Information: would provide that: (1) if a governmental body determines it has no information responsive to a request for information, the officer for public information shall notify the requestor in writing not later than the 10th business day after the date the request is received; (2) if a governmental body determines requested information is subject to a previous determination that permits or requires the governmental body to withhold the requested information, the officer for public information shall, not later than the 10th business day after the date the request is received notify the requestor in writing that the information is being withheld and identify in the notice the specific previous determination the governmental body is relying on to withhold the information; (3) if a governmental body fails to comply with the requirements in (1) or (2), above, the requestor may send a written complaint to the attorney general; and (4) if the attorney general determines the governmental body failed to comply with (1) or (2), above, the attorney general must require the governmental body to complete open records training, the governmental body may not assess costs to the requestor for producing information in response to the request, and the governmental body must release the requested information unless there is a compelling reason to withhold it.

S.B. 45 (Zaffirini) – Electronic Public Information: would, among other things:

1. expand the definition of “public information” under the Public Information Act (PIA) to include a data dictionary or other indicia of the type or category of information held in the applicable field of a database, other than metadata that directly implicates database security;
2. provide that a governmental body’s use of an electronic recordkeeping system may not erode the public’s right of access to public information under the PIA;
3. provide that the contents of public information that is produced and maintained in an electronic spreadsheet or database that is searchable or sortable (“electronic public information”), including any electronic communication created, received or maintained on any device in connection with the transaction of official business and the

information described in Number 1, above, is significant and not merely used as a tool for the maintenance, manipulation, or protection of property;

4. provide that, if a request for public information applies to electronic public information and the requestor requests the information in a searchable or sortable format, the governmental body shall provide an electronic copy of the requested electronic public information in the searchable or sortable format requested using computer software the governmental body has in its possession, but if the requestor prefers, the governmental body shall provide a copy of electronic public information in the form of a paper printout;
5. provide that a governmental body may not refuse to provide a copy of electronic public information on the grounds that exporting the information or redacting excepted information will require inputting range, search, filter, report parameters, or similar commands or instructions into the governmental body's computer system if the commands or instructions can be executed with computer software used by the governmental body in the ordinary course of business to access, support, or otherwise manage the information;
6. provide that a requestor may request that a copy of electronic public information be provided in the format in which the information is maintained by the governmental body or in a standard export format such as a flat file electronic American Standard Code for Information Interchange if the governmental body's computer programs support exporting the information in that format, and the governmental body shall provide the copy in the requested format or in another format acceptable to the requestor;
7. provide that a copy of information requested under Number 6, above, shall be provided on suitable electronic media;
8. provide that, if the electronic public information is maintained by a governmental body in a format that is: (a) searchable but not sortable, the governmental body shall provide an electronic copy of the information in a searchable format; or (b) sortable, the governmental body shall provide an electronic copy of the information in a sortable format;
9. provide that a governmental body shall use reasonable efforts to ensure that a contract entered into by the body for the creation and maintenance of electronic public information does not impair the public's ability to inspect or copy the information or make the information more difficult for the public to inspect or copy than records maintained by the governmental body;
10. provide that the provisions of this bill apply to public information for which a third party is the custodian for the governmental body;

11. provide that a confidentiality provision or exception from required disclosure under the PIA applies to electronic public information;
12. provide that the cost rules under the PIA apply to an electronic copy or paper printout of electronic public information; and
13. repeal the provision under the PIA related to responding to requests for information that require programming or manipulation of data.

S.B. 46 (Zaffirini) – Dates of Birth: would provide that a governmental body, including a city, may not withhold a person’s date of birth: (1) in correctional or prosecutorial records, including arrest, charge, indictment, conviction and deferred adjudication, and inmate information; or (2) in applications filed by candidates for elective office.

S.B. 185 (Miles) – Official Oppression: would provide, among other things, that: (1) a department of a political subdivision employing a police officer against whom is filed a complaint alleging conduct constituting official oppression shall: (a) retain the complaint until at least the fifth anniversary of the date the police officer’s employment with the political subdivision ends; and (b) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed; (2) a complaint or abstract described by (1), above, is public information and is not excepted from required disclosure under the Texas Public Information Act (TPIA) law enforcement exception; (3) the provisions described in (1) and (2), above, prevail over any other provision of law and any conflicting provision in a collective bargaining agreement; (4) if a city receives a complaint against a peace officer employed by the city alleging conduct constituting official oppression, the city shall: (a) retain the complaint until at least the fifth anniversary of the date the peace officer’s employment with the city ends; and (b) create an abstract of the complaint to retain indefinitely once the original complaint is destroyed; (5) a discretionary exception to required disclosure provided by the TPIA does not apply to a complaint or abstract described in (4), above; and (6) the TPIA law enforcement exception does not apply to a record described in (4), above.

S.B. 435 (Middleton) – Family of Crime Victims: would, among other things, provide 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, if the person viewing the report is a family member (a person related to a victim of a crime within the first degree of consanguinity or affinity) 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; (2) a person permitted to view a medical examiner’s report or video evidence described under (1), above, may not duplicate, record, capture, or otherwise memorialize the information; (3) a prosecutor may require a person described in (2), above, to sign a confidentiality agreement before permitting the person to view the information; (4) permitted viewing of a medical examiner’s report or video evidence under (1), above, is not a voluntary disclosure of information under the Public Information Act; and (5) a governmental body, by providing information described under (1), above, that is confidential or otherwise excepted from public disclosure does

not waive 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.

Other Finance and Administration

H.B. 51 (Johnson) - State Holidays: would remove the 19th day of January, “Confederate Heroes Day,” from the list of state holidays.

H.B. 57 (Zwiener) – Climate Change Reporting: would require the Texas Commission on Environmental Quality to prepare a report on the potential impact of climate change in the state every four years, which would include, among other things, information regarding the impact of climate change on the economy, infrastructure, surface water and groundwater, and state and local finances.

H.B. 58 (Talarico) – Ambulance Balance Billing: would provide that: (1) a city or county may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; and (2) a city or county may not practice balance billing for a claim for which the city or county makes an election described in (1), above. (Note: this bill is nearly identical to legislation that was passed by the 87th Legislature and signed into law in 2021 – S.B. 790.)

H.B. 59 (Goodwin) – Child Water Safety Requirements: would: (1) provide 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) require 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.

H.B. 61 (Noble) – Abortion: would: (1) prohibit a governmental entity from entering into a taxpayer resource transaction or appropriate or spend money to provide any person logistical support for the express purpose of assisting a woman with procuring an abortion or an abortion provider’s services, including: (a) child care; (b) travel or any form of transportation to or from an abortion provider; (c) lodging; (d) food or food preparation; (e) counseling that encourages a woman to have an abortion; and (f) any other service that facilitates the provision of an abortion; (2) provide that the prohibition in (1), above, does not apply to a taxpayer resource transaction entered into or money appropriated or spent by a governmental entity that is subject to a federal law in conflict with (1), above, as the executive commissioner of the Health and Human Services Commission determines and the attorney general confirms in writing; and (3) provide that the attorney general may bring an action to enjoin a violation of (1), above, and recover reasonable attorney’s fees and costs incurred in bringing the action.

H.B. 89 (Talarico) – Ambulance Balance Billing: would provide that: (1) a city or county may elect to consider a health benefit plan payment towards a claim for air or ground ambulance services provided by the county or city as payment in full for those services regardless of the amount the county or city charged for those services; and (2) a city or county may not practice balance billing for a claim for which the city or county makes an election described in (1), above. (Note: this bill is nearly identical to legislation that was passed by the 87th Legislature and signed into law in 2021 – S.B. 790.)

H.B. 95 (Goodwin) – Cottage Food: would: (1) require the commissioner of state health services to adopt rules requiring a cottage food production operation to include the zip code and telephone number of the cottage food production operation on the label all of the foods that the operation sells; (2) remove the requirement for a cottage food production operation to include the address of the cottage food production operation on the label all of the foods that the operation sells; and (3) repeal the section of law that provides that an operator of a cottage food production operation that sells a cottage food through the Internet or by mail order: (a) is not required to include the address of the operation in the required labeling information before the operator accepts payment for the food; and (b) shall provide the address of the operation on the label of the food in the manner required by state law after the operator accepts payment for the food.

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

H.B. 176 (Goodwin) – Cottage Food: would eliminate the requirement that an individual operating out of the individual's home would need to have an annual gross income of \$50,000 or less from the sale of certain foods to be considered a "cottage food production operation."

H.B. 187 (Landgraf) – Local Debt Elections: would provide that an election for the issuance of bonds or other debt shall be held on the November uniform election date.

H.B. 256 (Bernal) – Discrimination: would, among other things, provide that: (1) a person engages in a discriminatory practice if the person, because of the sexual orientation or gender identity of an individual: (a) denies that individual full and equal accommodation in any place of public accommodation, subject only to the conditions and limitations established by law and applicable to all persons; or (b) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity; (2) an aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice described in (1), above; (3) if a court finds that discriminatory practice has occurred or is about to occur, the court may award to the plaintiff: (a) actual and punitive damages; (b) reasonable attorney's fees; (c) court costs; and (d) any permanent or temporary injunctive relief; and (4) an employer, including a city, commits an unlawful employment practice if the employer discriminates against an individual on the basis of sexual orientation or gender identity.

H.B. 262 (Swanson) – Cooperation with Federal Government: would, among other things: (1) require the attorney general to provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature that identifies each rule adopted by the a federal government agency during the previous month that: (a) relates to certain subjects including the First Amendment, Second Amendment, and regulation of education, among others; (b) was adopted in response to an executive order by the president of the United States; and (c) violates the rights guaranteed to the citizens of the United States by the United States Constitution or exceeds the powers specifically granted to the federal government by the United States Constitution; and (2) provide that a political subdivision, including a city, may not cooperate with a federal government agency in implementing an agency rule that a report published under (1), above, indicates: (a) violates the rights guaranteed to the citizens of the United States by the United States Constitution; or (b) exceeds the powers specifically granted to the federal government by the United States Constitution.

H.B. 384 (C. Bell) – Federal Action: would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional; (2) provide that any federal action found by the joint legislative committee to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

H.B. 431 (S. Thompson) – Charitable Bingo: would, among other things, require 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.

H.B. 445 (Schofield) – Ballot for Bond Election: would: (1) require a ballot for a county or city bond election to state with specificity: (a) each project to be funded through the bond proceeds; and (b) the amount of bond proceeds to be spent on each project; (2) prohibit a county or city from: (a) spending a greater amount than the amount stated on the ballot on a project; and (b) transferring bond proceeds from one project to another; and (3) confer on an individual who votes in the election standing to sue a city or county for a violation of (1) or (2), above.

H.B. 451 (Schofield) – Local Debt: would prohibit a political subdivision from issuing a public security to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security.

H.B. 522 (Cain) – State Holidays: would provide for the creation of “Celebration of Life Day” on June 24th as a state holiday.

H.B. 537 (Wu) – Audits: would: (1) require a governmental entity, including a city, to: (a) make the records relating to any audit of the governmental entity, including any final report, available to the public on request; and (b) not later than the fifth business day after the date the audit is completed, post the final report for the audit on the governmental entity’s Internet website, or if the governmental entity does not have a website, on a publicly accessible Internet website; (2) authorize a governmental entity to redact any confidential information from the report as necessary to comply with state or federal law; (3) provide that a governmental entity that, without good cause, fails to comply with the requirement in (1), above, is liable to a person for any reasonable expenses the person incurs in trying to access the audit records, including reasonable attorney’s fees; and (4) provide that the term “audit” for purposes of (1), above, includes a financial audit, a compliance audit, an economy and efficiency audit, and an effectiveness audit, among other things.

H.B. 550 (Vasut) – Hotel Occupancy Tax Uses: would: (1) authorize a city to use revenue from the city hotel occupancy tax to promote tourism and the convention and hotel industry by: (a) acquiring, constructing, repairing, remodeling, or expanding certain qualified infrastructure that is owned by the city and that is located not more than one mile from a hotel; and (b) making improvements to a public park that is owned by the city and that is located not more than one mile from a hotel; (2) provide that the amount of city hotel occupancy tax revenue a city may use in a fiscal year as provided by (1), above, may not exceed 20 percent of the amount of revenue the city collected from that tax during the preceding fiscal year; and (3) provide that a city that uses city hotel occupancy tax revenue in accordance with (1), above: (a) may reserve not more than 20 percent of the revenue from that tax collected in a fiscal year for use for the same purposes during the succeeding three fiscal years; and (b) may not reduce the percentage of revenue from the tax allocated for the purposes of advertising and promotional programs to attract tourists and convention delegates or registrants to the city or its vicinity to a percentage that is less than the average percentage of the revenue from that tax allocated by the city for the same purposes during the 36-month period preceding the date the city begins using revenue for the purposes described in (1), above.

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

H.B. 572 (Bowers) – Fireworks: would prohibit a home-rule city and Type A general law city that regulate fireworks from confiscating fireworks in the possession of a person if the person possesses only packaged, unopened fireworks.

H.B. 622 (Shaheen) – Newspaper Notice: would: (1) allow a political subdivision to satisfy any law that requires notice to be published in a newspaper by publishing the notice in the following locations: (a) social media, free newspapers, school newspapers, a homeowners' association newsletter or magazine, utility bills, direct mailings, or any other form of media authorized by the comptroller; and (b) the internet websites maintained by the political subdivision and the comptroller; (2) provide that before providing notice under (1), above, a political subdivision must hold a public meeting about the alternative notice under (1)(a), above, and demonstrate that the circulation will be greater than the circulation of the newspaper with the greatest circulation in the political subdivision; (3) authorize the comptroller to grant a city's request for a waiver from publishing notice in accordance with (1)(b), above, if the city provides sufficient proof that Internet access is limited in the city, and if the comptroller grants the waiver, the city must provide additional notice on a public agenda board within the city; (4) require a city using alternative media described in (1)(a), above, to submit notice to the comptroller describing the alternative notice method in (1)(a), above, and certain other information; (5) authorize the comptroller to require a political subdivision to provide notice in a newspaper if the comptroller determines that the means under (1)(a), above, do not have greater circulation than a newspaper with the greatest circulation in the political subdivision; and (6) require the comptroller to prepare a report identifying and comparing the effectiveness of different methods of notice publication used by political subdivisions and provide the report to the governor, lieutenant governor, and the speaker of the house.

H.B. 657 (Bailes) - Newspaper Notice: would provide that a governmental entity or representative may publish notice on a third-party Internet website, as an alternative to certain newspaper notice requirements, if: (1) the governing body finds, after holding a public hearing on the matter that: (a) Internet publication of notices is in the public interest; (b) Internet publication of notices will not, after consideration of the level of Internet access in the applicable area, unreasonably restrict public access to the notices; and (c) the cost of publishing the notices in a newspaper exceeds the cost of Internet publication; (2) the governmental entity or representative posts the findings in (1), above, on the entity's or representative's website; and (3) the governmental entity or representative also prominently posts each notice for public review at the office location of the governmental entity or representative that is the most accessible to the intended recipients of the notice.

H.B. 683 (Cole) – Paramedics Tuition Exemption: would provide, among other things, that an institution of higher education shall exempt from the payment of tuition and laboratory fees any student who is enrolled in one or more courses offered as part of an emergency medical services curriculum and is employed as a paramedic by a city.

H.B. 712 (Shaheen) – Local Government Security Incidents: would: (1) provide that 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 this state; (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; and (2) provide that 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.

H.B. 719 (Goldman) – Fee for Examination of Public Securities by Attorney General: would: (1) increase the fee paid by an issuer of public securities to the attorney general for examination and approval of a bond issuance from \$9,500 to \$50,000; and (2) provide that fees collected in excess of amounts provided in the general appropriations act may be appropriated back to the attorney general for the purpose of administering victim related services and sexual assault programs.

H.B. 742 (Goodwin) – Tuition and Fee Exemptions: would provide an exemption for payment of criminal justice or law enforcement course tuition and lab fees for an undergraduate student who is employed by the state or a political subdivision as a peace officer, county jail guard, or a telecommunicator who is required to hold a telecommunicator license.

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

H.B. 744 (Dean) – Gasoline Powered Tool Regulation: would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

H.B. 764 (Cain) – Gasoline Powered Tool Regulation: would provide that a city may not adopt or enforce a regulation that prohibits or restricts the use or sale of gasoline-powered landscaping equipment.

H.B. 807 (Harrison) – Vaccines: would, among other things: (1) prohibit government entities from compelling or requiring an individual to receive a vaccine other than a vaccine for diphtheria, rubella, mumps, tetanus, and poliomyelitis; and (2) only allow the list of vaccines in (1), above, to be modified by statute.

H.B. 819 (Talarico) – Abortion: would repeal existing statutes prohibiting abortion, including among others, the authority that generally allows for a political subdivision, including a city, to regulate or prohibit abortion in a manner that is at least as stringent as under state law.

H.B. 870 (Patterson) – Pet Stores: would provide that: (1) a pet store may not sell a dog or cat unless the pet store obtained the dog or cat from: (a) an animal control agency; (b) an animal shelter; or (c) an animal rescue organization; and (2) a pet store that violates (1), above, is liable to the state for a civil penalty in an amount not to exceed \$500 for each dog or cat sold in violation of (1), above.

H.B. 969 (Cook) – Child Custody Orders: would authorize a city or county to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in interference of child custody.

H.B. 982 (Toth) – Required Contract Provisions: would require that a contract between a governmental entity and a company that has a value of \$100,000 or more that is to be paid wholly or partly from public funds must contain written verification from the company that it does not and will not during the term of the contract use environmental, social, and governance criteria that further political policies at the expense of the Texas economy and company shareholders to evaluate a business decision or investment strategy.

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

H.B. 986 (Rosenthal) – Data Collection: would require the Health and Human Services Commission (Commission) to ensure that each local government entity responsible for providing data to the Commission or a health and human services agency in connection with a public benefits program administered by the Commission or agency: (1) provide individuals from whom demographic data is sought the option to report certain detailed data regarding the individual's race or ethnic origin and sex or gender; and (2) collect certain data from individuals who receive, or were receiving at the time of the individual's death, benefits under a program.

H.B. 1032 (Noble) – Vaccinations: would, among other things: (1) prohibit a health benefit plan issuer or life insurance company from discriminating against an individual based on the individual's COVID-19 vaccination status; (2) prohibit an employer from discriminating against an individual based on the individual's COVID-19 vaccination status; and (3) exempt employers from liability for claims arising under exposure to COVID-19 based on the employer's failure to require an employee to receive a COVID-19 vaccine.

H.B. 1038 (Cain) – Bond Review Board Assistance: would, among other things, require cities to submit any information to the Bond Review Board ("Board") necessary for the Board's preparation of the Biennial Report on State Lending and Credit Support Programs to the Legislature.

H.B. 1204 (Martinez) – Emergency Services Districts: would: (1) authorize an emergency services district (ESD) to object to the removal of annexed territory by a city if the removal would have the effect of: (a) reducing the level of emergency services provided to the ESD territory inside or outside the annexed area; or (b) reducing ESD revenue to a level that would be insufficient to carry out the ESD's purposes in territory outside the annexed area or require the ESD to increase the tax burden on territory outside the annexed area in order to maintain current services and commitments; and (2) provide that if an ESD objects to the removal of territory under (1), above, the city may not remove the annexed territory from the district.

H.B. 1247 (Cody Harris) – Food Regulation: would, among other things, provide: (1) 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 as authorized under this section 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; (2) 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 a fee under the Alcoholic Beverage Code, for an alcoholic beverage permit or license issued for premises located in the county or city; and (3) DSHS, a county, a city, or a public health district may not require a food service establishment to obtain a sound regulation permit, charge a sound regulation fee to the establishment, or otherwise prohibit sound-related activity at the establishment if the establishment: (a) accepts delivery of supplies only for one hour or less between 5 a.m. and 11 p.m. and delivery of food, water, or ice only after 11 p.m., provided the sound level from the deliveries does not exceed 75 dBA when measured from the residential property closest in proximity to the establishment, excluding traffic and other background noise that can be reasonably excluded; and (b) limits the use of amplified sound for playing music or amplifying human speech within the establishment's indoor or outside property boundaries to ensure: (i) the amplified sound is not used after 10 p.m. on Sunday through Thursday and 11 p.m. on Friday and Saturday; and (ii) the amplified sound level does not exceed 75 dBA when measured at the establishment's outermost property perimeter, excluding traffic and other background noise that can be reasonably excluded.

H.B. 1303 (Geren) – Right-of-Way Rental Fees: would, for purposes of city right-of-way rental fees from cable and video providers: (1) clarify that “video service” means video programming services provided by a video service provider through wireline facilities located at least in part in the public right-of-way without regard to deliver technology, including Internet protocol technology; and (2) provide that the term “video service” does not include direct-to-home satellite services or any video programming accessed via a service that enables users to access content, information, electronic mail, or other services offered over the Internet, including streaming content.

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

H.J.R. 27 (Craddick) – Grow Texas Fund: would amend the Texas Constitution to, among other things: (1) create the Grow Texas Fund (Fund) within the state treasury; (2) authorize the legislature to appropriate money from the Fund for use in areas of the state from which oil and gas are produced and then only to address infrastructure needs in areas of the state determined by the legislature to be significantly affected by oil and gas production; and (3) authorize the grant of money from the Fund to state agencies and other political subdivisions for an authorized purpose.

H.J.R. 37 (Vasut) – Private Schools: would amend the Texas Constitution to prohibit regulation of the educational program of a private school or home school by: (1) a state agency; (2) the legislature; or (3) other political subdivisions of the state.

H.J.R. 58 (Frank) – Parental Rights: would amend the Texas Constitution to: (1) provide that the liberty of a parent to direct the upbringing of the parent’s child is a fundamental right; (2) provide that the right includes the right to direct the care, custody, control, education, moral and religious training, and medical care of the child; and (3) prohibit the state or a political subdivision of the state from interfering with the rights of a parent as described in (1) and (2), above, unless the interference is essential to further a compelling governmental interest and narrowly tailored to accomplish that compelling governmental interest.

S.B. 70 (Zaffirini) – Unfunded Mandates: would establish an unfunded mandate interagency workgroup and require the group to, among other things, publish an advisory list of mandates for which the legislature has not provided reimbursement following each regular or special session of the legislature.

S.B. 78 (Johnson) – Abortion: would: (1) allow a physician to provide an abortion-inducing drug to a pregnant individual whose pregnancy is not more than 70 days of gestational age; and (2) provide that a political subdivision may not adopt or enforce an ordinance, order, or other measure that conflicts with the provision described in (1), above.

S.B. 91 (Johnson) – State Holidays: would: (1) abolish “Confederate Heroes Day” as a state holiday; and (2) create a new state holiday on June 28 as the “Celebration of Suffrage Day”.

S.B. 121 (Menéndez) – Medical Cannabis: would, among other things: (1) authorize the possession, use, cultivation, distribution, delivery, sale, and research of medical cannabis for medical use by patients with certain medical conditions; (2) provide for the issuance of a medical cannabis research license; (3) authorize fees for a license under (2), above; (4) provide that the Department of Public Safety shall use revenue from fees to establish a cannabis testing and quality control fund for the purpose of assisting law enforcement, including accredited crime laboratories, to purchase instruments, establish methods, and obtain resources needed to conduct forensic analysis necessary to enforce the bill and to protect the health and safety of medical cannabis patients and the public; and (5) preempt a municipality, county, or other political subdivision from enacting, adopting, or enforcing a rule, ordinance, order, resolution, or other regulation that prohibits the cultivation, production, dispensing, researching, testing, or possession of medical cannabis.

S.B. 127 (Alvarado) – Medical Cannabis: would, among other things: (1) authorize the possession, use, cultivation, distribution, transportation, and delivery of medical cannabis for medical use by patients for whom a physician determines medical use is the best available treatment for the patient’s medical condition or symptoms; (2) authorize the licensing of dispensing organizations; (3) authorize an application fee for licenses to operate a dispensing organization; and (4) prevent political subdivisions from enacting, adopting, or enforcing a rule, ordinance, resolution, or other regulation that prohibits the cultivation, production, dispensing, or possession of medical cannabis.

S.B. 130 (Campbell) – Employment Benefits: would provide that a city or county may not adopt or enforce an ordinance, order, rule, or regulation that requires an employer in the city or county to provide employment benefits to its employees.

S.B. 157 (Perry) – Warrant Fees: would provide that a defendant convicted of a felony or a misdemeanor shall pay the following, as reimbursement fees for services performed in the case by a peace officer for executing or processing an issued arrest warrant, capias, or capias pro fine: (1) \$75 if the defendant is convicted of a felony, a Class A misdemeanor, or a Class B misdemeanor; or (2) \$50 if the defendant is convicted only of a Class C misdemeanor.

S.B. 186 (Miles) – Prohibited Discharge of Patients: would, among other things: (1) provide that, with some exceptions, a hospital or other health facility may discharge or otherwise release a patient to the care of a group home, boarding home facility, or similar group-centered facility only if the person who operates the facility holds a license or permit issued in accordance with applicable state law; and (2) prohibit a local health authority from authorizing a hospital or health facility to discharge a patient to a facility in a manner that conflicts with (1), above.

S.B. 215 (Eckhardt) – Lobbying: would provide that: (1) a person who is required to register as a lobbyist under state law may not be eligible to be a candidate for, or elected or appointed to, a public elective office in Texas; (2) the provision in (1), above, does not apply to: (a) an office of a political subdivision with a population of 150,000 or less, other than the office of presiding officer of the governing body of the political subdivision, provided that the officer does receive a salary or wage for that office; or (b) the office of the presiding officer of the governing body of a political subdivision with a population of 50,000 or less, provided that the presiding officer does not receive a salary or wage for that office; (3) for purposes of (2), above, a presiding officer or other officeholder is not considered to have received a salary or wage if the officeholder refuses to accept a salary or wage offered or budgeted for that office; (4) an individual may not register to be a lobbyist under state law if the individual is: (a) a member of Congress; (b) a member of the legislature; or (c) statewide officeholder; and (5) the lobby registration of an individual described in (4), above, expires on the date the individual takes office.

S.B. 232 (Hinojosa) – Removal From Office: would, among other things: (1) provide 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) require the governing body of a political subdivision at the first public hearing of the governing body following the date an officer of the political subdivision 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) provide that, for an offense described in (1), above, an appeal does not supersede the order of removal if the removed officer appeals the judgment.

S.B. 242 (Middleton) – Cooperation with Federal Government: would, among other things: (1) require the attorney general to provide a written report to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature that identifies each rule adopted by the a federal government agency during the previous month that: (a) relates to certain subjects including the First Amendment, Second Amendment, and border security, among others; (b) was adopted in response to an executive order by the president of the United States; and (c) violates the rights guaranteed to the citizens of the United States by the United States Constitution; and (2) provide that a political subdivision, including a city, may not cooperate with a federal government agency in implementing an agency rule that a report published under (1), above, indicates violates the rights guaranteed to the citizens of the United States by the United States Constitution.

S.B. 271 (Johnson) – Local Government Security Incidents: would: (1) provide that 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; and (2) provide that 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. (Companion bill is **H.B. 712** by **Shaheen**.)

S.B. 302 (Hall) – Vaccinations: would: (1) provide that an employee or an employee’s legal representative may bring suit against an employer for damages arising from adverse health events that are a result of the employer’s vaccine requirement; and (2) exempt employers from the provision in (1), above, who accept the following exemptions from the employer’s vaccine requirement: (a) the employee has reasons of conscience, including a religious belief, that conflict with the vaccine requirement; and (b) the vaccine is medically contraindicated based on the opinion of a physician who has examined the employee.

S.B. 304 (Hall) – Vaccinations: would, among other things, prohibit: (1) a person from discriminating against or refusing to provide a public accommodation to an individual based on their vaccination history or immunity status for a communicable disease; (2) an employer from discriminating against an individual based on their vaccination history or immunity status for a communicable disease; (3) a governmental entity or official from requiring an individual to be vaccinated or participate in the administration of a vaccine; (4) a local health department, during a public health disaster, from administering a vaccine to an individual without their consent; and (5) a governmental entity or official from discriminating against or imposing a civil or criminal penalty against an individual who refuses vaccination or participation in the administration of a vaccine.

S.B. 305 (Hall) – Vaccinations: would, among other things: (1) provide that a governmental official may not question or sanction a health care practitioner for granting a health exemption stating that, in the practitioner’s opinion, an immunization poses a significant risk to the patient’s health and well-being; (2) provide that a person, including a public or private employer, shall: (a) accept a health exemption provided by a health care practitioner and filed on the individual’s behalf for employment, medical or long-term care, or another activity necessary for the individual’s quality of life; and (b) exempt the individual described by the health exemption from any immunization requirement imposed by the person or under the laws of this state; and (3) establish penalties, and legal cause of action and available remedies, for violations of Sections (1) and (2), above.

S.B. 306 (Hall) – Vaccinations: would, among other things, provide that: (1) a local health department or health authority, to prevent and control communicable disease, may isolate or quarantine an individual who chooses treatment by prayer or spiritual means from the public, and that the individual must obey the department’s or a health authority’s rules, orders, and instructions while in isolation or quarantine; (2) before the department or health authority can order an individual or group of individuals into isolation or quarantine, it must: (a) provide notice of the isolation or quarantine; and (b) provide the individuals or group of individuals the opportunity to demonstrate that isolation or quarantine is unnecessary; (3) the department or health authority-ordered isolation or quarantine may not exceed five days without a court-order; (4) the department or health authority must use the least restrictive means available to the greatest extent possible, including allowing an individual to isolate or quarantine at home, or with a family member, parent, friend, or other individuals subject to same isolation or quarantine order; and (5) an individual retains the right to: (a) choose and make decisions regarding the medical treatment; and (b) choose to implement an alternate control measure, unless the control measure imposed is for isolation or quarantine.

S.B. 313 (Hall) – Federal Action: would: (1) establish a joint legislative committee to review any federal action to determine whether such action is unconstitutional and submit each determination to the Supreme Court of Texas for review; (2) provide that any federal action found by the Supreme Court of Texas to be unconstitutional be sent to the legislature for a determination, and then on to the governor for approval or disapproval; (3) provide that any federal action declared to be unconstitutional has no legal effect in Texas; (4) prohibit the state or a political subdivision of the state from spending money to implement a federal action declared unconstitutional; (5) authorize the attorney general (and others) to prosecute a person who attempts to implement or enforce an unconstitutional federal action for official oppression, as well as other provisions of law; and (6) entitle a person to seek a declaratory judgment that a federal action is unconstitutional and give all courts original jurisdiction over such a proceeding.

S.B. 328 (Hall) – Cottage Food: would repeal the prohibition on cottage food production operations selling foods at wholesale.

S.B. 329 (Hall) – Cottage Food: would eliminate the requirement that an individual operating out of the individual’s home would need to have an annual gross income of \$50,000 or less from the sale of certain foods to be considered a “cottage food production operation.” (Companion bill is **H.B. 176** by **Goodwin**.)

S.B. 331 (Hall) – Cottage Food: would: (1) require the commissioner of state health services to adopt rules requiring a cottage food production operation to include the zip code and telephone number of the cottage food production operation on the label all of the foods that the operation sells; (2) remove the requirement for a cottage food production operation to include the address of the cottage food production operation on the label all of the foods that the operation sells; and (3) repeal the section of law that provides that an operator of a cottage food production operation that sells a cottage food through the Internet or by mail order: (a) is not required to include the address of the operation in the required labeling information before the operator accepts payment for the food; and (b) shall provide the address of the operation on the label of the food in the manner required by state law after the operator accepts payment for the food. (Companion bill is **H.B. 95** by **Goodwin**.)

S.B. 377 (Perry) – Texas Connectivity Fund: would, among other things: (1) create the Texas Connectivity Fund; (2) provide that the broadband development account can include funds appropriated from the Texas Connectivity Fund; and (3) require the comptroller to deposit 50 percent of the proceeds from the collection of sales and use taxes imposed on telecommunications services to the credit of the Texas Connectivity Fund. (See **S.J.R. 27**, below.)

S.B. 431 (Middleton) – Child Custody Orders: would authorize a city or county to adopt an ordinance or order that imposes a civil penalty of not more than \$500 for engaging in interference of child custody. (Companion bill is **H.B. 969** by **Cook**.)

S.J.R. 23 (Eckhardt) – Freedom from Government: would amend the Texas Constitution to, among other things, provide that each individual residing in this state has the right to be free from governmental intrusion or interference into their private life.

S.J.R. 27 (Perry) – Texas Connectivity Fund: would amend the Texas Constitution to: (1) create the Texas Connectivity Fund for the development of broadband and other telecommunications services in all areas of Texas; and (2) authorize the appropriation to that fund of a portion of revenue received from the existing state sales and use taxes on telecommunications services while not increasing the rate of the sales and use tax. (See **S.B. 377**, above.)

Personnel

H.B. 27 (Goodwin) – Employment Benefits: would provide that disciplinary action may not be taken against an employer and an employer may not be sued based solely on the employer's choice to offer or provide a particular employee benefit, including payment for the costs associated with receiving health care service in another state.

H.B. 79 (Talarico) – Employment Leave: would, among other things, provide that an employer shall: (1) not discharge or discriminate against an employee for taking time off to serve as required by law on an inquest jury or trial jury, if the employee, prior to taking the time off, gives reasonable notice to the employer that the employee is required to serve; (2) not discharge, discriminate or retaliate against an employee for taking time off to appear in court to comply with a subpoena or other court order as a witness in any judicial proceeding; (3) not discharge, discriminate or retaliate against an employee who is a victim for taking time off from work to obtain or attempt to obtain

any relief, including a temporary restraining order, restraining order, or other injunctive relief, to help ensure the health, safety, or welfare of the victim or their child; (4) not discharge, discriminate or retaliate against an employee because of the employee's status as a victim of crime or abuse, if the employee provides notice to the employer of the status or the employer has actual knowledge of the status; and (5) provide reasonable accommodations for a victim of domestic violence, sexual assault, or stalking, who requests an accommodation for the safety of the victim while at work, including the implementation of safety measures, a transfer, reassignment, modified schedule, changed work telephone, changed work station, installed lock, assistance in documenting domestic violence, sexual assault, stalking, or other crime that occurs in the workplace, an implemented safety procedure, or another adjustment to a job structure, workplace facility, or work requirement in response to domestic violence, sexual assault, stalking, or other crime, or referral to a victim assistance organization.

H.B. 121 (Vasut) – Employment Benefits: would provide that: (1) a city may not adopt or enforce an ordinance, order, rule, regulation, or policy requiring any terms of employment that exceed or conflict with federal or state law relating to any form of employment leave, hiring practices, employment benefits, scheduling practices, or other terms of employment; (2) any provision of an ordinance, order, rule, regulation, or policy that violates (1), above, is void and unenforceable; and (3) the provision in (1), above, does not apply to minimum wage or a contract relating to the terms of employment voluntarily entered into between a private employer or entity and a governmental entity.

H.B. 138 (Toth) – Personal Health Information: would provide, among other things, that: (1) an employee has the right to keep the employee's personal health information private and is not required to disclose that information to the employee's employer, including a city, unless the disclosure is required by state or federal law; (2) an employer may not take an adverse employment action or discriminate against an employee who exercises the right described by (1), above; and (3) an employer who violates an employee's rights prescribed in (1), above, is liable for a civil penalty in the amount of \$50,000 for each violation, and the attorney general may bring action to collect the civil penalty.

H.B. 169 (Reynolds) – Minimum Wage: would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

H.B. 193 (Ortega) – Local Minimum Wage: would, among other things, allow: (1) a city to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the city; and (2) a county to adopt a minimum wage that exceeds the federal minimum wage to be paid by an employer to each of its employees for services performed in the unincorporated areas of the county, including areas located within the extraterritorial jurisdiction of a city.

H.B. 425 (VanDeaver) – Employment Discrimination: would prohibit a city that employs 20 or more employees from terminating or suspending the employment of, or in any other manner discriminating against, an employee who is a volunteer emergency responder and who is absent from or late to the employee's employment because the employee is responding to an emergency.

H.B. 471 (Patterson) – Public Safety Personnel: would provide, among other things, that:

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

permanent major neurocognitive disorder or a psychotic disorder; (b) third degree burns that cover at least 40 percent of the body and require grafting, or third degree burns covering the majority of: (i) both hands; (ii) both feet; (iii) one hand and one foot; or (iv) one hand or foot and the face; or (c) a serious bodily injury sustained by the employee in the course and scope of the employee's employment or volunteer service as a first responder that permanently prevents the employee from performing any gainful work;

12. disease presumption does not apply if the disease or illness for which benefits or compensation is sought is known to be caused by the use of tobacco and: (a) the firefighter, peace officer, or emergency medical technician (EMT) has used a tobacco product an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; or (b) the firefighter's, peace officer's, or EMT's spouse has, during the marriage, used a tobacco product that is consumed through smoking an average of four or more times per week during any six-month period in the five years preceding the diagnosis of the disease or illness; and
13. a firefighter, peace officer, or EMT who suffers an acute myocardial infarction or stroke resulting in disability or death is presumed to have suffered the disability or death during the course and scope of employment as a firefighter, peace officer, or EMT if: (a) while on duty, the firefighter, peace officer, or EMT: (i) was engaged in a situation that involved stressful or strenuous physical activity involving fire suppression, rescue, hazardous material response, EMS, or other emergency response activity; or (ii) or participated in a training exercise that involved stressful or strenuous physical activity; and (b) the acute myocardial infarction or stroke occurred not later than 24 hours after the end of a shift in which the firefighter, peace officer, or emergency medical technician was engaging in the activity described under(a), above.

H.B. 494 (Meza) – Family and Medical Leave: would create a state family and medical leave law that, among other things: (1) requires an employer, including a city, to provide an employee who has been employed for at least one year not less than 30 days of leave for specific family and medical reasons; (2) creates a wage replacement fund administered by the Texas Workforce Commission that is funded by an assessment on each employee's wages in an amount equal to one quarter of one percent of the employee's average monthly pay; (3) provides that if an employer provides paid sick leave to its employees, an employee is entitled to use such paid leave for the specific family and medical reasons described in (1), above, in an amount not to exceed the lesser or of the paid leave or 30 days; (4) provides that if an employer does not provide paid leave to its employees, or provides paid leave that may not be used for the specific family and medical reasons described in (1), above, the employee is entitled to wage replacement benefits for leave taken for such reasons; and (5) provides that an employer may not interfere with an employee's attempt to take leave, discharge an employee or otherwise discriminate against an individual for opposing an practice made unlawful by the bill, or discriminate or discharge an employee for exercising the employee's rights to leave.

H.B. 495 (Meza) – Rest Breaks: provides that: (1) a city that enters into a contract for general construction services shall require such contractor and any subcontractor to provide at least a 10-minute paid rest break within every four-hour period of work to each employee performing work

under the contract; (2) each construction contract must include terms that: (a) authorize an employee of a contractor or subcontractor required to work without a rest break to make a complaint to the city contracting with the contractor; (b) explain that, on confirmation of such violation, the city shall provide to the contractor written notice of the violation; (c) inform a contractor that the city may impose an administrative penalty if the contractor fails to comply after the date the contractor receives notice of the violation; and (d) explain that a penalty amount may be withheld from a payment otherwise owed to a contractor; (3) a city may impose an administrative penalty in an amount of not less than \$100 and not more than \$500 per day if any employee is required to work without a rest break, and that a proceeding to impose an administrative penalty is a contested case under the Administrative Procedure Act; (4) each city shall develop procedures for the administration of the provisions of this bill; and (5) the bill does not preempt a local regulation requiring rest breaks in construction contracts, provided that such regulation is compatible with and at least as stringent as the provisions of the bill.

H.B. 528 (Wu) – Family Violence Leave: would provide, among other things, that:

1. an employee who is a victim of family violence or a violent felony offense or an employee whose child is a victim of family violence or a violent felony offense is entitled to time off to: (a) seek medical attention for, or recover from, physical or psychological injuries suffered by the employee or the employee's child as a result of family violence or a violent felony offense; (b) obtain services from a victim services organization for the employee or the employee's child in relation to the occurrence of family violence or a violent felony offense; (c) obtain psychological or other counseling for the employee or the employee's child in relation to the occurrence of family violence or a violent felony offense; (d) participate in safety planning or temporary or permanent relocation or take any other action necessary to increase the safety of the employee or the employee's child or to ensure the employee or child's economic security following the occurrence of family violence or a violent felony offense; or (e) seek legal assistance or remedies to ensure the health and safety of the employee or the employee's child, including preparing for or participating in any civil or criminal legal or investigative proceeding relating to the occurrence of family violence or a violent felony offense;
2. before taking time off described in Number 1, above, an employee must provide an employer with at least 24 hours advance written notice of the planned absence of the employee, unless providing advance notice is not feasible;
3. an employer may require an employee who is taking time off to report periodically to the employer on the status and intention of the employee to return to work;
4. an employee who takes leave described in Number 1, above, is entitled to not more than 30 workdays of leave in any 12-month period;
5. an employee who has existing vacation leave time, personal leave time, sick leave time, or compensatory leave time must use that leave time for a planned absence;

6. an employer may require an employee to provide, within a reasonable time after the employee's initial absence from work, certification to the employer that: (a) the employee or the employee's child is a victim of family violence or a violent felony offense; and (b) the time off from work requested by the employee is being used for the leave;
7. an employer is not required to compensate an employee during a planned absence unless the employee is using leave time under Number 5, above;
8. an employer shall maintain any health coverage provided by the employer to the employee or a member of the employee's family or household under any group health plan for the duration of the employee's absence;
9. an employer may recover the premium that the employer paid for maintaining health coverage under Number 8, above, if the employee fails to return to work after the period of time off to which the employee is entitled to has expired for a reason other than the continuation, recurrence, or onset of family violence or a violent felony offense;
10. an employer may require an employee who claims the employee is unable to return to work because of the continuation, recurrence, or onset of family violence or a violent felony offense to provide, within a reasonable time after making the claim, certification to the employer that the employee is unable to return to work because of that reason;
11. an employer shall keep confidential an employee's request for time off or that an employee has obtained time off and any written document or record submitted to the employer by the employee relating to a request for time off except to the extent that disclosure is requested or consented to in writing by the employee or is required by other state or federal law;
12. on returning from time off, an employee is entitled to: (a) reinstatement to the employee's former position or a position that is comparable in terms of compensation, benefits, and other conditions of employment; and (b) any benefits accrued by the employee before the employee's time off;
13. an employee is not entitled to: (a) any seniority or employment benefit that would have accrued during the employee's time off; or (b) any other right, benefit, or position of employment other than a right, benefit, or position the employee accrued before the employee took the time off;
14. an employer may not suspend or terminate the employment of, or otherwise discriminate against, an employee who takes authorized time off if the employee has provided written notice or certification;
15. each employer shall inform its employees of their rights by posting a conspicuous sign in a prominent location in the employer's workplace; and
16. the Texas Workforce Commission by rule shall prescribe the design and content of the sign required by Number 15, above.

H.B. 573 (Raymond) – First Responder Driver’s License Fees: would, among other things, waive the fee for the original issuance or renewal of a driver’s license for active first responders, including certain: (1) peace officers; (2) fire protection personnel; (3) volunteer firefighters; (4) ambulance drivers; and (5) emergency services personnel.

H.B. 602 (Shaheen) – E-Verify: would: (1) require a political subdivision, including a city, to register and participate in the E-verify program to verify information of all new employees; and (2) provide that an employee of a political subdivision who is responsible for verifying information of new employees of the political subdivision as required by (1), above, is subject to immediate termination of employment if the employee fails to comply with (1), above.

H.B. 630 (Vasut) – Lifeguards: would provide that the requirement that cities located or bordering on the Gulf of Mexico provide during reasonable daylight hours, from Memorial Day to Labor Day, occupied lifeguard towers or mobile lifeguard units, does not apply to cities with a population of less than 15,000.

H.B. 722 (Rosenthal) – Reproductive Discrimination: would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee’s family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee’s close family or household members. (Companion bill is **S.B. 204** by **Eckhardt**.)

H.B. 723 (S. Thompson) – Pay Discrimination: would provide, among other things, that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; (2) liability may accrue, and any aggrieved individual may obtain relief, including recovery of back, if the unlawful employment practices that occurred during the period for filing a complaint are similar or related to unlawful employment practices regarding payment of compensation that occurred outside the period for filing a complaint; and (3) an employer, including a city, commits an unlawful employment practice if the employer: (a) verbally or in writing inquiries into an applicant’s wage history information from the applicant or from a previous employer of the applicant; (b) requires disclosure of an applicant’s wage history information as a condition of employment; and (c) discharges or in any other manner discriminates against, coerces, intimidates, threatens, or interferes with an employee, applicant or other individual because the individual inquired about, disclosed, compared, or otherwise

discussed an employee's wages or an applicant's prospective wages. (Companion bill is **S.B. 108** by **Menendez**.)

H.B. 725 (Rose) – Discrimination: would provide, among other things, that an employer, including a city, may not discriminate against an individual on the basis of sexual orientation, or gender identity or expression.

H.B. 737 (Wale) – Minimum Wage: would increase the minimum wage to not less than the greater of \$15 an hour or the federal minimum wage (currently at \$7.25).

H.B. 790 (Patterson) – Workers' Compensation: would provide that: (1) for purposes of workers' compensation, the first request of a designated doctor's examination by the carrier, injured employee or the state Division of Workers' Compensation must include a request to the designated doctor to provide an opinion of the extent of the compensable injury; (2) not later than the 15th day after the date on which an workers' compensation insurance carrier receives written notice of an injury, the insurance carrier shall also notify the division and the employee in writing of its refusal to pay and advise the employee of the specific reasons why the carrier is contesting the claim, including any disputes in the cause of the injury, the extent of the injury or the treatment of the injury; (3) a workers' compensation insurance carrier who fails to comply with initiation of compensation benefits within 60 days, when the injured employee is a custodial officer, a detention officer, an emergency medical technician, a firefighter, or a peace officer, waives its right to contest or deny the extent of the specific injury claimed by the injured worker or reasonably reflected in a review of the injured workers medical records; (4) if a workers' compensation insurance carrier denies a claim of medical benefits on or before the 60th day on which the insurance carrier had reasonable notice of the specific claimed injury and upon final determination of an administrative law judge that the claimed injury is compensable, the insurance carrier is liable to reimburse the injured worker for any and all reasonable and necessary medical expenses incurred by the injured worker for the specific claimed injury; (5) if good cause exists, a party or witness may attend a workers' compensation contested case hearing telephonically or by videoconference, and the administrative law judge shall determine if good cause exists for a party or witness to attend the contested case hearing telephonically or by videoconference; and (6) an attorney representing a party in a contested case hearing, shall be permitted to represent a party to the case telephonically or by videoconference.

H.B. 818 (Walle) – Expressing Breast Milk: would provide that a public employer shall provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

H.B. 850 (Reynolds) – Discrimination: would, among other things, provide that: (1) a person engages in a discriminatory practice if the person, because of the sexual orientation or gender identity or expression of an individual: (a) denies that individual full and equal accommodation in any place of public accommodation; or (b) otherwise discriminates against or segregates or separates the individual based on sexual orientation or gender identity or expression; (2) an aggrieved person may file a civil action in district court not later than the second anniversary of the occurrence of the termination of an alleged discriminatory practice to obtain the following relief with respect to the discriminatory practice: (a) actual and punitive damages; (b) reasonable

attorney's fees; (c) court costs; and (d) any permanent or temporary injunction, temporary restraining order, or other order, including an order enjoining the defendant from engaging in the practice or other appropriate action; and (3) an employer, including a city, may not discriminate against a person on the basis of sexual orientation or gender identity or expression.

H.B. 863 (Schofield) – Local Debt or Tax Elections: would provide that an election for the issuance of bonds or a tax increase must be held on the November uniform election date.

H.B. 864 (Hernandez) – Unemployment Benefits: would allow an individual to qualify for unemployment benefits if the individual involuntarily leaves the workplace because of sexual harassment and: (1) reports the sexual harassment to the individual's employer or a law enforcement agency; or (2) files a sexual harassment complaint with the Texas Workforce Commission or the Equal Employment Opportunity Commission.

H.B. 893 (Reynolds) – Paid Sick Leave: would: (1) require certain employers to provide annual paid sick leave to each employee, accruing on the date the employee is hired at a rate of one hour paid sick leave for each 30 hours worked by the employee; and (2) provide that an employee may use such leave for specific reasons, including to attend: (a) to the employee's or the employee's family member's health condition; (b) to family violence related matters; and (c) a meeting at a child family member's school.

H.B. 894 (Reynolds) – Civilian Complaint Board: would create, in a city with a population of 500,000 or more, a civilian complaint review board with, among other things, the authority to: (1) investigate complaints alleging peace officer misconduct that involve: (a) excessive use of force; (b) improper use of power to threaten, intimidate, or otherwise mistreat a member of the public; (c) a threat of force; (d) an unlawful act, search, or seizure; or (e) other abuses of authority; and (2) issue subpoenas.

H.B. 915 (Craddick) – Workplace Violence Hotline: would, among other things, provide that: (1) the Texas Department of Licensing and Regulation shall establish a workplace violence hotline; (2) an employer, including a city, shall post a notice to employees of the workplace violence hotline described in (1), above; and (3) 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.

H.B. 997 (Munoz) – Petitions: would provide that a city may not adopt or enforce a charter provision, ordinance, policy, or other measure that prohibits an employee of the city's police or fire department from circulating or signing a petition authorized by the meet and confer, civil service, and collective bargaining laws.

H.B. 1012 (J. Gonzalez) – Discrimination: would prohibit discrimination in public accommodations and employment on the basis of an individual's sexual orientation, gender identity, or status as a military veteran. (Companion bill is **S.B. 110** by **Menéndez**.)

H.B. 1054 (Turner) – Independent Contractors: would, among other things: (1) require a contractor to properly classify each individual providing construction services as either an

employee or an independent contractor in accordance with Texas Workforce Commission (TWC) rules; (2) provide an exception for services performed by an individual in the employ of, among others, a political subdivision or an instrumentality of a political subdivision that is wholly owned by one or more states, political subdivisions, or Indian tribes, provided that the services are excluded from employment in certain circumstances under the Federal Unemployment Tax Act; and (3) provide that if the TWC determines that a contractor has violated (1), above, the TWC shall provide notice of the violation to each governmental entity that the TWC reasonably believes has received construction services provided by the contractor.

H.B. 1126 (Martinez Fischer) – Minimum Wage: would provide that the minimum wage shall be the greater of the current minimum wage (\$7.25 per hour) or the following: (1) \$10 per hour in 2022; (2) \$12.50 per hour in 2023; (3) \$14 per hour in 2024; and (4) \$15 per hour thereafter.

H.B. 1133 (Spiller) – Volunteer Security Services: would, among other things, provide 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.

H.B. 1215 (Cook) – Criminal History: would provide, among other things, that: (1) a public employer, including a city, may not, before making an offer of employment to an applicant: (a) obtain criminal history record information relating to the applicant; or (b) ask the applicant to disclose orally or in writing information regarding the applicant's criminal history, if any; (2) before making an offer of employment, a public employer may: (a) notify the applicant for a position that certain criminal convictions disqualify the applicant from consideration for the position under law or the employer's written policy; or (b) include a question on an initial employment application form regarding whether an applicant has been convicted of a criminal offense that would disqualify the applicant from employment under law if the question is limited to offenses that result in disqualification; (3) a public employer may obtain criminal history record information after the public employer has made an offer of employment to an applicant; and (4) the provisions in (1), (2), and (3), above, do not apply to any position with a law enforcement agency for which a Texas Commission on Law Enforcement license is required.

H.B. 1242 (Hernandez) – Unemployment Benefits: would provide that an individual is not disqualified for unemployment benefits if the individual leaves the workplace to care for the individual's minor child due to an unexpected illness, accident, or other unforeseeable event, but only if no reasonable, alternative care was available.

H.B. 1309 (Dutton) – Suits Against Governmental Employees: would provide that the plaintiff's irrevocable election of remedies provision under the Tort Claims Act may not be construed to restrict a plaintiff's ability to bring suit against an employee of a governmental unit for assault, battery, false imprisonment, or any other intentional tort, including a tort involving disciplinary action by school authorities.

H.B. 1332 (Herrero) – Jury Service: would amend current law to add an exemption from jury service for: (1) a firefighter, including a fire chief, who is a permanent, paid employee of the fire department of a city or county or of a special district or authority that provides firefighting services; and (2) a police officer, including a police chief, who is a permanent, paid employee of the police department of a city or county.

H.B. 1339 (Harless) – Unemployment Benefits: would provide that service performed by an individual as a volunteer firefighter or paramedic for which the only remuneration for the service is compensation for not more than two 12-hour shifts each week, regardless of whether the individual is certified to perform that service by an appropriate entity, does not count for purposes of calculating unemployment compensation.

S.B. 66 (Zaffirini) – EMS Civil Service: would provide that the emergency medical services personnel civil service law applies to a city: (1) with a population of 460,000 or more that: (i) operates under a city manager form of government; or (ii) operated under a city manager form of government on the date the city adopted EMS personnel civil service law; and (2) that employs EMS personnel in a city department other than the fire department.

S.B. 108 (Menendez) – Pay Discrimination: would provide, among other things, that: (1) with respect to an allegation of discrimination in payment of compensation, an unlawful employment practice occurs each time: (a) a discriminatory compensation decision or other discriminatory practice affecting compensation is adopted; (b) an individual becomes subject to a discriminatory compensation decision or other discriminatory practice affecting compensation; or (c) an individual is adversely affected by application of a discriminatory compensation decision or other discriminatory practice affecting compensation, including each time wages affected wholly or partly by the decision or other practice are paid; (2) liability may accrue, and any aggrieved individual may obtain relief, including recovery of back, if the unlawful employment practices that occurred during the period for filing a complaint are similar or related to unlawful employment practices regarding payment of compensation that occurred outside the period for filing a complaint; and (3) an employer, including a city, commits an unlawful employment practice if the employer: (a) verbally or in writing inquires into an applicant's wage history information from the applicant or from a previous employer of the applicant; (b) requires disclosure of an applicant's wage history information as a condition of employment; and (c) discharges or in any other manner discriminates against, coerces, intimidates, threatens, or interferes with an employee, applicant or other individual because the individual inquired about, disclosed, compared, or otherwise discussed an employee's wages or an applicant's prospective wages.

S.B. 110 (Menendez) – Discrimination: would prohibit discrimination in public accommodations and employment on the basis of an individual's sexual orientation, gender identity, or status as a military veteran.

S.B. 184 (Miles) – Police Civilian Complaint Boards: would, among other things:

1. create a municipal civilian complaint review board in each city with a population of 200,000 to investigate complaints alleging peace officer misconduct;

2. provide that the board shall consist of five public members appointed for a two-year term as follows: (a) two members appointed by the presiding officer of the governing body of the city, one of whom must be appointed from a list of city residents submitted to the presiding officer by the governing body of the city; (b) one member appointed by the county judge of the county in which the city is wholly or primarily located; (c) one member appointed by the city's police chief; and (d) one member appointed by the commissioners court of the county in which the municipality is wholly or primarily located;
3. provide that a person is ineligible to serve as a board member if the person is: (a) a city employee; (b) holds a public office; or (c) has experience as a law enforcement professional, including as a peace officer, a criminal investigator, a special agent or a managerial or supervisory employee with substantial policy discretion on law enforcement matters in a federal, state, or local law enforcement agency, other than as an attorney in a prosecutorial agency;
4. provide that a board member is entitled to a per diem of \$150 for each day the member engages in board business, and the total per diem a board member may receive during a fiscal year may not exceed \$5,000;
5. provide that a board member is entitled to reimbursement for actual and necessary expenses incurred in performing the duties of the board;
6. provide that a board may investigate a complaint that alleges peace officer misconduct involving: (a) excessive use of force; (b) improper use of power to threaten, intimidate, or otherwise mistreat a member of the public; (c) threat of force; (d) an unlawful act, search, or seizure; or (e) other abuses of authority;
7. provide that a filed complaint must: (a) be in writing; (b) allege the peace officer engaged in misconduct described in (6), above; and (c) describe the alleged misconduct;
8. provide that a board may issue a subpoena to compel the attendance of a witness or the production of any book, record, or other document reasonably necessary to conduct an investigation, and the subpoena must relate to a matter under investigation by the board;
9. provide that a board shall forward each complaint filed with the board to the city attorney, and the city attorney shall investigate the complaint by: (a) interviewing and obtaining a statement from the complainant, each peace officer who is the subject of the complaint, and each witness to the alleged misconduct; and (b) obtaining any documentary or other evidence relevant to the investigation;
10. provide that the city attorney shall complete the investigation of a complaint not later than the 120th day after the date the city attorney receives the complaint from the board;

11. provide that after an investigation of a complaint is complete, the city attorney shall forward the results of the investigation to the board or a panel of at least three board members;
12. provide that the board or panel shall review the case and make a determination on each allegation in the complaint that has not been dismissed by the board, and such determination must be made not later than the 180th day after the date the board receives the complaint;
13. provide that a board shall notify: (a) the parties to the complaint of the board's determination; and (b) the employer of the peace officer who is the subject of the complaint of the board's determination; and
14. provide that if the board finds that a complaint is substantiated, the board may recommend an appropriate disciplinary action to the employer, and if the employer fails to take disciplinary action against the peace officer before the 30th day after the date the board notifies the employer of the board's determination, the board shall forward the case to the attorney representing the state or to the appropriate United States attorney.

S.B. 204 (Eckhardt) – Reproductive Discrimination: would, among other things: (1) provide that an employer commits an unlawful employment practice if the employer discriminates against an employee or a close member of the employee's family or household on the basis of a reproductive decision including: (a) marital status at the time of a pregnancy; (b) use of assisted reproduction to become pregnant; (c) use of contraception or a specific form of pregnancy; or (d) obtainment or use of any other health care drug, device or service relating to reproductive health; (2) require an employer that provides an employee handbook include in the handbook information regarding the prohibition of discrimination based on a reproductive decision; and (3) make a mandatory arbitration agreement between an employer and an employee void and unenforceable to the extent the agreement limits the reproductive decisions of an employee or employee's close family or household members. (Companion bill is **H.B. 722** by **Rosenthal**.)

S.B. 274 (Blanco) – Discrimination: would, among other things, prohibit discrimination on the basis of sexual orientation or gender identity or expression of an individual in public accommodations and by an employer, including a city.

S.B. 284 (Eckhardt) – Expressing Breast Milk: would require a public employer to provide a place, other than a bathroom, that is shielded from view and free from intrusion from other employees and the public where the employee can express breast milk.

Purchasing

H.B. 679 (Bell) – Soliciting and Awarding Construction Contracts: would, among other things: (1) define "experience modifier" as a factor that is: (a) assigned to an employer seeking to purchase a workers' compensation insurance policy in Texas; (b) affects the premium amount for the policy; and (c) is based on the employer's past and prospective loss cost experience; (2) prohibit a city

from: (a) requesting or requiring an offeror to include an experience modifier in a bid, proposal, qualification, offer, or other response submitted as part of the selection process for the award of a contract; (b) considering an experience modifier in the process of awarding a contract, including the: (i) evaluation of bids, proposals, qualifications, offers, or other responses; or (ii) selection of an offeror; and (3) provide that a contract entered into in violation of (2), above, is void as against public policy.

H.B. 857 (Gervin-Hawkins) – Payment Bonds: would increase the amount of a public works contract for which a payment bond is required from \$25,000 to \$100,000.

H.B. 876 (Raymond) – Flag Purchases: would, among other things, for each United States flag or Texas state flag purchased by a city, require the city to: (1) give first preference to flags manufactured in the Texas using materials grown, produced, or manufactured in Texas to the extent reasonable and practicable; and (2) give second preference to flags manufactured in Texas or the United States using materials grown, produced, or manufactured in the United States.

H.B. 1132 (Spiller) – Competitive Bidding Thresholds: would, among other things: (1) increase the threshold at which competitive bidding is required for city purchases from \$50,000 to \$100,000; and (2) increase the threshold at which competitive bidding in relation to historically underutilized businesses (HUBs) is required from \$50,000 to \$100,000.

S.B. 283 (Eckhardt) – Workers’ Compensation Insurance: would require a city that enters into a building or construction contract to require the contractor on the public project to provide a written certificate that any subcontractor on the project provides workers’ compensation insurance for each employee of the subcontractor on the public project. (Companion bill is **H.B. 778** by Walle.)

Transportation

H.B. 108 (Cortez) – Classroom Teachers Park Free: would: (1) require the Texas Department of Transportation to issue specialty license plates to: (a) classroom teachers with at least 15 years of service teaching public school students; and (b) retired classroom teachers with at least 20 years of service teaching public school students; and (2) prohibit a governmental authority from collecting a parking fee through a parking meter for a vehicle displaying these licensees.

H.B. 167 (Cortez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

H.B. 177 (Cortez) – Red Light Cameras: would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

H.B. 366 (Bell) – High Speed Rail Bond: would provide that before a private entity begins operation of new high-speed rail service the entity must file a bond in an amount sufficient to restore real property used for the service to its original condition if the service ceases operation.

H.B. 805 (Toth) – High Occupancy Vehicle Lanes: would provide that regardless of the number of occupants in a motor vehicle, an operator of a motor vehicle is entitled to use any high occupancy vehicle lane for the purpose of passing another vehicle that is being operated at a speed that is less than the posted speed limit for the roadway if the operator enters and exits the high occupancy vehicle lane at designated entry and exit points.

H.B. 820 (King) – Additional Hybrid Vehicle Registration Fee: provides that applicants for registration or renewal of registration for a hybrid or electric vehicle shall pay an additional fee of \$200 if the vehicle is an electric vehicle and \$100 if the vehicle is a hybrid vehicle with 90% of the fees to be deposited into the state highway fund and 10% to be deposited into a new electric vehicle battery disposal account administered by the Texas Commission on Environmental Quality.

H.B. 960 (Jetton) – Electric Vehicle Registration Fee: would provide that at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay an additional \$100 road maintenance fee, which must be deposited to the credit of the state highway fund.

H.B. 1156 (Rogers) – Surplus Traffic Safety Equipment: would provide, among other things, that the Texas Department of Transportation and Texas Department of Public Safety may directly donate or sell at a discounted rate surplus traffic and roadwork safety equipment to Texas cities.

S.B. 41 (Zaffirini) – Cell Phone Ban: would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; and (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction with a hands-free device; (b) to contact emergency services; or (c) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle.

S.B. 254 (Eckhardt) - Gas Tax: would increase the rate of the state gasoline tax and diesel fuel tax from 20 to 40 cents per gallon.

Utilities and Environment

H.B. 26 (Ordaz Perez) – Medical Waste Facilities: would, among other things, provide that an applicant for an application for or notice of intent to file an application for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Post Service mail to the governing body of the city in which the facility is or is to be located, if applicable. (Companion bill is **S.B. 173** by **Blanco**.)

H.B. 94 (Jarvis Johnson) – Concrete Plant: would provide that, in determining whether to approve an application for a standard permit for a concrete batch plant, the executive director of the Texas Commission on Environmental Quality must base the decision, in part, on a

consideration of the potential harm to local property values and the location of the facility relative to homes, schools, churches, parks, and other community assets.

H.B. 124 (Jarvis Johnson) – Concrete Plants: would limit the state law under which the Texas Commission on Environmental Quality may issue an air quality permit for a concrete plant located in an area of a city not subject to zoning regulations and require that such a plant comply with certain notice and hearing requirements.

H.B. 349 (Bucy) – Municipal Drainage Service Charges: would: (1) authorize a city to exempt property from all or a portion of drainage charges if the property is used as a principle residence of an individual who is a disabled veteran, 65 years of age or older, a veteran of the armed forces of the United States, or a member of the armed services of the United States on active deployment; and (2) authorize a city to impose additional eligibility requirements for an exemption under (1), above.

H.B. 372 (Jarvis Johnson) – Concrete Plants: would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards.

H.B. 406 (Collier) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

H.B. 407 (Collier) – Concrete Plants: would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

H.B. 583 (Raymond) – Drinking Water Report: would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year.

H.B. 585 (Raymond) – Water Treatment Facilities Reporting: would: (1) require the Texas Commission on Environmental Quality (TCEQ) to create a plan to protect water treatment facilities from: (a) electrical outages; (b) catastrophic weather events; (c) terrorist attacks; (d) the projected effects of climate change; and (e) other potential disruptions to providing water service; and (2) require TCEQ to submit the plan to the governor and the legislature by September 1, 2024.

H.B. 695 (Rogers) – Eminent Domain: would provide that a city may not take private property through eminent domain for the purpose of developing or operating a wind power facility.

H.B. 758 (Walle) – Concrete Plants: would provide that the Texas Commission on Environmental Quality (TCEQ) must allow the filing of a request for a contested case hearing on an authorization to use a standard permit for a concrete plant that performs wet batching, dry

batching, or central mixing at any time during the public comment period on the authorization, including during any extension of the public comment period for public meetings.

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

H.B. 874 (Bowers) – Water Rights: would provide that a water right is not cancelled for nonuse if the nonuse resulted from an executed temporary or permanent forbearance agreement that: (1) promotes restoration, preservation, or enhancement of instream flows; (2) was entered into by the holder of the permit, certified filing, or certificate of adjudication; and (3) was filed with the Texas Commission on Environmental Quality not later than the 180th day after the date the agreement was executed.

H.B. 926 (Dutton) – Concrete Plant Permitting: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

H.B. 973 (Zwiener) – Critical Infrastructure: would, among other things: (1) create a critical infrastructure resiliency fund that may be used by the Texas Division of Emergency Management to make a grant to an eligible entity; (2) establish the electric grid improvement account as an account within the critical infrastructure resiliency fund that may be used to make grants to municipally owned electric utilities, among others, for projects related to hardening and weatherizing the electric grid; (3) establish the hospital infrastructure resiliency account within the critical infrastructure resiliency fund that may be used to make grants to a city-owned hospital, among others, for projects relating to the purchase of reserve power supply that is reliable during an extreme weather event; and (4) authorize the use of funding under the water loan assistance fund for projects to harden and weatherize water and wastewater systems in the state.

H.B. 1146 (Reynolds) – ERCOT Grid: would, among other things, provide that, so long as the interconnection does not pose a significant and imminent risk to public health and safety, a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region, may construct, own, and operate facilities as necessary to: (1) access transmission service from outside of the ERCOT power region; and (2) purchase power at wholesale from outside of the ERCOT power region.

H.B. 1194 (Turner) – Oil and Gas: would: (1) provide that the Railroad Commission (RRC) may not grant an application for a permit to drill a new oil or gas well if the proposed well site is located within 1,500 feet of the property line of a child-care facility, private school, primary or secondary public school, or facility that is owned by a school district and used by students enrolled in that district unless: (a) the RRC holds a public hearing in the county in which the proposed well site is located to receive public comments on whether granting the permit application is in the public interest; and (b) the RRC considers the comments received when determining whether to grant the

application; and (2) the bill does not affect the authority of a political subdivision to enact, amend, or enforce an ordinance or other measure related to the drilling of new oil or gas wells.

H.B. 1312 (Vasut) – Municipal Utility Districts: would: (1) require a regular or special meeting of the board of a municipal utility district to be held at a publicly accessible location inside or not more than five miles outside the territory of the district; and (2) provide that (1), above, does not prohibit the board of a district from holding an open or closed meeting by telephone conference call or videoconference call in accordance with the Open Meetings Act.

S.B. 31 (Zaffirini) – Electricity: would, among other things, provide that: (1) a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (a) access transmission service from outside the ERCOT power region; and (b) purchase power at wholesale from outside the ERCOT power region; and (2) unless otherwise provided by federal law, the Public Utility Commission (PUC) shall require ERCOT to approve the interconnection of a facility in (1), above, unless the PUC or ERCOT determines that the interconnection poses a significant and imminent risk to public health and safety.

S.B. 40 (Zaffirini) – Water Utilities: would require the Texas Commission on Environmental Quality to develop and implement an alert system that must include the ability to provide notifications through electronic instant messaging to be activated in the event of a boil water notice and any related information, including any rescission or expiration of the boil water notice.

S.B. 53 (Zaffirini) – Texas Water Development Board Financing: would provide that: (1) a political subdivision may use financial assistance from the Texas Water Development Board (TWDB) to pay for the installation, maintenance, operation, and fueling of a backup power generator for a facility of a public water supply and sanitary sewer system; (2) assistance under the bill shall only be provided to political subdivisions that demonstrate an inability to pay for the installation, maintenance, operation, and fueling of a backup power generator described by (1), above, in accordance with TWDB rules; (3) if the TWDB determines that a political subdivision to which assistance has been provided under (1), above, is ineligible to receive the assistance, the TWDB may seek reimbursement from the political subdivision; and (4) the TWDB shall adopt rules to implement the bill.

S.B. 114 (Menendez) – Electricity: would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of planned outages and the length of time the outages are expected to last; and (2) require the Public Utility Commission to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2024; (b) two percent of peak summer and winter demand by December 31, 2025; (c) three percent of peak summer and winter demand by December 31, 2026; and (d) five percent of peak summer and winter demand by December 31, 2027.

S.B. 131 (Campbell) – Concrete Plant Permitting: would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing in a permanent residence within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

S.B. 173 (Blanco) – Medical Waste Facilities: would, among other things, provide that an applicant for an application for or notice of intent to file an application for a permit to construct, operate, or maintain a facility to store, process, or dispose of medical waste shall provide notice of the application or notice of intent by hand delivery, facsimile, or United States Post Service mail to the governing body of the city in which the facility is or is to be located, if applicable. (Companion bill is **H.B. 26** by **Ordaz Perez**.)

S.B. 223 (Campbell) – Wastewater Permitting: would require the Texas Commission on Environmental Quality to hold at least one public meeting on an application for an initial permit for a wastewater treatment facility in the county in which the facility is proposed to be located.

S.B. 330 (Hall) – Electric Grid Resilience: would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities.

S.B. 365 (Zaffirini) – Electricity: would provide that an electric utility must provide written notice to each landowner whose property is located within 300 feet of a substation for a transmission line when the utility applies for a certificate of convenience and necessity (CCN) or when the electric utility applies to amend the CCN to construct a transmission line that connects to the utility's existing transmission facilities to a substation or metering point.

S.B. 382 (Zaffirini) – Drinking Water Report: would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year. (Companion bill is **H.B. 582** by **Raymond**.)

S.B. 469 (Springer) – Water Infrastructure: would: (1) for purposes of the Texas Water Assistance Program and other funding initiatives by the Texas Water Development Board (TWDB), define "rural political subdivision" as: (a) a nonprofit water supply or sewer service corporation, district, or municipality that has a service area with a population of 10,000 or less no part of which is located in an urban area as defined by the United States Bureau of the Census or otherwise qualifies for funding from a federal agency; or (b) a county in which no urban area has a population of more than 50,000; and (2) provide 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 for the purpose of providing low-interest loans for water or water-related projects.

88th Legislative Session

SESSION UPDATE

- 1,600 bills filed before the start of the legislative session; 250 more than last session
- March 10, 2023 last day to file bills
- Speaker Priorities: additional spending on infrastructure; and property tax relief
- Lieutenant Governor Priority: school choice
- State Budget:
 - Budget Surplus: \$188.23 billion of revenue available; 26% increase from previous biennium
 - Surplus vastly due to sales and energy taxes
- TML Priorities:
 - To defeat legislation that would erode city authority or be detrimental to cities, including legislation that:
 - preempts municipal authority in general
 - imposes further revenue and/or tax caps of any type
 - erodes the ability of a city to issue debt
 - erodes municipal authority related to development matters, including with respect to the following issues: 1) annexation; 2) eminent domain; 3) zoning; 4) regulatory takings; 5) building codes; 6) tree preservation; 7) short-term rentals; and 8) ETJ
 - erodes the authority of a city to be adequately compensated for the use of its rights-of-way
 - limits or prohibits the authority of city officials to use municipal funds to communicate with legislators
 - abolishes the concept of the ETJ
 - To seek introduction and passage of legislation that:
 - promotes “Pay-as-you-go” financing through property tax rate calculation adjustment on the M&O side to help with crumbling infrastructure [Note: no bill filed yet]
 - increase city authority regarding ESD expansion into city limits or ETJ and city/ESD sales tax sharing [Note: no bill filed yet]
 - HB 640 (Julie Johnson) increases street maintenance sales tax flexibility and extends reauthorization to 10 years; and can use for water/wastewater facilities
 - HB 622 (Shaheen) and HB 657 (Bailes) allow cities alternate methods of publications of legal notices
 - HB 1132 (Spillar) increases the competitive bidding threshold to account for increase costs to cities to \$100,000

SESSION BILLS

- City-Related Bills to Follow

Preemption:

- Broad Preemption – SB 149 – City can't regulate commerce (with exceptions) [Note: this is very broad and home-rule municipalities are at risk]

Land Use:

- HB 149 (Murr) – Sale of parkland in any home rule city if 2 acres or less w/out election
- HB 866 (Oliverson) and SB 259 (Springer) – City can't impose prerequisites or conditions to file a plan or plat [Note: this is related to the shot clock bill passed in the 2019 legislative session]
- HB 983 (Leo Wilson) – Charter schools exempt from city land use and other regulations
- HB 1246 (Craddick) and SB 369 (Campbell) – Automatic disannexation if city doesn't provide municipal services to an area
- HB 1279 (Tepper) – Limits the extent of a city's ETJ
- 10+ bills related to location/permitting of concrete batch plants

Property Tax:

****20+ appraisal cap bills filed****

- HB 234 (Bernal) – Mandatory sales price disclosure
- HB 419 (Shine) – Automatic homestead exemption between 5 and 25 percent of average homestead value in county
- HB 481 (Goldman) and HB 707 (Geren) – Mandatory freeze on elderly/disabled homesteads for city taxes
- HB 808 – Makes chief appraiser an elected office
- SB102 – Beneficial changes to equity appraisal statute

Sales Tax:

- HB 432 (Schofield) – Intrastate sales taxes sourced to location where item stored before shipment
- SB 333 (Schwertner) – Pre-2019 place of business under 380 agreement remains where local sales taxes are sourced for duration of agreement

Other Tax:

- HB 550 (Vasut) – Local hotel occupancy taxes can be spent on parks under certain circumstances

Elections and Debt:

- HB 187 (Landgraf) and HB 863 (Schofield) – Moves all debt elections to November
- HB 190 (Swanson) – Home rule cities must use ballot language listed in petition for an election, with ability to challenge SOS. Also limits charter petition requirements
- HB 259 (Goodwin) and SB 359 (Eckhardt) – Authorizes cities to use preferential voting in City elections
- HB 455 (Schofield) and HB 824 (Buckley) – Authorizes cities to move election date to November
- SB 221 (Bettencourt) – SOS ballot language review for city propositions, private cause of action against the city

Open Government:

- SB 42 (Zaffirini) – New video conferencing requirements, expanded meeting notice requirements
- SB 44 (Zaffirini) – City must respond to PIA request within 10 days, various penalties for failure to do so

Other:

- HB 170 (Spiller) – Lobbying transparency for local governments
- HB 471 (Springer) – Paid sick leave for first responders for up to a year, plus disease presumption expansion
- HB 911 (Harrison) – Limits gubernatorial and mayoral authority in a disaster
- HB 973 (Zwiener) – Funding for critical infrastructure hardening – electric MOUs and water/wastewater utilities
- SB 175 (Middleton) – Community censorship – City can't hire lobbyist or join organization that lobbies