



SUMMARY OF ENACTMENTS

87TH TEXAS LEGISLATURE | REGULAR SESSION, 2ND AND 3RD CALLED SESSIONS | 2021



SUMMARY OF ENACTMENTS

87TH TEXAS LEGISLATURE | REGULAR SESSION, 2ND AND 3RD CALLED SESSIONS | 2021

Published by the
Texas Legislative Council



May 2022

Texas Legislative Council
Lieutenant Governor Dan Patrick, Joint Chair
Speaker Dade Phelan, Joint Chair
Jeff Archer, Executive Director

*The mission of the Texas Legislative Council is
to provide professional, nonpartisan service and support
to the Texas Legislature and legislative agencies.
In every area of responsibility,
we strive for quality and efficiency.*

Copies of this publication have been distributed in compliance with the state depository law (Subchapter G, Chapter 441, Government Code) and are available for public use through the Texas State Publications Depository Program at the Texas State Library and other state depository libraries. This publication can be found at <https://www.tlc.texas.gov/publications>.

Additional copies of this publication may be obtained from the council:

By mail: P.O. Box 12128, Austin, TX 78711-2128

By e-mail: house.documentdistribution@tlc.texas.gov

By online request form (legislative offices only): <https://bilreq/House.aspx>

If you have questions or comments regarding this publication, please contact Kellie Smith by phone at (512) 463-1155 or by e-mail at kellie.smith@tlc.texas.gov.

TABLE OF CONTENTS

Introduction	v
Enactments of the 87th Texas Legislature	
Agriculture	3
Alcoholic Beverages	9
Appropriations and State Finance	11
Business and Commerce	17
Civil Remedies and Procedures	23
Corrections	27
Courts	31
Criminal Justice	37
Economic Development	51
Elections	55
Emergency Response	63
Energy Resources	69
Environment	73
Family Law	77
Financial Institutions	87
Government Purchasing	91
Health and Human Services	95
Higher Education	119
Insurance	127
Juvenile Justice	137
Labor and Employment	141
Law Enforcement	147
Local Government	151
Military Forces and Veterans	159
Occupational Regulation	165
Open Government and Privacy	169
Parks and Wildlife	171
Probate and Guardianship	173
Property Interests and Housing	177
Public Education	187
Public Retirement Systems	207
Public Safety	213
Redistricting	219
Special Districts	221
State Government	239
Sunset Review	247
Taxes and Tax Administration	251
Transportation	265
Utilities	277
Water	287
Vetoes by the Governor	289
Index to Enacted Bills and Joint Resolutions by	
Bill and Joint Resolution Number	299

This page intentionally left blank.

INTRODUCTION

Summary of Enactments, 87th Texas Legislature, provides summaries of all bills and joint resolutions passed by the Texas Legislature during the 2021 Regular Session and 2nd and 3rd Called Sessions. No bills or joint resolutions were passed in the 1st Called Session. This publication is intended to be a convenient reference to the main features of enacted measures and is not to be considered a comprehensive or legal analysis.

The summaries have been organized into chapters based on their primary subject matter. Summaries of vetoed bills appear in both the applicable subject matter chapter and the [Vetoed by the Governor](#) chapter.

		Filed	Passed	Vetoed
Regular	Bills	6,927	1,073	20*
	Joint Resolutions	221	8	-
1st C.S.	Bills	371	0	-
	Joint Resolutions	34	0	-
2nd C.S.	Bills	338	14	0
	Joint Resolutions	42	1	-
3rd C.S.	Bills	217	10	0
	Joint Resolutions	32	1	-

The text of bills and joint resolutions and related histories, analyses, fiscal notes, and summaries are provided electronically through [Texas Legislature Online](#). For assistance in locating legislation, visit the [website of the Legislative Reference Library](#) or contact the library at (512) 463-1252.

Eight joint resolutions proposing amendments to the Texas Constitution were passed in the Regular Session and these amendments were approved by voters in the election held on November 2, 2021. Two joint resolutions proposing amendments to the Texas Constitution were passed in the 2nd and 3rd Called Sessions, respectively, and these amendments were approved by voters in the election held on May 7, 2022. For more in-depth analyses of the amendments, see the [Texas Legislative Council's publications web page](#).

* The governor also vetoed several line items in the General Appropriations Act (S.B. 1).

This page intentionally left blank.

ENACTMENTS OF THE 87TH TEXAS LEGISLATURE

This page intentionally left blank.

AGRICULTURE

This chapter covers legislation on farming and livestock and on maintaining a healthy agricultural sector. It includes legislation relating to the functions and duties of the Department of Agriculture.

[House Bill 222](#)

Effective: 9-1-21

House Author: Murr

Senate Sponsor: Springer

House Bill 222 amends the Natural Resources Code to exempt a burn boss who meets certain insurance, training, and experience requirements from liability for property damage, personal injury, or death caused by or resulting from the burn in excess of the insurance requirement. This limitation of liability does not apply to a burn boss who commits gross negligence or intentionally causes property damage, personal injury, or death.

[House Bill 1070](#)

Effective: 5-15-21

House Author: Harris et al.

Senate Sponsor: Perry

House Bill 1070 amends the Occupations Code to exempt from the Texas Structural Pest Control Act, with certain exceptions, a person who performs pest control work on growing plants, trees, shrubs, grass, or other horticultural plants under the direct supervision of the holder of a Department of Agriculture commercial or noncommercial pesticide applicator license that covers pest control work.

[House Bill 1371](#)

Effective: 6-15-21

House Author: Guerra et al.

Senate Sponsor: Lucio et al.

House Bill 1371 amends the Agriculture Code to postpone the expiration date of the trade agricultural inspection grant program of the Department of Agriculture (TDA) from September 1, 2021, to September 1, 2025, and to extend the program's final reporting deadline accordingly. Implementation of a provision of this bill by the TDA is mandatory only if a specific appropriation is made for that purpose.

[House Bill 1480](#)

Effective: 9-1-21

House Author: Cyrier

Senate Sponsor: Kolkhorst

House Bill 1480 amends the Agriculture Code to create an offense for a person who intentionally causes the loss of an animal or crop from an animal or crop facility without the consent of the owner or operator of the facility; damages, vandalizes, or steals any property on or from a facility; breaks and enters into a facility with the intent to destroy or alter records, data, materials, equipment, animals, or crops; or enters or remains on an animal or crop facility with the intent to commit a prohibited act. The bill establishes penalties for the offense ranging from a Class B misdemeanor to a Class A misdemeanor depending on the value of the property lost. Conduct that causes a loss in an amount less than \$500 is excluded from the application of the offense. The bill provides for mandatory restitution by a convicted defendant to the owner or operator of the facility and authorizes an action for injunctive relief by a facility owner or operator against a person who engages or threatens to engage in conduct that constitutes an offense created by the bill.

[House Bill 1958](#)

Effective: 6-7-21

House Author: González, Mary et al.

Senate Sponsor: Springer

House Bill 1958 amends the Agriculture Code to require the owner or person in charge of a public or private livestock export-import processing facility that is a land border port in Texas, including a Department of Agriculture facility, to notify the Texas Animal Health Commission (TAHC) not later than 24 hours after

Agriculture

an animal received or held at the facility is refused export from Texas or entry into another country. The bill authorizes the TAHC to require that an animal held at a facility be tested or treated for a disease or pest and to require that testing or treatment be performed before the animal is removed from the facility. The bill creates a Class C misdemeanor offense for a person who knowingly moves an animal in violation of TAHC rules adopted under the bill's provisions.

[House Bill 2004](#)

Effective: 9-1-21

House Author: Ashby et al.

Senate Sponsor: Nichols

House Bill 2004 amends the Natural Resources Code to exempt a burn boss who is a certified and insured prescribed burn manager from liability for property damage, personal injury, or death caused by or resulting from smoke that occurs more than 300 feet from the burn. This limitation of liability does not apply to a burn boss who commits gross negligence or intentionally causes property damage, personal injury, or death. The bill prohibits the Department of Agriculture or another state agency from taking disciplinary action against a certified and insured prescribed burn manager in relation to an appropriately conducted prescribed burn on the basis that the burn resulted in emissions or is a nuisance.

[House Bill 2089](#)

Effective: 9-1-21

House Author: Burrows

Senate Sponsor: Perry et al.

House Bill 2089 amends the Agriculture Code to require the Department of Agriculture (TDA) to enter into a cooperative agreement with a public institution of higher education that agrees to conduct plant pest and disease detection and surveillance. The bill establishes requirements for the agreement, including an application procedure, considerations for the TDA in determining whether to enter into an agreement with a given institution, and requirements for an institution's use of associated state funds. The bill also requires the TDA to establish a threat identification and mitigation program to determine and address plant pests and diseases that are threats to the domestic production of crops, including specialty crops.

[House Bill 2840](#)

Effective: 6-7-21

House Author: Longoria et al.

Senate Sponsor: Hinojosa

House Bill 2840 amends the Agriculture Code to exempt grapefruit or oranges that are processed for juice from state citrus fruit maturity standards.

[House Bill 2841](#)

Effective: 6-7-21

House Author: Longoria et al.

Senate Sponsor: Hinojosa

House Bill 2841 amends the Agriculture Code to authorize the Texas Citrus Pest and Disease Management Corporation, Inc., at any time after an assessment of a citrus producer becomes delinquent, to investigate conditions that relate to the producer's prompt remittance of the assessment. The bill authorizes the corporation either to independently bring a suit for appropriate injunctive relief or a judgment against a citrus producer whom the corporation determines has failed to remit an assessment or to request the Department of Agriculture, the attorney general, or a county or district attorney having jurisdiction to file such a suit on the corporation's behalf. A petition for injunctive relief by or on behalf of the corporation may also seek to secure the payment of assessments for the current year that are not yet delinquent and is considered sufficient if it includes certain allegations set out by the bill.

[House Bill 2850](#)

Effective: 9-1-21

House Author: Kacal et al.

Senate Sponsor: Springer

House Bill 2850 amends the Civil Practice and Remedies Code to grant a certified veterinary assistant, licensed veterinary technician, or veterinarian immunity from civil liability for an act or omission that

occurs in providing veterinary care or treatment to an injured animal in good faith and as a volunteer under certain circumstances involving a man-made or natural disaster. The immunity does not apply to care or treatment provided for compensation beyond reimbursement for expenses or in cases of gross negligence or intentional misconduct.

The bill amends the Occupations Code to establish that a veterinarian's client or the owner of an animal treated by the veterinarian waives the privilege of client confidentiality with respect to information regarding the veterinarian's care and treatment of the animal that the client or owner publishes in a public forum if that information is false with respect to the veterinarian, any information shared by the veterinarian in response is limited to factual information that directly refutes the false information, and the veterinarian does not share any of a client's or owner's personally identifiable information other than the client's or owner's full name. The bill clarifies that a veterinarian's provision of information to another veterinarian or to an appropriate governmental entity regarding cruelty to an animal, an attack on an animal, or the prescribing, dispensing, or requesting of a controlled substance does not violate client confidentiality under the Veterinary Licensing Act.

House Bill 3132

Effective: 9-1-21

House Author: Smithee

Senate Sponsor: Seliger

House Bill 3132 amends the Occupations Code to authorize a student who is completing the practical requirements of an equine dental provider certification program approved by the State Board of Veterinary Medical Examiners to perform equine dentistry under the direct supervision of a veterinarian who is active and in good standing.

House Bill 3289

Effective: 9-1-21

House Author: González, Mary

Senate Sponsor: Blanco

House Bill 3289 amends the Agriculture Code to change from \$250 to \$10,000 to \$500 to \$20,000 the range of a civil penalty for a violation of a quarantine established against a pest or disease affecting pecans or pecan trees or for a violation of a rule adopted under provisions relating to certain measures for the protection of pecans or pecan trees from horticultural diseases and pests. The bill provides for a registered nursery or florist to remedy an applicable first violation through a compliance agreement with the Department of Agriculture in lieu of civil and criminal penalties.

House Bill 3442

Effective: 9-1-21

House Author: Anderson et al.

Senate Sponsor: Powell

House Bill 3442 amends the Veterinary Licensing Act, Occupations Code, to require the State Board of Veterinary Medical Examiners to provide to a license holder who is the subject of a complaint whose review requires medical expertise a copy of the record of any such review with the name of each reviewing veterinarian redacted.

House Bill 3856

Effective: 9-1-21

House Author: Rogers

Senate Sponsor: Springer

House Bill 3856 amends the Agriculture Code to set at \$5,000 the maximum administrative penalty that may be imposed by the Texas Animal Health Commission for a violation of provisions relating to the control of animal diseases and pests or a rule or order adopted under those provisions.

House Bill 3959

Effective: 6-8-21

House Author: Buckley et al.

Senate Sponsor: Perry et al.

House Bill 3959 amends the Agriculture Code to require the office of the governor to establish and administer the Texas youth livestock show grant program to support livestock shows that are part of a

Agriculture

county or state youth livestock validation program and have Texas 4-H and Texas FFA engagement or sanction. The bill creates the Texas youth livestock show fund account in the general revenue fund and provides for its composition and the allocation of account funds.

[Senate Bill 617](#)

Effective: 6-14-21

Senate Author: Kolkhorst

House Sponsor: Wilson et al.

Senate Bill 617 amends the Health and Safety Code to revise provisions that set the minimum permit term, the required coverage area, and the maximum permit fee for permits issued to farmers and food producers in connection with the sale of food at a farmers' market, farm stand, or farm. Among other provisions, the bill changes the applicability of those provisions with respect to individuals other than farmers and also changes the locations that such a permit must cover to include all locations the permit holder is authorized to sell food within the jurisdiction of the applicable permitting authority.

[Senate Bill 634](#)

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Anderson

Senate Bill 634 amends the Agriculture Code to make confidential and exempt from disclosure under state public information law certain State Soil and Water Conservation Board information identifying a landowner who participates in a board program to manage or eradicate an invasive species. The bill does not protect the identity of a person who receives a direct payment of state money under a contract with the board for such management or eradication.

[Senate Bill 1118](#)

Effective: 9-1-21

Senate Author: Johnson et al.

House Sponsor: Wilson

Senate Bill 1118 amends the Agriculture Code to authorize the State Soil and Water Conservation Board to develop and administer the On-The-Ground Conservation Program to facilitate priority and other soil and water conservation land improvement measures. The bill authorizes the board to provide through the program technical assistance, cost-share assistance, direct grants, and help in obtaining those forms of support from other public or private sources.

Senate Bill 1118 authorizes the board to work with qualified nonprofit organizations and universities to provide technical assistance, to designate one or more soil and water conservation districts to administer the program locally, and to establish cost-share rates for eligible conservation measures. The bill authorizes the board to consider local priorities and needs in designating priority conservation measures within the priority categories specified by the bill, to establish standards and specifications for each priority measure, and to provide certification that specific measures have been implemented in accordance with those standards and specifications.

[Senate Bill 1772](#)

Effective: Vetoed

Senate Author: Zaffirini et al.

House Sponsor: Zwiener et al.

Senate Bill 1772 amends the Education Code to require Texas A&M AgriLife Extension, in consultation with the Department of Agriculture and the Parks and Wildlife Department, to establish and implement the Texas Pollinator-Smart program to encourage the voluntary establishment and conservation of habitats for bees, birds, and other pollinators in and near solar energy sites. The bill requires the extension to develop related educational materials and to award the Texas Pollinator-Smart certificate to solar energy sites with pollinator habitats that meet or achieve an applicable standard. Implementation of a provision of this bill by the extension is mandatory only if a specific appropriation is made for that purpose.

Governor's Reason for Veto: "Senate Bill 1772 offered a program that was totally voluntary. Voluntary laws are not needed to drive public behavior."

Senate Bill 1997

Effective: 9-1-21

Senate Author: Springer

House Sponsor: Rogers

Senate Bill 1997 amends the Agriculture Code to update certain references to hog cholera to refer to classical swine fever and to specify that a Texas Animal Health Commission (TAHC) representative or other TAHC-authorized person is authorized to vaccinate, inoculate, or treat hogs with classical swine fever. The bill removes authorization for a hog owner or a county demonstration agent to engage in those activities.

This page intentionally left blank.

ALCOHOLIC BEVERAGES

This chapter covers legislation on the regulation of alcoholic beverages, including the regulation of individuals and establishments that sell, serve, manufacture, distribute, or transport such beverages.

[House Bill 763](#)

Effective: 9-1-21

House Author: Toth

Senate Sponsor: Zaffirini

House Bill 763 amends the Alcoholic Beverage Code, with respect to illicit alcoholic beverages seized by a peace officer and the subsequent handling of such beverages, to provide for the destruction or disposal by a peace officer of an alcoholic beverage, its container, and its packaging.

[House Bill 1024](#)

Effective: 5-12-21

House Author: Geren et al.

Senate Sponsor: Hancock et al.

House Bill 1024 amends the Alcoholic Beverage Code to authorize certain permit holders to allow the pickup and delivery of appropriately sealed alcoholic beverages for off-premises consumption as part of the pickup or delivery of food prepared at the permitted premises.

[House Bill 1518](#)

Effective: 9-1-21

House Author: Dutton

Senate Sponsor: Seliger

House Bill 1518 amends the Alcoholic Beverage Code to authorize an appropriately permitted or licensed hotel bar to sell alcoholic beverages at any time to a registered hotel guest and to authorize a guest to consume or possess such beverages in the hotel bar at any time. The bill authorizes holders of a retail dealer's on-premise or off-premise license to sell malt beverages for off-premise consumption between 10:00 a.m. and noon on Sunday and authorizes the sale and delivery of alcoholic beverages under a wine and malt beverage retailer's permit or off-premise permit during the same hours.

[House Bill 1729](#)

Effective: 9-1-21

House Author: Harris

Senate Sponsor: Nichols

House Bill 1729 amends the Alcoholic Beverage Code to establish that an area annexed to the City of Elkhart automatically assumes the city's wet or dry status on annexation.

[House Bill 1755](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Hancock

House Bill 1755 amends the Alcoholic Beverage Code to authorize a person who orders wine with food from a mixed beverage permittee to remove the container of wine from the premises regardless of whether the container is opened or unopened.

[House Bill 1957](#)

Effective: 9-1-21

House Author: Kuempel et al.

Senate Sponsor: Buckingham et al.

House Bill 1957 amends the Alcoholic Beverage Code to restrict the labeling of wine as originating from an area of Texas or with the name of a vineyard in Texas to a wine that is 100 percent by volume fermented juice of grapes or other fruit grown in Texas.

Alcoholic Beverages

[House Bill 2127](#)

Effective: 9-1-21

House Author: Turner, Chris et al.

Senate Sponsor: Hancock et al.

House Bill 2127 amends the Alcoholic Beverage Code to authorize the concessionaire for a public entertainment zone, as defined by the bill, to allow a patron who possesses an alcoholic beverage to enter or leave a licensed or permitted premises within the zone under the same conditions applicable to a concessionaire for a public entertainment facility.

[House Bill 2698](#)

Effective: 9-1-21

House Author: Kuempel

Senate Sponsor: Zaffirini

House Bill 2698 repeals the Alcoholic Beverage Code provision prohibiting a person from installing or maintaining certain obstructions of the view of certain alcoholic beverage retailers.

[House Bill 3897](#)

Effective: 9-1-21

House Author: Thompson, Senfronia

Senate Sponsor: Birdwell

House Bill 3897 amends the Alcoholic Beverage Code to cap the fee for a brewer's license or a brewer's self-distribution license at 50 percent of the fee set by rule for the license.

[Senate Bill 195](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Thompson, Senfronia

Senate Bill 195 amends the Alcoholic Beverage Code to include an offense involving drink solicitation as mandatory grounds for the refusal of certain alcoholic beverage permits and licenses or for the denial of certain permits and licenses for a prescribed period, as applicable.

[Senate Bill 1216](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Lozano

Senate Bill 1216 amends the Alcoholic Beverage Code to provide for a local option election on the sale of alcoholic beverages in a proposed zone within a commercial area of the City of Portland.

[Senate Bill 1226](#)

Effective: 9-1-21

Senate Author: Schwertner

House Sponsor: Geren et al.

Senate Bill 1226 amends the Alcoholic Beverage Code to authorize the holder of a brewpub license for a brewpub located in a wet area to conduct samplings of malt beverages at a retailer's premises.

APPROPRIATIONS AND STATE FINANCE

This chapter covers the General Appropriations Act for the 2022-2023 state fiscal biennium and legislation on supplemental appropriations, revenue dedication, and payment of claims against the state.

House Bill 2

Effective: 6-18-21

House Author: Bonnen

Senate Sponsor: Nelson

House Bill 2 makes supplemental appropriations and reductions in appropriations to various state agencies, programs, and funds; provides transfer authority and other appropriation adjustment authority; and imposes contingencies on the appropriation of funds and transferred appropriations and restrictions on the use of certain supplemental and transferred appropriations.

Unencumbered appropriations for the 2020-2021 state fiscal biennium from the general revenue fund are reduced by roughly \$5 billion on net. The bill makes supplemental appropriations for the 2020-2021 state fiscal biennium totaling approximately \$31 million from general revenue dedicated accounts; \$531 million from the Economic Stabilization Fund, otherwise known as the Rainy Day Fund; \$562 million from federal funds; and \$581 million from various other state funds and accounts. Certain of these appropriations are contingent on the receipt of certain amounts of federal COVID-19 relief funds.

House Bill 2 sets the sum-certain appropriation to the Foundation School Program for fiscal year 2021 at \$24,578,373,076.

House Bill 2 excludes certain funds received from the federal government for COVID-19 relief and recovery from its appropriations.

House Bill 5 (2nd C.S.)

Effective: 9-17-21

House Author: Bonnen et al.

Senate Sponsor: Nelson et al.

House Bill 5 amends Chapter 1053 (S.B. 1), Acts of the 87th Legislature, Regular Session, 2021 (the General Appropriations Act), to make supplemental appropriations and give direction regarding certain of those appropriations. The bill appropriates roughly \$316 million from the general revenue fund to restore funding for Article X of that act, which funded the operations of the legislative branch and was vetoed by the governor following the regular session.

House Bill 5 appropriates slightly more than \$1.1 billion from the general revenue fund and dedicated accounts therein to the Texas Education Agency (TEA); Department of Family and Protective Services (DFPS); Department of Information Resources (DIR); Teacher Retirement System of Texas (TRS); Office of Court Administration, Texas Judicial Council (OCA); secretary of state; and trustee programs within the governor's office as follows:

- roughly \$114.6 million to TEA for purposes of funding school district property tax relief as provided for by Senate Bill 8 and developing and implementing a civics training program for educators as required by Senate Bill 3;
- \$90 million to DFPS for purposes of funding improvements to the state's foster care capacity;
- approximately \$17.4 million to DIR for purposes of providing cybersecurity enhancements for the state;
- about \$701 million to TRS for purposes of funding a 13th check for annuitants as provided for by Senate Bill 7;
- nearly \$4.3 million to OCA for purposes of implementing provisions of Senate Bill 6, which relates to the rules for setting the amount of bail and the release of certain defendants on bond;
- \$4.3 million to the secretary of state for the purpose of reimbursements for the retrofitting of certain auditable voting systems, the replacement of certain systems that cannot be

Appropriations and State Finance

upgraded, and the development of secure tracking systems for mail ballots as provided for by Senate Bill 1; and

- \$180 million to the trustee programs for the purpose of supporting the work of Texas Anti-Gang Center programs in municipalities with a population of more than 500,000 according to the most recent federal decennial census.

Additionally, the bill increases OCA's capital budget authority and authorizes OCA to employ six full-time equivalent employees to implement Senate Bill 6. The bill further specifies that its provisions supersede any budget execution order issued during August 2021 and that any authorization for a transfer of an appropriation or of money under such an order is void on the bill's effective date.

House Bill 9 (2nd C.S.)

Effective: 9-17-21

House Author: Bonnen et al.

Senate Sponsor: Nelson et al.

House Bill 9 makes supplemental appropriations relating to border security and gives direction regarding those appropriations. The bill appropriates roughly \$1.8 billion total from the general revenue fund to the Office of Court Administration, Texas Judicial Council (OCA); Texas Military Department; Department of Public Safety (DPS); Texas Department of Criminal Justice (TDCJ); Commission on Jail Standards (TCJS); trustee programs within the governor's office; and Department of State Health Services (DSHS) as follows:

- roughly \$32.5 million to OCA to provide funding for indigent legal representation, foreign language interpreters, certain program costs, additional employees, and visiting judges;
- approximately \$301 million to the Military Department to provide funding for additional personnel to support border security operations;
- nearly \$154.8 million to DPS to provide funding for Operation Lone Star surge, tactical marine unit vessels, and additional employees;
- \$273.7 million to TDCJ to provide funding for correctional security operations;
- \$214,785 to TCJS to provide funding for additional staffing needs;
- slightly more than \$1 billion to trustee programs within the governor's office to provide funding for certain border security operations through the making of border security grants, for additional staffing needs, and for training regarding the handling of misdemeanor and felony crimes for eligible prosecuting attorneys; and
- about \$16.4 million to DSHS for purchasing ambulance services, with two-thirds of that amount dedicated for purchasing such services for use at two border security processing centers.

The bill requires the above entities, other than DSHS, to report all budgeted and expended amounts and performance indicator results for border security to the Legislative Budget Board on a quarterly basis.

House Bill 2896

Effective: See below

House Author: Bonnen

Senate Sponsor: Nelson

House Bill 2896, the biennial funds consolidation bill, abolishes all funds and accounts created or re-created and all dedications or rededications of revenue collected by a state agency for a particular purpose by an act of the 87th Legislature, Regular Session, 2021, except those specifically exempted from abolishment under the bill's provisions. The bill creates and re-creates certain accounts and funds and requires revenue that otherwise would be deposited to the credit of a special account or fund to instead be deposited to the credit of the undedicated portion of the general revenue fund unless the fund, account, or dedication is exempted under the bill's provisions.

Effective September 1, 2021, House Bill 2896 amends the Government Code and Transportation Code to revise provisions governing certain accounts and the dedication of certain revenue, postpone the expiration date of statutory provisions governing the use of dedicated revenue in treasury funds by the

comptroller of public accounts, and revise the deadline by which the comptroller is required to eliminate all dedicated accounts for specialty license plates.

Except as otherwise provided, House Bill 2896 takes effect June 16, 2021.

Senate Bill 1

Effective: See below

Senate Author: Nelson

House Sponsor: Bonnen

Senate Bill 1, the General Appropriations Act, as passed by the legislature, appropriated approximately \$248.6 billion for the 2022-2023 state fiscal biennium. However, following the regular session, the governor exercised his line-item veto authority to veto most of Article X of the bill, which provided funding for the legislative branch of state government. As a result of the veto, only roughly \$248.1 billion of those appropriations ultimately became law as part of the biennial state budget, of which \$126.1 billion is for state fiscal year 2022 and \$122 billion is for state fiscal year 2023. Those amounts include all funding sources except interagency contracts. Of the total amount appropriated, more than \$122.2 billion, or roughly 49 percent, is derived from general revenue, both dedicated and nondedicated. Another \$84.8 billion, or 34.2 percent, represents federal funding, while the remaining \$41.1 billion, or 16.5 percent, comes from other funds such as the State Highway Fund and the Economic Stabilization Fund, otherwise known as the state’s Rainy Day Fund. (Figures and percentages may not add up due to rounding.) The \$248.1 billion budgetary total represents a decrease of approximately one percent over the budget approved for the 2020-2021 state fiscal biennium.

Legislative appropriations for major governmental functions and services for the 2022-2023 state fiscal biennium compared with appropriations for the preceding biennium are as follows, listed by budgetary article, excluding Article X:

- Article I - General Government receives \$6.9 billion, a decrease of 6.8 percent;
- Article II - Health and Human Services receives \$86.7 billion, an increase of 2.7 percent;
- Article III - Agencies of Education receives \$93.5 billion, an increase of 12.7 percent;
- Article IV - The Judiciary receives \$928.2 million, an increase of 4 percent;
- Article V - Public Safety and Criminal Justice receives \$12.9 billion, a decrease of 19.4 percent;
- Article VI - Natural Resources receives \$7.5 billion, a decrease of 16.7 percent;
- Article VII - Business and Economic Development receives \$36.5 billion, a decrease of 1.6 percent;
- Article VIII - Regulatory receives \$728 million, an increase of 12.4 percent; and
- Article IX - General Provisions receives \$2.4 billion, a decrease of 79.7 percent.

Article IX also contains the state employee position classification plan and salary schedule for the 2022-2023 biennium.

Except for Article X, which does not take effect due to the governor’s veto, Senate Bill 1 takes effect September 1, 2021.

Governor’s Reason for Veto of most of Article X: “Texans don’t run from a legislative fight, and they don’t walk away from unfinished business. Funding should not be provided for those who quit their job early, leaving their state with unfinished business and exposing taxpayers to higher costs for an additional legislative session. I therefore object to and disapprove of these appropriations.”

Senate Bill 8 (3rd C.S.)

Effective: 11-8-21

Senate Author: Nelson et al.

House Sponsor: Bonnen et al.

Senate Bill 8 makes supplemental appropriations totaling roughly \$13.3 billion from money received by the state from the Coronavirus State Fiscal Recovery Fund and the Coronavirus Capital Projects Fund, each of which were established under the federal American Rescue Plan Act of 2021. The bill appropriates that money as follows:

- roughly \$7.2 billion to the comptroller of public accounts for immediate deposit to the credit of the state’s unemployment compensation fund to pay back certain outstanding advances and

Appropriations and State Finance

- return the fund to the required statutory floor as reimbursement for payments made as a result of the COVID-19 pandemic;
- nearly \$500.5 million to the comptroller to fund broadband infrastructure, \$75 million of which is dedicated for the Texas broadband pole replacement program;
 - \$100 million to the comptroller for immediate deposit to an account or fund to be managed by the Texas Treasury Safekeeping Trust Company as trustee for the benefit of the State Preservation Board to maintain the Bob Bullock State History Museum;
 - \$2 billion to the Department of State Health Services (DSHS) for the following purposes related to costs incurred during the period beginning March 3, 2021, and ending January 1, 2023, due to the COVID-19 pandemic:
 - providing funding for surge staffing at state and local hospitals, long-term care facilities, psychiatric hospitals, and nursing facilities;
 - purchasing therapeutic drugs, including drugs for monoclonal antibody treatments; and
 - providing funding for the operation of regional infusion centers;
 - \$16.7 million to DSHS for upgrading existing laboratory facilities associated with a level 1 trauma facility in Hidalgo County and new laboratory infrastructure in Starr County;
 - \$20 million to DSHS for the federally qualified health center incubator program;
 - \$21.7 million to DSHS to provide funding for emergency medical response service staffing, with priority given to rural and underserved areas;
 - \$237.8 million to the Health and Human Services Commission (HHSC) to fund construction of a state hospital in Dallas;
 - \$15 million to HHSC to expand the capacity of Sunrise Canyon Hospital;
 - \$75 million to HHSC to fund grants to support rural hospitals that have been affected by the COVID-19 pandemic;
 - \$20 million to HHSC to fund the creation of a consolidated Internet portal for Medicaid and CHIP medical services provider data;
 - \$5 million to HHSC to fund technology updates to the Medicaid eligibility computer system;
 - \$14,250 to HHSC to fund COVID-19 related expenses incurred by the Texas Civil Commitment Office related to consumable supplies and travel;
 - \$378.3 million to HHSC to administer one-time grants related to providing critical staffing needs resulting from frontline health care workers affected by COVID-19, including recruitment and retention bonuses for certain staff;
 - \$40 million to The University of Texas Health Science Center at Houston for operating the Texas Epidemic Public Health Institute;
 - contingent on the Texas Facilities Commission (TFC) completing a required signed agreement with the Ector County and Midland County Hospital Districts, \$40 million to the TFC to fund construction of a 100-bed comprehensive behavioral health center to serve the Permian Basin region;
 - more than \$286 million to the Teacher Retirement System of Texas to provide funding for coronavirus-related claims in TRS-Care and TRS-ActiveCare;
 - approximately \$113 million to the Texas Higher Education Coordinating Board (THECB) to support the operations and expansion of the Texas Child Mental Health Care Consortium to expand mental health initiatives for children, pregnant women, and women who are up to one year postpartum, including by enhancing the Child Psychiatry Access Network to improve perinatal mental health services;
 - \$325 million to the THECB for university construction;
 - \$15 million to the THECB for operating the Texas reskilling and upskilling through education (TRUE) program;
 - \$20 million to the THECB to provide performance-based funding for at-risk students at comprehensive regional universities;

- \$1 million to the THECB to fund the rural veterinarians grant program;
- \$3 million to the Texas Education Agency to provide funding for the big brothers and big sisters program technological staff enhancements;
- \$1.15 million to Texas A&M University - Galveston to provide funding to the Institute for a Disaster Resilient Texas, \$1 million of which is dedicated for digital flood risk infrastructure for underserved communities and the remaining \$150,000 of which is dedicated for office space in Houston;
- \$50 million each to Texas Tech University and to the University of Houston for institutional enhancement;
- \$3 million to The University of Texas at Austin to provide funding for the Marine Science Institute student housing replacement;
- \$235,000 to The University of Texas at Austin for the Briscoe Garner Museum;
- \$180 million to the trustee programs within the governor's office to provide grants for tourism, travel, and hospitality industry recovery;
- \$1.2 million to the trustee programs within the governor's office to fund information technology case management system improvements for children's advocacy centers;
- \$160 million to the trustee programs within the governor's office to fund grants for crime victims;
- nearly \$52.3 million to the attorney general's office for deposit into the sexual assault program account and for use by the office as authorized by other law;
- roughly \$54.8 million to the attorney general's office for deposit into the compensation to victims of crime account and for use by the office in compensating crime victims;
- nearly \$360 million to the Texas Department of Criminal Justice to provide compensation for agency employees for the 2022 state fiscal year;
- \$95 million to the Department of Agriculture (TDA) to provide supplemental funding to food banks in response to the COVID-19 pandemic;
- \$5 million to the TDA to provide funding for home-delivered meals;
- \$300 million to the Texas Division of Emergency Management to acquire land for, and fund construction of, a state operations center;
- \$35 million to the General Land Office (GLO) and the Veterans Land Board to provide funding for HVAC upgrades, negative pressure COVID-19 wards, and mobile HEPA air filtration units for Texas state veterans homes;
- \$5 million to the GLO to maintain with Brazoria County approximately 4,600 feet of beach and dunes along the Bluewater Highway and Beach Access Road Five;
- \$300,000 to the GLO to fund a cost and component analysis of the Coastal Texas Study design elements to be conducted by the Gulf Coast Protection District under an agreement between the GLO and the district;
- \$20 million to the Texas Historical Commission to fund the commission's capital plan project for the Washington-on-the-Brazos state historic site;
- \$200 million to the Department of Information Resources for deposit into the technology improvement and modernization fund and for use in funding cybersecurity projects approved by the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects;
- to address matters related to shortfalls in court fee collections:
 - \$7 million to the comptroller's judiciary section to address the backlog in court cases, including by paying for visiting judges and support staff;
 - \$3 million to the Office of Court Administration of the Texas Judicial System (OCA) for addressing the backlog in court cases, including information technology support, and employing eight additional full-time equivalent (FTE) employees;

Appropriations and State Finance

- nearly \$14 million to OCA for deposit into the fair defense account and for use by OCA in addressing the backlog in court cases as authorized by other law;
- \$200,000 to the Office of Capital and Forensic Writs to address the backlog in court cases, pay costs related to the COVID-19 pandemic, and employ one additional FTE employee; and
- \$5.8 million to the Texas Commission on Law Enforcement for use as authorized by other law;
- \$150 million to the Commission on State Emergency Communications (CSEC) for deposit into the next generation 9-1-1 service fund and for use by the CSEC as authorized by other law for the deployment and reliable operation of next generation 9-1-1 service, including equipment and administration costs;
- \$15.5 million to the Texas Department of Transportation to fund a customs inspection station on the South Orient Rail Line in Presidio;
- \$40 million to the Parks and Wildlife Department (TPWD) to fund certain outreach and education grants throughout Texas;
- \$3 million to TPWD to provide funding to the Texas State Aquarium Center for wildlife research; and
- \$25 million to the State Preservation Board for maintenance and capital improvement projects.

The bill requires the Legislative Budget Board (LBB), in consultation with the comptroller, to report on the LBB website certain information regarding the money appropriated to and spent by each applicable political subdivision, state agency, and institution of higher education under the bill's provisions. The report must be regularly updated through the end of 2028 as specified by the bill.

[Senate Bill 1336](#)

Effective: 9-1-21

Senate Author: Hancock et al.

House Sponsor: Bonnen et al.

Senate Bill 1336 amends the Government Code to establish an additional state spending limit that is applicable to consolidated general revenue appropriations, which are appropriations from the general revenue fund, general revenue-dedicated funds, and general revenue-related funds, for purposes other than tax relief or disaster recovery. The bill limits the rate of growth of these appropriations in a state fiscal biennium to the estimated average rate of population growth during the biennium for which appropriations are made and during the biennium preceding that biennium, adjusted by the estimated average biennial rate of monetary inflation in Texas during the same period.

[Senate Bill 1605](#)

Effective: 9-1-21

Senate Author: Huffman

House Sponsor: Bonnen

Senate Bill 1605 appropriates money out of the following funds and accounts for the payment of certain itemized claims and judgments plus interest, if any, against the State of Texas: the general revenue fund, the state highway fund, the lottery general revenue account, and the designated trauma facility and emergency medical services general revenue account.

[Senate Bill 1984](#)

Effective: 9-1-21

Senate Author: Lucio

House Sponsor: Anchia

Senate Bill 1984 amends the Government Code to require the Bond Review Board to designate as carryforward, for purposes of certain private activity bonds, an amount previously designated as carryforward for which the board receives written notice from an issuer of an election to reassign the carryforward designation to the issuer's next available application for a project, if the issuer provides the requisite materials.

BUSINESS AND COMMERCE

This chapter covers legislation on issues relating to business and commerce generally, including business organization and regulation and consumer protection. Legislation relating specifically to insurance companies is in the [Insurance](#) chapter, and legislation relating to workers and employers is in the [Labor and Employment](#) chapter.

[House Bill 20 \(2nd C.S.\)](#)

Effective: 12-2-21

House Author: Cain et al.

Senate Sponsor: Hughes et al.

House Bill 20 amends the Business & Commerce Code and Civil Practice and Remedies Code to provide protections from censorship and other interference with digital expression by regulating certain social media platforms with respect to the management and removal of user content and by prohibiting email service providers from impeding email messages based on the message's content, with certain exceptions.

Among other provisions, House Bill 20 does the following to protect against such censorship or other interference:

- requires a social media platform to publicly disclose accurate information regarding its content management, data management, and business practices; publish an acceptable use policy and a biannual transparency report regarding illegal activity and illegal and potentially policy-violating content and actions taken with respect to such activity or content; and provide an easily accessible complaint system for users to submit complaints, including complaints regarding illegal content or activity or a decision made by the platform to remove content posted by the user;
- requires a social media platform that removes certain content based on a violation of its acceptable use policy to notify the user who provided the content and allow the user to appeal the platform's decision to remove the content;
- prohibits a social media platform from censoring a user, a user's expression, or a user's ability to receive the expression of another person based on the user's or another person's viewpoint or location in any part of Texas, regardless of the medium through which the viewpoint in question is expressed; and
- authorizes the attorney general or a user on a social media platform to bring an action against the platform for an applicable violation of the bill's provisions.

These protections apply with respect to a social media platform that functionally has more than 50 million active users in the United States in a calendar month and to a user who resides in Texas, does business in Texas, or shares or receives social media platform content or other expression in Texas.

[House Bill 113](#)

Effective: 9-1-21

House Author: Oliverson

Senate Sponsor: Schwertner

House Bill 113 amends the Business & Commerce Code to provide for the statewide regulation of peer-to-peer car sharing programs. The bill, among other provisions, establishes a statutory definition of a peer-to-peer car sharing program, sets out insurance requirements for such a program to ensure that both the owner and driver are covered during the car sharing period, and outlines certain program responsibilities relating to required disclosures and notices, verification of customer driver's licenses, record retention, car sharing equipment, and automobile safety recalls.

[House Bill 390](#)

Effective: See below

House Author: Thompson, Senfronia et al.

Senate Sponsor: Huffman et al.

House Bill 390 amends the Business & Commerce Code to set out signage and annual employee training requirements relating to human trafficking awareness and prevention for operators of commercial lodging

Business and Commerce

establishments. The bill requires the attorney general to establish the requirements for an operator to comply with the required training, create and make available a template for the required signage, and designate a telephone number for reporting a suspected act of human trafficking or a violation of the bill's provisions. The bill prohibits an operator from disciplining, retaliating against, or otherwise discriminating against an employee who in good faith reports a suspected act of human trafficking to any appropriate authority.

House Bill 390 authorizes a peace officer to enter the premises of a commercial lodging establishment during certain hours to ensure compliance with the bill's provisions. If the attorney general has reason to believe that an establishment's operator has violated the bill's provisions, the attorney general must provide notice of the violation to the operator. The bill makes the establishment liable for a civil penalty if the operator fails to cure the violation before the 30th day after receiving such notice. The bill authorizes the attorney general to bring an action to recover the civil penalty or for injunctive relief.

House Bill 390 requires the attorney general to adopt rules necessary to implement the bill's provisions. That requirement takes effect September 1, 2021, while all other provisions of the bill take effect January 1, 2022.

[House Bill 735](#)

Effective: 9-1-21

House Author: Minjarez

Senate Sponsor: Campbell

House Bill 735 amends the Occupations Code to provide that a depreciation benefit optional member program, for purposes of the Service Contract Regulatory Act, includes any vehicle, regardless of whether the vehicle is purchased for cash, financed, or leased.

[House Bill 876](#)

Effective: 9-1-21

House Author: Craddick

Senate Sponsor: Perry

House Bill 876 amends the Business & Commerce Code to prohibit an individual, corporation, trust, partnership, association, or other private legal entity that makes a payment to a payee from charging an additional fee to the payee because the payee elects to receive the payment by paper check instead of by an automated clearinghouse transaction or other electronic funds transfer. The bill renders void and unenforceable any contract provision permitting a person to charge or collect such a fee from a payee, except that a contract entered into before the bill's effective date prevails over the prohibition to the extent of any conflict.

[House Bill 1493](#)

Effective: 9-1-21

House Author: Herrero

Senate Sponsor: Hinojosa

House Bill 1493 amends the Civil Practice and Remedies Code to entitle a governmental unit to enjoin another person's use of an entity name that falsely implies governmental affiliation with the governmental unit. The governmental unit is entitled to injunctive relief throughout Texas and, if the court finds the person against whom the injunctive relief is sought wilfully intended to imply governmental affiliation with the governmental unit, the court may award reasonable attorney's fees and court costs to the governmental unit.

House Bill 1493 amends the Business Organizations Code to prohibit a filing entity or foreign filing entity from using a name in Texas that falsely implies an affiliation with a governmental entity. The bill establishes a process through which the secretary of state, on request by a governmental entity, may determine whether a filing entity or foreign filing entity has a name that violates the prohibition. If the entity is found to be in violation, it must cease transacting business or operating under that name in Texas and file with the secretary of state the applicable instrument to amend the entity's name as shown in the secretary's records. The bill authorizes the attorney general to bring an action for injunctive relief if the entity fails to take such action.

House Bill 1576**Effective:** 9-1-21**House Author:** Parker et al.**Senate Sponsor:** Paxton

House Bill 1576 establishes a 16-member work group to develop a master plan for the expansion of the blockchain industry in Texas and recommend policies and state investments in connection with blockchain technology. The work group, which is abolished on June 30, 2023, must submit a report that includes the master plan and any findings and applicable recommendations to each standing committee of the senate and house of representatives with primary jurisdiction over economic development or technology issues.

House Bill 2106**Effective:** 9-1-21**House Author:** Perez et al.**Senate Sponsor:** Zaffirini et al.

House Bill 2106 amends the Government Code and Occupations Code to transfer administration of the payment fraud fusion center from the office of the attorney general to the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR) and redesignates the fusion center, which is housed within TDLR, as the financial crimes intelligence center. The bill, among other provisions, does the following:

- clarifies the purposes of the intelligence center, authorizes operation agreements between TDLR and law enforcement agencies or other governmental agencies, provides for the powers and duties of the intelligence center, and requires that the center file an annual report with TDLR;
- authorizes TDLR to inspect each motor fuel metering device located at a dealer's retail outlet regardless of whether TDLR received a report of a suspected skimmer; and
- provides for a workgroup established by TDLR to provide input, advice, and recommendations regarding the powers and duties of TDLR regarding payment card skimmers on motor fuel dispensers, inspection of a motor fuel metering device, and the financial crimes intelligence center.

House Bill 2106 amends the Business & Commerce Code to make provisions relating to payment card skimmers on motor fuel dispensers apply instead with respect to skimmers on motor fuel metering devices and to transfer the administration of the revised provisions to TDLR. Among other provisions, the bill authorizes TCLR or the executive director of TDLR to enforce the revised provisions, a rule adopted under those provisions, or an applicable order. The bill revises provisions relating to a notice of discovery of a skimmer, a report of a suspected skimmer, investigation of such a report, and the confidentiality of information from a report. The bill makes a person who violates provisions relating to payment card skimmers on motor fuel metering devices or a rule adopted under such provisions liable to the state for a civil penalty and provides for an action to collect the penalty.

House Bill 3131**Effective:** 1-1-22**House Author:** Cole**Senate Sponsor:** Hancock

House Bill 3131 amends the Business Organizations Code to require the certificate of formation of a domestic corporation, limited partnership, limited liability company, professional association, cooperative, or real estate investment trust to state the entity's initial mailing address.

House Bill 3374**Effective:** 9-1-21**House Author:** Pacheco et al.**Senate Sponsor:** Paxton

House Bill 3374 amends the Transportation Code to remove the requirement for a person renting a motor vehicle to another person to compare and verify the signature on the renter's driver's license with the renter's signature written in the person's presence.

[House Bill 3529](#)

Effective: 9-1-21

House Author: Meyer

Senate Sponsor: Zaffirini

House Bill 3529 amends the Identity Theft Enforcement and Protection Act, Business & Commerce Code, to expand the circumstances under which a person is prohibited under the act from obtaining, possessing, transferring, or using personal identifying information of another person with intent to obtain a thing of value in the other person's name to include the person not having that other person's effective consent. Effective consent may be given by a person legally authorized to act on behalf of the person from whom consent is required, but consent is not effective if it is induced by force, threat, fraud, or coercion or if it is given by a person who by reason of youth, mental illness, or intellectual disability is known by the actor to be unable to make reasonable decisions.

[House Bill 3746](#)

Effective: 9-1-21

House Author: Capriglione

Senate Sponsor: Nelson

House Bill 3746 amends the Identity Theft Enforcement and Protection Act, Business & Commerce Code, to require the notification sent to the attorney general following a breach of security of computerized data involving at least 250 Texas residents to include the number of affected residents that have been sent a disclosure of the breach by mail or other direct method of communication at the time of notification. The bill requires the attorney general to post on the attorney general's publicly accessible website a listing of the data breach notifications received by the attorney general, excluding certain sensitive, compromising, or confidential information. The bill sets out the attorney general's duties with regard to updating the listing and provides for a notification to be removed from the listing after one year if the person who provided the notification has not reported any additional breach during the year.

[House Bill 4474](#)

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Paxton

House Bill 4474 amends the Business & Commerce Code to establish that a purchaser of a virtual currency, as defined by the bill, acquires all rights in the virtual currency that the transferor had or had power to transfer and that a purchaser of a limited interest in a virtual currency acquires rights only to the extent of the interest purchased. The bill also establishes the conditions under which a person has control of virtual currency and provides for the exclusivity of certain powers specified in those conditions. The bill, among other provisions, including provisions regarding a perfected security interest in virtual currency, establishes that a qualifying purchaser acquires the purchaser's rights in a virtual currency free of any adverse claim in addition to acquiring the rights of a purchaser and sets out additional related provisions regarding an adverse claim.

[Senate Bill 291](#)

Effective: 9-1-21

Senate Author: Schwertner

House Sponsor: Bucy

Senate Bill 291 amends the Business & Commerce Code to require a developer of a commercial building project to visibly post the developer's name and contact information and a brief description of the project at the construction site entrance as soon as practicable after beginning construction of the project.

[Senate Bill 424](#)

Effective: 9-1-21

Senate Author: Hinojosa et al.

House Sponsor: Hunter

Senate Bill 424 amends the Government Code to prohibit a state agency with regulatory authority over an applicable small business from imposing an administrative penalty against such a business for a first violation of a statute or a rule administered by the agency, other than a violation committed knowingly or

intentionally, unless the agency first provides the business written notice of the violation and an opportunity to remedy the violation within a reasonable time after receiving the notice, with certain exceptions. The bill requires each applicable agency to adopt a policy consistent with the bill's requirements that provides that the agency will not attempt to recover an administrative penalty during the reasonable time the small business is attempting in good faith to remedy the violation. Implementation of a provision of the bill by an applicable state agency is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 855

Effective: 1-1-22

Senate Author: Hughes

House Sponsor: Hunter

Senate Bill 855 amends the Business & Commerce Code to require an owner or operator of a website or online service that deals in substantial part in the electronic dissemination of third-party commercial recordings or audiovisual works and electronically disseminates those recordings or works to Texas consumers to disclose on the website or online service the owner or operator's true and correct name and contact information. The bill authorizes an owner, assignee, authorized agent, or exclusive licensee of a recording or work that is electronically disseminated in violation of the bill's provisions to bring a private cause of action to obtain a declaratory judgment and permanent or temporary injunctive relief, but only after giving the violator notice and an opportunity to cure the violation. The bill classifies a violation of the bill's provisions as a false, misleading, or deceptive act or practice.

Senate Bill 911

Effective: 1-1-22

Senate Author: Hancock

House Sponsor: Burrows et al.

Senate Bill 911 amends the Alcoholic Beverage Code, Business & Commerce Code, and Local Government Code to regulate third-party food delivery services. The bill, among other provisions, makes a restaurant that holds certain alcoholic beverage permits or licenses eligible for a food and beverage certificate. The bill requires such a delivery service to provide a mechanism for consumer concerns and complaints and authorizes a restaurant to bring an action against a delivery service under certain conditions. The bill prohibits a municipality or county from adopting or enforcing an ordinance or regulation to the extent that the ordinance or regulation affects the required terms of an agreement between a delivery service and a restaurant.

Senate Bill 1132

Effective: See below

Senate Author: Johnson et al.

House Sponsor: Turner, John

Senate Bill 1132 amends the Occupations Code to authorize the consumer credit commissioner or the commissioner's representative to examine each place of business of each dealer of crafted precious metal and investigate the dealer's transactions and records to the extent the transactions and records pertain to the business of the sale of crafted precious metal. A dealer must give the commissioner or the commissioner's representative free access to the dealer's office, place of business, files, safes, and vaults and allow the commissioner or the representative to make a copy of an item that may be investigated. The bill requires the commissioner or the representative to examine at least 10 dealers each calendar year. These provisions take effect January 1, 2022, and do not apply to a jewelry store.

Senate Bill 1132 requires the commissioner, as soon as practicable after an enforcement order against a dealer for an applicable violation of law becomes final, to provide notice of the order to the chief of police of the municipality in which the violation occurred or to the sheriff of the county in which the violation occurred, if the violation did not occur in a municipality. The bill also repeals provisions establishing the applicability of, and certain exceptions to, provisions governing the sale of crafted precious metal to dealers. Except as otherwise provided by the bill, the bill takes effect September 1, 2021.

Business and Commerce

[Senate Bill 1203](#)

Effective: 9-1-21

Senate Author: Hancock

House Sponsor: Turner, Chris

Senate Bill 1203 amends the Business Organizations Code to revise certain provisions relating to the creation and operation of corporations, limited liability companies, partnerships, associations, and other types of business entities.

[Senate Bill 1523](#)

Effective: 6-1-22

Senate Author: Hancock

House Sponsor: Turner, Chris

Senate Bill 1523 amends the Business & Commerce Code and Business Organizations Code to provide for the formation of a registered series of a limited liability company through the filing of a certificate of registered series with the secretary of state. The bill designates a series that is established under existing law without filing a certificate of registered series as a protected series. The bill sets out provisions relating to certain filings made by or for a registered series, provides requirements for the name of a registered series, establishes procedures for mergers and for the conversion of a protected or registered series to the other type of series, and makes certain other changes relating to the regulation of series.

[Senate Bill 2062](#)

Effective: 6-7-21

Senate Author: Menéndez

House Sponsor: Goldman

Senate Bill 2062 amends the Occupations Code to establish the Motor Fuel Metering and Quality Advisory Board. The bill authorizes the board to advise the Texas Commission of Licensing and Regulation and the Texas Department of Licensing and Regulation on issues affecting motor fuel metering and quality.

CIVIL REMEDIES AND PROCEDURES

This chapter covers legislation relating to the rules and standards governing the adjudication of civil litigation, including legislation relating to civil judgments and liabilities.

House Bill 19

Effective: 9-1-21

House Author: Leach et al.

Senate Sponsor: Taylor et al.

House Bill 19 amends the Civil Practice and Remedies Code to provide a framework for trial procedures, the use of evidence, and the determination of liability in certain civil actions involving accidents in which a commercial motor vehicle causes bodily injury or death. The bill requires a court, on a defendant's motion, to provide for a bifurcated trial in which the trier of fact must determine the liability for and the amount of compensatory damages in the first phase of the trial and then determine the liability for and the amount of exemplary damages in the second phase of the trial. The bill establishes that evidence of a defendant's failure to comply with a regulation or standard is admissible in the first phase of the trial only if certain conditions are met.

House Bill 19 establishes that an employer defendant's liability for damages caused by the ordinary negligence of a person operating the defendant's commercial motor vehicle must be based only on respondeat superior if the defendant stipulates that at the time of the accident the person operating the vehicle was the defendant's employee and was acting within the scope of employment. In the first phase of a bifurcated trial in which the employer defendant makes such a stipulation, a claimant may not present evidence on an ordinary negligence claim against the employer defendant in relation to the employee defendant's operation of the vehicle if that claim is of a nature that depends on a prerequisite finding by the trier of fact of employee negligence in operating the vehicle. However, the bill sets out certain evidence that may be presented in the first phase of a bifurcated trial in a civil action in which an employer defendant is regulated by the federal Motor Carrier Safety Improvement Act of 1999 or Transportation Code provisions governing commercial motor vehicle safety standards. Such evidence is admissible in the first phase only to prove ordinary negligent entrustment by the employer defendant to the employee who was driving the employer defendant's commercial motor vehicle at the time of the accident.

House Bill 19 prohibits a court from requiring expert testimony for admission into evidence of a photograph or video of a vehicle or object involved in an accident that is the subject of an applicable action, except as necessary to authenticate the photograph or video, and establishes that a properly authenticated photograph or video of such a vehicle or object is presumed admissible.

House Bill 19 amends the Insurance Code to require the Texas Department of Insurance to submit a biennial report to the legislature on the bill's effect on premiums, deductibles, coverage, and availability of coverage for commercial automobile insurance.

House Bill 365

Effective: 9-1-21

House Author: Murr et al.

Senate Sponsor: Springer

House Bill 365 amends the Civil Practice and Remedies Code to expand the scope of the Texas Farm Animal Liability Act (FALA), which exempts a person from liability for property damage or damages arising from personal injury or death in connection with farm animal activities or livestock shows under certain circumstances. The bill includes a farm owner or lessee as a person to whom that limitation on liability and related warning notice requirements apply and defines "farm" for FALA purposes. The bill expressly includes working ranches in that definition and also clarifies that an independent contractor or employee may be considered a "participant." The bill classifies a honeybee kept in a managed colony as a "farm animal" and revises definitions of "farm animal activity," "engages in a farm animal activity," "farm animal professional," and "livestock producer."

Civil Remedies and Procedures

House Bill 365 expands the circumstances under which a person is exempt from liability to include those in which the property damage, injury, or death results from dangers or conditions that are an inherent risk of a farm animal or the raising or handling of livestock on a farm. The bill revises the exceptions to the limitation on liability and the language of the warning notice required to be posted at applicable locations and included in contracts with participants. The bill establishes that the FALA does not affect the applicability of statutory provisions relating to workers' compensation insurance coverage or an employer's ability to refuse to subscribe to the workers' compensation system.

House Bill 1578

Effective: 9-1-21

House Author: Landgraf et al.

Senate Sponsor: Hughes et al.

House Bill 1578 amends the Civil Practice and Remedies Code to include any type of organization as defined by the Business Organizations Code, excluding a quasi-governmental entity authorized to perform a function by state law, a religious organization, a charitable organization, or a charitable trust, among the entities from which a person may recover attorney's fees in certain civil cases.

House Bill 1939

Effective: 9-1-21

House Author: Smith

Senate Sponsor: Creighton

House Bill 1939 amends the Civil Practice and Remedies Code to set the limitations period for a suit seeking damages or other relief arising from an appraisal or appraisal review conducted by a real estate appraiser or appraisal firm, excluding an action based on fraud or breach of contract.

House Bill 2086

Effective: 6-16-21

House Author: Morales, Eddie

Senate Sponsor: Hughes

House Bill 2086 amends the Civil Practice and Remedies Code to authorize a person to appeal an interlocutory order that grants or denies a motion for summary judgment filed by a contractor based on the limited liability of a contractor who constructs or repairs a highway, road, or street for the Texas Department of Transportation.

House Bill 2116

Effective: 9-1-21

House Author: Krause et al.

Senate Sponsor: Powell et al.

House Bill 2116 amends the Civil Practice and Remedies Code to render void and unenforceable a duty to defend clause in a construction contract for engineering or architectural services related to an improvement to real property to the extent that the clause requires an engineer or architect to defend another party against a claim based on the negligence of, fault of, or breach of contract by the owner or an entity over which the owner exercises control. The bill sets out certain exceptions and authorizes such a contract to provide for the reimbursement of an owner's reasonable attorney's fees in proportion to the engineer's or architect's liability. The bill authorizes an owner who is a party to such a contract to require that the engineer or architect name the owner as an additional insured under any of the engineer's or architect's insurance coverage to the extent additional insureds are allowed and provide any defense to the owner provided by the policy to a named insured.

House Bill 2116 establishes a standard of care for architectural or engineering services performed under a construction contract or a contract related to the construction or repair of an improvement to real property that contains those services as a component part. Any different standard of care in such a contract is void and unenforceable.

House Bill 2416

Effective: 9-1-21

House Author: Gervin-Hawkins et al.

Senate Sponsor: Powell

House Bill 2416 amends the Civil Practice and Remedies Code to authorize a person to recover attorney's fees as compensatory damages for breach of a construction contract.

House Bill 3069

Effective: 6-14-21

House Author: Holland et al.

Senate Sponsor: Hughes

House Bill 3069 amends the Civil Practice and Remedies Code to shorten the limitations period under which a governmental entity may bring suit for damages for certain claims involving the construction or repair of an improvement to real property or equipment attached to real property from not later than 10 years after the substantial completion of the improvement or the beginning of operation of the equipment to not later than eight years after the completion or operation of equipment. The bill decreases the extension of the limitations period for governmental entity claimants that present a written claim within that period from two years from the date the claim is presented to one year from that date.

Senate Bill 6

Effective: 6-14-21

Senate Author: Hancock et al.

House Sponsor: Leach et al.

Senate Bill 6 amends the Civil Practice and Remedies Code to protect individuals and businesses from liability for certain claims related to the COVID-19 pandemic or future pandemics. The bill establishes the following exemptions from liability, subject to certain conditions and exceptions:

- a physician, health care provider, or first responder is exempt from liability for injury or death arising from care, treatment, or failure to provide care or treatment relating to or impacted by a pandemic disease or related disaster declaration;
- a person who designs, manufactures, sells, or donates certain pandemic-related products during a pandemic emergency is exempt from liability for personal injury, death, or property damage caused by the product;
- a person who designs, manufactures, labels, sells, or donates an applicable product during a pandemic emergency is exempt from liability for personal injury, death, or property damage caused by a failure to warn or provide adequate instructions regarding the use of the product;
- a person is exempt from liability for personal injury, death, or property damage caused by or resulting from the person's selection, distribution, or use of an applicable product during a pandemic emergency; and
- a public or private educational institution is exempt from liability for damages or equitable monetary relief arising from a cancellation or modification of a course, program, or activity if the cancellation or modification arose during a pandemic emergency and was caused, in whole or in part, by the emergency.

Senate Bill 6 also exempts a person from liability for injury or death caused by exposing an individual to a pandemic disease during a pandemic emergency unless the cause in fact of the individual contracting the disease was the knowing failure of the person to take the following actions and certain other conditions relating to the failure are met:

- warn the individual of or remediate a condition that the person knew was likely to result in the exposure of an individual to the disease; or
- implement or comply with government-promulgated standards, guidance, or protocols intended to lower the likelihood of exposure to the disease that were applicable to the person or the person's business.

Senate Bill 219

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Leach et al.

Senate Bill 219 amends the Business & Commerce Code to establish that a contractor who is a party to a contract for the construction or repair of an improvement to real property is not responsible for the consequences of design defects in plans, specifications, or other design documents provided by a person other than the contractor's agents, contractors, fabricators, or suppliers, or its consultants. However, the

Civil Remedies and Procedures

bill requires a contractor to make a specified disclosure to the person with whom the contractor entered into a contract on learning of a defect, inaccuracy, inadequacy, or insufficiency in the design documents. A contractor who fails to make such a disclosure may be liable for the consequences of defects that result from the failure. The bill sets out certain exceptions to these provisions.

Senate Bill 219 amends the Civil Practice and Remedies Code to establish a standard of care for architectural or engineering services performed under a construction contract or a contract related to the construction or repair of an improvement to real property that contains such services as a component part. Any different standard of care in such a contract is void and unenforceable. The bill also applies this standard of care to design services provided under a contract excepted from the bill's limitation on contractor responsibility.

Senate Bill 219 amends the Transportation Code to exempt a design-build contract from the application of a limitation on a contractor's responsibility for certain defects in connection with the construction or repair of a road or highway owned or operated by a governmental entity.

Senate Bill 232

Effective: 9-1-21

Senate Author: Johnson

House Sponsor: Davis

Senate Bill 232 amends the Civil Practice and Remedies Code to establish a process for a court, on motion of a claimant, to issue a preliminary determination regarding whether a claim made by the claimant is a health care liability claim for which an expert report is required. The bill provides an alternative deadline for serving the expert report in the event that such a determination is sought. The bill subjects a preliminary determination to interlocutory appeal by the claimant or defendant and provides for an expert report to be served if the appellate court reverses a preliminary determination that a claim is not a health care liability claim.

CORRECTIONS

This chapter covers legislation relating to correctional facilities, incarcerated individuals, and community supervision and parole, as well as the functions and duties of the Texas Department of Criminal Justice and the Commission on Jail Standards. Legislation relating to criminal offenses, penalties, and procedures is in the [Criminal Justice](#) chapter. Legislation relating to juvenile offenders and proceedings is in the [Juvenile Justice](#) chapter.

[House Bill 30](#)

Effective: 9-1-21

House Author: Talarico et al.

Senate Sponsor: Whitmire

House Bill 30 amends the Education Code to require the Windham School District to develop and provide an educational program that includes the curriculum requirements for a high school diploma or a course of instruction that prepares the person for the high school equivalency examination to each person confined or imprisoned in the Texas Department of Criminal Justice who is not a high school graduate and is either younger than 18 years of age or younger than 22 years of age and eligible to receive special education services.

[House Bill 385](#)

Effective: 9-1-21

House Author: Pacheco et al.

Senate Sponsor: Hughes et al.

House Bill 385 amends the Code of Criminal Procedure to revise provisions relating to the conditions, reduction, and termination of community supervision. The bill expands the purposes for which a supervision officer or magistrate may modify a defendant's community supervision conditions, revises the basic discretionary conditions of community supervision, and authorizes a community supervision and corrections department to develop a defendant's drug or alcohol abuse continuum of care treatment plan required as a supervision condition. The bill sets out provisions relating to a court's duty to consider a defendant's ability to make payments, excluding restitution, at certain times before and during community supervision and to determine how the payments should be discharged. The bill provides for a defendant's right to request reconsideration of their ability to pay and for the court's review of that request.

House Bill 385 removes delinquency in paying required costs, fines, or fees as a factor that disqualifies a defendant from receiving time credits for completion of certain conditions of community supervision or from being reviewed and considered for a reduction or termination of a community supervision period. The bill provides for such a review and consideration for a defendant who was previously ineligible for such based on delinquency in paying restitution or incompleteness of court-ordered counseling or treatment and for a judge's authority to reduce or terminate the defendant's community supervision and sets out certain notice requirements if the judge does not terminate the supervision after the review.

[House Bill 465](#)

Effective: 9-1-21

House Author: Shaheen et al.

Senate Sponsor: Huffman

House Bill 465 amends the Code of Criminal Procedure and Government Code to make an inmate serving a sentence for a continuous trafficking of persons offense that is based partly or wholly on child trafficking ineligible for release on parole. The bill makes an inmate serving a sentence for a child trafficking offense ineligible for release on parole unless the judgment in the case contains an affirmative finding that the parties to the case have entered into an agreement that the inmate will not be eligible for release on parole until a specified time, provided the inmate pled guilty to the offense.

Corrections

[House Bill 719](#)

Effective: 9-1-21

House Author: White et al.

Senate Sponsor: Whitmire

House Bill 719 repeals Government Code provisions relating to Texas Department of Criminal Justice transfer facilities and eliminates statutory references to those facilities.

[House Bill 721](#)

Effective: 9-1-21

House Author: Wilson

Senate Sponsor: Schwertner

House Bill 721 amends the Government Code to require the Texas Department of Criminal Justice, before an inmate is released from a county jail to mandatory supervision, to provide notice to a victim, guardian of a victim, or close relative of a deceased victim that the inmate is eligible for the release and that the person may submit a written statement to the parole panel considering the inmate's release regarding the offense, the inmate, and the effect of the offense on the person. The bill authorizes the parole panel to interview a victim, guardian of a victim, or close relative of a deceased victim regarding the inmate's release.

[House Bill 787](#)

Effective: Vetoed

House Author: Allen et al.

Senate Sponsor: Miles

House Bill 787 amends the Code of Criminal Procedure to prohibit a judge from prohibiting a defendant placed on community supervision from contacting or interacting with a person who belongs to an organization whose membership includes individuals with criminal histories and who engages in certain activities relating to addressing criminal justice issues, assisting formerly incarcerated individuals, and criminal justice reform advocacy.

Governor's Reason for Veto: "House Bill 787 seeks to encourage rehabilitation of criminal defendants, but in doing so would remove judicial discretion to set certain necessary conditions of probation on a case-by-case basis. Eliminating a judge's ability to analyze and mandate suitable conditions for each individual case is detrimental to public safety. I have signed House Bill 385, which also amends community-supervision conditions and procedures to encourage more robust rehabilitation and prevent recidivism, but I cannot support legislation that eliminates judicial discretion in this way."

[House Bill 954](#)

Effective: 9-1-21

House Author: Dutton

Senate Sponsor: Whitmire

House Bill 954 amends the Government Code to require certain facilities located in Harris County that are used to house inmates or releasees from the Texas Department of Criminal Justice (TDCJ) to be in compliance with all applicable municipal and county regulations. The bill requires TDCJ to maintain certain information regarding the facilities that house releasees and to provide the information on request of a county, municipality, or a member of the legislature.

House Bill 954 requires TDCJ to transfer specified real property to the City of Burnet to be used only for a purpose that benefits the state's public interest.

[House Bill 1307](#)

Effective: 9-1-21

House Author: González, Mary et al.

Senate Sponsor: Menéndez et al.

House Bill 1307 amends the Government Code and Local Government Code to require the Texas Department of Criminal Justice and a county sheriff, as soon as practicable after receiving a report of a miscarriage or physical or sexual assault of a pregnant inmate or prisoner, to ensure that an obstetrician or gynecologist and a mental health professional promptly review the health care services provided to the inmate or prisoner and order additional health care services as appropriate.

House Bill 2352**Effective:** 9-1-21**House Author:** Parker et al.**Senate Sponsor:** Huffman

House Bill 2352 amends the Code of Criminal Procedure and Government Code to authorize a parole panel to release an inmate who meets certain criteria on parole early under the condition that the inmate participate in the Texas Department of Criminal Justice (TDCJ) educational and vocational training pilot program. The bill requires TDCJ to annually identify not fewer than 100 inmates who are suitable candidates for participation in the pilot program and requires the Office of Court Administration of the Texas Judicial System to develop and annually provide a training program to educate and inform judges on the components of the pilot program. The bill also removes confinement in a state jail felony facility as a condition of community supervision that a judge may impose on a state jail felony defendant ordered to participate in the pilot program.

House Bill 2831**Effective:** 9-1-21**House Author:** White et al.**Senate Sponsor:** Miles

House Bill 2831 amends the Government Code and Occupations Code to require the Commission on Jail Standards (TCJS) to establish an advisory committee to gather and review data regarding the confinement in county jails of persons with intellectual or developmental disabilities, to provide recommendations and guidelines to sheriffs and counties regarding such confinement, and to assist TCJS in monitoring the intake processes in county jails to assess each county jail's ability to properly identify persons with intellectual or developmental disabilities and assist county jails in improving the intake processes for persons with such disabilities.

House Bill 2831 additionally provides that TCJS, with assistance from the advisory committee, must prepare and submit a report to each sheriff and to the governor, lieutenant governor, speaker of the house of representatives, and each standing committee of the legislature with primary jurisdiction over TCJS that includes a discussion of any deficiencies in the intake processes that have been identified by TCJS and recommendations to improve county jail practices regarding identifying persons with intellectual or developmental disabilities. The Texas Commission on Law Enforcement and TCJS, with the assistance of the advisory committee, must jointly develop a training program for county jailers related to interacting with a person with intellectual or developmental disabilities.

House Bill 3606**Effective:** 9-1-21**House Author:** Leach et al.**Senate Sponsor:** Bettencourt et al.

House Bill 3606 amends the Government Code to require the Texas Department of Criminal Justice to adopt a policy under which a representative of a public or private entity may provide vocational training on a voluntary basis to inmates confined in a transfer facility.

Senate Bill 48**Effective:** 9-1-21**Senate Author:** Zaffirini**House Sponsor:** Lucio III

Senate Bill 48 amends the Code of Criminal Procedure to authorize a judge who grants community supervision to a defendant convicted of an attack on an assistance animal, cruelty to nonlivestock animals, dog fighting, or cockfighting to impose certain conditions relating to custody, possession, or control of any animals, residing in a household where animals are present, and participating in counseling or other appropriate treatment.

Senate Bill 906**Effective:** 9-1-21**Senate Author:** Perry**House Sponsor:** Murr

Senate Bill 906 amends the Code of Criminal Procedure and Health and Safety Code to revise provisions relating to the civil commitment of sexually violent predators. Among other provisions, the bill provides

Corrections

a judge discretion in delaying or continuing a trial to determine a person's predator status after their sentence discharge date and provides for a retrial after an appeal in certain circumstances. The bill revises provisions relating to jury size, selection, and determination in a civil commitment trial and provides for a person's right to appear at the trial through their attorney and through the use of remote technology.

Senate Bill 906 requires the Texas Civil Commitment Office to report a change in address to each applicable local law enforcement authority for a civilly committed sexually violent predator required to reside in a location other than a civil commitment center. The bill provides for an automatic court hearing to review a determination by the office to return a civilly committed person from less restrictive housing and supervision to a more restrictive setting and sets an evidentiary standard for a court order transferring such a person to less restrictive housing and supervision. The bill provides for the office's authority to issue emergency detention orders to bring certain recently civilly committed persons under the office's supervision and requires a civilly committed person to provide certain information to the office on request for purposes of determining indigence with respect to the payment of civil commitment costs.

COURTS

This chapter covers legislation on the creation, jurisdiction, and administration of trial and appellate courts. This chapter also includes legislation relating to judges and court personnel, jurors, court costs and fees, specialty court programs, and the functions and duties of the Office of Court Administration of the Texas Judicial System. Legislation on county commissioners courts is in the [Local Government](#) chapter, and legislation relating to juvenile court proceedings is in the [Juvenile Justice](#) chapter.

[House Bill 79](#)

Effective: 9-1-21

House Author: Murr

Senate Sponsor: Zaffirini

House Bill 79 amends the Government Code to establish a program under which the presiding judge of an administrative judicial region may appoint a full-time or part-time associate judge to assist the region's constitutional county courts and statutory county courts, other than statutory probate courts, with guardianship and protective services proceedings. Among other provisions, the bill sets out the appointment process, methods of referring cases to the associate judge, and the qualifications, general powers, and compensation of the associate judge. The bill provides for the designation and responsibilities of the host county of the associate judge and for the appointment of personnel to assist the associate judge. The salaries of the associate judge and any appointed personnel are to be paid from money available from the federal government, county money available for payment of officers' salaries, or a combination of those sources.

House Bill 79 requires the Office of Court Administration of the Texas Judicial System (OCA) to assist the presiding judges of the administrative judicial regions in supervising, training, and evaluating associate judges appointed under the program, to develop evaluation procedures and a written evaluation form, and to develop caseload standards for the associate judges. The bill authorizes OCA to contract for available county and federal money and authorizes the presiding judges of the administrative judicial regions and counties to contract for federal money and to use public and private grants.

[House Bill 1071](#)

Effective: 9-1-21

House Author: Harris et al.

Senate Sponsor: Whitmire

House Bill 1071 amends the Government Code to authorize a party to an action filed in a court in Texas to petition the court for an order authorizing a qualified facility dog or qualified therapy dog to be present with a witness who is testifying before the court through in-person testimony or closed-circuit video teleconferencing testimony. The court may enter the requested order if certain conditions are met and may impose restrictions on the dog's presence during the court proceeding.

[House Bill 1256](#)

Effective: 9-1-21

House Author: Ashby et al.

Senate Sponsor: Huffman et al.

House Bill 1256, the Judge Ruben G. Reyes Act, amends the Tax Code to require the comptroller of public accounts to deposit one percent of the revenue from the mixed beverage gross receipts tax and the mixed beverage sales tax to the credit of the specialty court account in the general revenue fund to be used by the governor's criminal justice division to fund specialty court programs.

[House Bill 1693](#)

Effective: 6-4-21

House Author: Shaheen et al.

Senate Sponsor: Miles

House Bill 1693 amends the Transportation Code to authorize a justice or municipal court to access the financial responsibility verification program established under the Texas Motor Vehicle Safety Responsibility

Courts

Act to verify financial responsibility for the purpose of court proceedings. The costs associated with accessing the verification program must be paid out of the county or municipal treasury, as applicable.

[House Bill 1706](#)

Effective: 9-1-21

House Author: Neave et al.

Senate Sponsor: Huffman

House Bill 1706 amends the Government Code to authorize a county commissioners court to establish a specialty court program to provide services to victims in sexual assault cases who voluntarily agree to participate in the program. The bill sets out provisions relating to the operation of such a program, including a requirement to use judges and prosecutors with experience in sexual assault cases.

[House Bill 1831](#)

Effective: 5-15-21

House Author: Rogers

Senate Sponsor: Buckingham

House Bill 1831 amends the Government Code to authorize a county or district clerk to carry over from the current calendar year to the following calendar year a maximum of 10 hours of completed continuing education courses that exceed the 20 hours of continuing education courses required each year.

[House Bill 2950](#)

Effective: 6-16-21

House Author: Smith

Senate Sponsor: Huffman

House Bill 2950 amends the Government Code to change who is responsible for designating the members of the judicial panel on multidistrict litigation from the chief justice of the Texas Supreme Court to all justices of the supreme court. The bill includes former or retired justices of the courts of appeals among the persons eligible for membership on the panel. The bill makes the prohibition against the panel transferring actions brought under the Deceptive Trade Practices-Consumer Protection Act applicable only to actions brought by the consumer protection division of the attorney general's office.

[House Bill 3340](#)

Effective: 9-1-21

House Author: Swanson

Senate Sponsor: Bettencourt

House Bill 3340 amends the Health and Safety Code to establish that any order to destroy a dangerous dog is stayed for a period of 10 calendar days from the date the order is issued, during which period the dog's owner may file a notice of appeal. The bill clarifies that a justice court is subject to the prohibition against a court ordering the destruction of a dangerous dog during the pendency of an appeal.

[House Bill 3774](#)

Effective: See below

House Author: Leach et al.

Senate Sponsor: Huffman et al.

House Bill 3774 is an omnibus bill relating to the operation and administration of courts in the judicial branch of state government.

House Bill 3774 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Estates Code, Family Code, Government Code, and Local Government Code. Among other provisions, the bill does the following:

- creates ten district courts, five statutory county courts, one statutory probate court, and one criminal law magistrate court;
- revises the jurisdiction of certain statutory county courts;
- grants the magistrates of certain counties jurisdiction in criminal actions;
- establishes the duties of certain district and county attorneys;
- makes certain changes applicable to proceedings in a justice or municipal court or in juvenile justice and family courts;
- provides for public access to the state court document database, if authorized by the Texas Supreme Court;

- revises procedures for the transfer of cases between courts and provides for the development of a standardized transfer certificate and an index of transferred documents form;
- provides for a code of professional responsibility to regulate the conduct of entities regulated by the Texas Forensic Science Commission, revises the commission’s investigatory power, and authorizes the commission to use appropriated funds for the training and education of forensic analysts;
- includes a veterans county service office among the causes to which a juror may donate their daily reimbursement;
- provides for the appointment of a judge or magistrate of a district or statutory county court to preside over a regional specialty court program under certain conditions;
- authorizes a defendant participating in a veterans treatment court program to be transferred to another such program in a county adjacent to the county where they work or reside;
- requires the Texas Supreme Court to adopt rules regarding exemptions from seizure of a judgment debtor’s property;
- provides for the protective order registry to include protective orders for victims of sexual assault or abuse, stalking, or trafficking and for the removal of certain vacated orders from the registry;
- makes certain changes regarding the regulation of court reporters;
- extends the deadline by which the state’s attorney must answer an application for a writ of habeas corpus filed after final conviction in a felony case without the death penalty and provides alternative methods for serving a copy of an application for such a writ on the state’s attorney in a community supervision case; and
- authorizes a justice or judge to order the use of the uniform incident fingerprint card to take the fingerprints of an offender who is charged with a fine-only misdemeanor involving family violence but was not placed under custodial arrest.

Except as otherwise provided by the bill, the bill takes effect September 1, 2021. Implementation of a provision of this bill by a state agency is mandatory only if a specific appropriation is made for that purpose.

House Bill 4293

Effective: 9-1-21

House Author: Hinojosa et al.

Senate Sponsor: Zaffirini et al.

House Bill 4293 amends the Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to develop a court reminder program that allows counties to send text message notifications to criminal defendants regarding scheduled court appearances. The bill requires OCA to make that program available to each county at no cost and authorizes the justices of the justice courts and judges of the district and county-level courts with criminal jurisdiction in each county to join the state court reminder program or develop their own county program.

House Bill 4293 authorizes OCA or the justices and judges to partner with municipalities and local law enforcement agencies to allow individuals who have been cited and released by a peace officer and criminal defendants in municipal courts to receive text message reminders of scheduled court appearances. The bill requires any municipality that partners with OCA to pay all costs of sending reminders to municipal criminal defendants. Implementation of a provision of this bill by OCA is mandatory only if a specific appropriation is made for that purpose.

House Bill 4344

Effective: 9-1-22

House Author: Jetton

Senate Sponsor: Zaffirini

House Bill 4344 amends the Government Code to set out requirements relating to the resolution of a complaint filed with the State Commission on Judicial Conduct (SCJC). Among other provisions, the bill sets deadlines for SCJC staff to file an investigation report and recommendations for action with each SCJC member and for SCJC to determine any action to be taken regarding the complaint. The bill allows for

Courts

deadline extensions in extenuating circumstances and authorizes SCJC to place a complaint file on hold and decline any further investigation on notification of a related law enforcement investigation. The bill requires SCJC to prepare and submit an annual report to the legislature regarding complaints that SCJC failed to finalize by a specified deadline. The bill also requires SCJC to prepare a legislative report regarding statutory changes that would improve SCJC handling of complaints.

[House Joint Resolution 165](#)

For Election: 11-2-21

House Author: Jetton

Senate Sponsor: Zaffirini

House Joint Resolution 165 proposes an amendment to the Texas Constitution to authorize the State Commission on Judicial Conduct (SCJC) to accept complaints or reports, conduct investigations, and take any other applicable action with respect to candidates for a judicial office in the same manner SCJC is authorized to take those actions with respect to a person holding judicial office.

[Senate Bill 41](#)

Effective: 1-1-22

Senate Author: Zaffirini et al.

House Sponsor: Leach

Senate Bill 41 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, Human Resources Code, Local Government Code, Occupations Code, Property Code, and Transportation Code to consolidate certain civil court fees and provide for the allocation of the consolidated fees to specified accounts and funds. The bill, among other provisions, also standardizes procedures for the collection of fees payable to a local government in civil cases, revises requirements relating to the appellate judicial system funds, and makes changes, including increased and new fees, to the statutory fee schedules for district courts and county courts.

[Senate Bill 456](#)

Effective: 9-1-21

Senate Author: Lucio

House Sponsor: Leach

Senate Bill 456 amends the Government Code to include a veterans county service office among the causes to which a juror may donate all or part of their daily reimbursement. Such donations may be used only to supplement, rather than supplant, amounts budgeted by the county for the office.

[Senate Bill 1179](#)

Effective: 9-1-21

Senate Author: Birdwell

House Sponsor: Anderson

Senate Bill 1179 amends the Government Code to establish that the form letter inviting a person who reported for jury service to donate all or a portion of the person's daily reimbursement for that service to certain public programs is to be provided after the person's jury service is concluded.

[Senate Bill 1373](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: White et al.

Senate Bill 1373 amends the Code of Criminal Procedure to make certain changes relating to the imposition and collection of fines, fees, and court costs in criminal cases. The bill requires a court's inquiry regarding a defendant's ability to pay fines and costs to take place on the record and revises certain definitions of "cost" to clarify that the term includes any fee imposed on a defendant by the court regardless of when the fee is imposed. The bill makes the procedures for designating a fee as uncollectible if it has been unpaid for at least 15 years or the defendant is deceased or serving a life sentence applicable to fines also.

Senate Bill 1458**Effective:** Vetoed**Senate Author:** Zaffirini**House Sponsor:** Neave

Senate Bill 1458 amends the Code of Criminal Procedure, Family Code, and Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to develop and make available on the OCA website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce the following orders:

- a protective order or temporary ex parte order for family violence or for victims of sexual assault or abuse, stalking, or trafficking; or
- a magistrate's order for emergency protection.

The bill requires use of the forms by courts and magistrates issuing such orders and by individuals applying for protective orders.

Governor's Reason for Veto: "Senate Bill 1458's goal of having model forms for protective orders, orders for emergency protection, and temporary ex parte orders is a sound one, but this is already allowed. The Office of Court Administration can, and is encouraged to, create model forms to help achieve the commendable goals behind Senate Bill 1458. But the bill would go further and impose categorical mandates that courts use standardized forms, without addressing what happens if a court deviates from the prescribed form and without allowing flexibility for unique cases. I vetoed similar legislation last session because, without appropriate safeguards, mandating the use of standardized forms in criminal cases sets a trap for courts whose orders may be challenged as void for deviating from the form and creates loopholes for opportunistic litigants to pursue needless challenges. I appreciate the good intentions of the bill author and sponsor in aiming to protect the victims of horrible crimes like family violence and sexual assault, but the mandatory use of standardized forms can inadvertently cause more problems that may detract from the effort to help victims."

Senate Bill 1923**Effective:** 9-1-21**Senate Author:** Zaffirini**House Sponsor:** Leach

Senate Bill 1923 amends the Code of Criminal Procedure, Government Code, Local Government Code, Parks and Wildlife Code, and Transportation Code to reclassify certain criminal court fines and fees as reimbursement fees. The bill establishes that, for purposes of certain Code of Criminal Procedure provisions relating to costs, fines, and fees, a person is considered to have been convicted in a case under the following circumstances:

- a judgment, a sentence, or both a judgment and a sentence are imposed on the person;
- the person receives community supervision, deferred adjudication, or deferred disposition; or
- the court defers final disposition of the case or imposition of the judgment and sentence.

Senate Joint Resolution 47**For Election:** 11-2-21**Senate Author:** Huffman et al.**House Sponsor:** Landgraf

Senate Joint Resolution 47 proposes an amendment to the Texas Constitution to change the eligibility requirements for a justice of the Texas Supreme Court, a judge of the Texas Court of Criminal Appeals, a justice of a court of appeals, and a district judge.

This page intentionally left blank.

CRIMINAL JUSTICE

This chapter covers legislation relating to criminal offenses and penalties, crime victims' rights and services, and criminal procedures, including the right to bail. Legislation on criminal offenses specific to other subject areas is in those applicable chapters. Legislation on correctional facilities, the incarceration and release of individuals, and the functions and duties of the Texas Department of Criminal Justice is in the [Corrections](#) chapter. Legislation relating to law enforcement agencies and the functions and duties of the Department of Public Safety is in the [Law Enforcement](#) chapter. Legislation relating to handgun and firearm possession is in the [Public Safety](#) chapter, and legislation relating to juvenile justice and juvenile court proceedings is in the [Juvenile Justice](#) chapter.

[House Bill 9](#)

Effective: 9-1-21

House Author: Klick et al.

Senate Sponsor: Campbell et al.

House Bill 9 amends the Code of Criminal Procedure and Penal Code to enhance the penalty for obstructing a highway or other passageway from a Class B misdemeanor to a state jail felony for an actor who knowingly prevents the passage of an authorized emergency vehicle that is operating its audible or visual signals or obstructs access to a hospital or other emergency medical care facility. The bill requires a court granting community supervision to a defendant convicted of such conduct to require as a condition of community supervision that the defendant submit to not less than 10 days of confinement in a county jail.

[House Bill 246](#)

Effective: 9-1-21

House Author: Murr et al.

Senate Sponsor: Bettencourt

House Bill 246 amends the Penal Code to prohibit the public release of the name of a school employee who is accused of an improper relationship between an educator and student until the employee is indicted for the offense. However, the bill authorizes the release of the employee's name regardless of an indictment as necessary for the school to report or investigate the accusation.

[House Bill 295](#)

Effective: 9-1-21

House Author: Murr et al.

Senate Sponsor: Zaffirini et al.

House Bill 295 amends the Government Code and Tax Code to specify that grants distributed by the Texas Indigent Defense Commission to assist counties in providing indigent defense services may be used for improving the provision of those services. The bill makes a nonprofit corporation that provides those services or indigent defense support services eligible to receive such a grant. The bill clarifies that technical support provided by the commission to assist counties in improving their indigent defense systems is for improving their systems for providing those services, including indigent defense support services. The bill expands the definition of "indigent defense compensation expenditures" for purposes of tax rate adjustment for county expenditures.

[House Bill 375](#)

Effective: 9-1-21

House Author: Smith et al.

Senate Sponsor: Zaffirini

House Bill 375 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Education Code, Family Code, Government Code, Health and Safety Code, Occupations Code, Penal Code, and Property Code to create the offense of continuous sexual abuse of a young child or disabled individual by making the conduct constituting the offense of continuous sexual abuse of a young child or children applicable with respect to a victim who is a disabled individual.

Criminal Justice

[House Bill 402](#)

Effective: 9-1-21

House Author: Hernandez

Senate Sponsor: Alvarado et al.

House Bill 402 amends the Code of Criminal Procedure to authorize the state's attorney or the head of a law enforcement agency to use funds derived from the forfeiture of contraband relating to a trafficking offense to cover the costs of a contract with a municipal or county program to provide services to domestic trafficking victims.

[House Bill 569](#)

Effective: 9-1-21

House Author: Sanford et al.

Senate Sponsor: West et al.

House Bill 569, the Bonton Farms Act, amends the Code of Criminal Procedure to require a justice or judge, in imposing a fine and costs in a case involving a fine-only misdemeanor, to credit the defendant for any time the defendant was confined in jail or prison while serving a sentence for another offense if that confinement occurred after the commission of the misdemeanor. The bill raises the minimum rate at which the period of a defendant's confinement in jail may be used to satisfy an applicable fine and costs from \$100 to \$150.

[House Bill 624](#)

Effective: 9-1-21

House Author: Shine et al.

Senate Sponsor: Campbell

House Bill 624 amends the Penal Code to increase the penalty for certain offenses committed in retaliation for or on account of a person's service or status as a public servant to the penalty prescribed for the next higher category of offense if the offense was committed against a public servant or a member of a public servant's family or household or involves a public servant's property.

[House Bill 766](#)

Effective: See below

House Author: Harless et al.

Senate Sponsor: Kolkhorst

House Bill 766 amends the Code of Criminal Procedure to establish the respective duties of a magistrate, sheriff, and court clerk with regard to a court order imposing a condition of bond in a criminal case involving a violent offense and the subsequent entry of certain information regarding the order into the Texas Crime Information Center (TCIC). The bill requires the Department of Public Safety to modify TCIC to enable it to accept and maintain detailed information on active bond conditions regarding the requirements and status of a condition imposed by a magistrate for a violent offense and to develop and adopt a form for use by magistrates and sheriffs to facilitate the data collection and entry required by the bill. Except as otherwise provided, the bill takes effect January 1, 2022.

[House Bill 1005](#)

Effective: 9-1-21

House Author: Leman et al.

Senate Sponsor: Huffman

House Bill 1005 amends the Code of Criminal Procedure to require a bail bond for a defendant charged with a trafficking or prostitution-related offense to include certain identifying information for the defendant and any surety, in addition to statutory bond requirements. The bill sets a mandatory bond condition that a defendant charged with such an offense, excluding prostitution, committed against a person 18 years of age or older be barred from direct or indirect communication with the victim and certain proximity to the victim and the victim's child. The bill provides for the revocation of the bond and return to custody for a defendant who is found to have violated those conditions and for the discharge of any sureties on the bond.

House Bill 1005 raises the age at which a victim is considered a child for purposes of mandatory bond conditions for a defendant barring direct communication with and certain proximity to the victim from younger than 14 years of age to younger than 18 years of age. The bill includes trafficking offenses and all public indecency offenses among the offenses that trigger those bond conditions.

House Bill 1156**Effective:** 9-1-21**House Author:** Thierry et al.**Senate Sponsor:** Menéndez

House Bill 1156 amends the Penal Code to create the offense of financial abuse of an elderly individual for a person who knowingly engages in the wrongful taking, appropriation, obtaining, retention, or use of money or other property of an elderly person by any means, including by financial exploitation. The bill establishes penalties for the offense ranging from a Class B misdemeanor to a first degree felony depending on the value of the applicable property.

House Bill 1172**Effective:** 9-1-21**House Author:** Howard et al.**Senate Sponsor:** Zaffirini et al.

House Bill 1172 amends the Code of Criminal Procedure to grant a sexual assault victim the right to have a sexual assault program advocate or other appropriate representative present during a law enforcement interview, provided the advocate or representative does not delay or otherwise impede the interview process. The bill prohibits a peace officer and a state's attorney from requesting or taking a polygraph examination of a person who charges or seeks to charge in a complaint the commission of certain prohibited sexual conduct. The bill extends the period for reporting a sexual assault that triggers a law enforcement agency's duty to request a forensic medical examination of the victim and repeals a provision authorizing a law enforcement agency to decline making such a request under certain circumstances.

House Bill 1306**Effective:** 9-1-21**House Author:** Swanson et al.**Senate Sponsor:** Bettencourt

House Bill 1306 amends the Penal Code to enhance the penalty for assault and aggravated assault if the offense is committed against a person the actor knows is a process server while the person is performing a duty as a process server.

House Bill 1400**Effective:** 9-1-21**House Author:** Swanson et al.**Senate Sponsor:** Bettencourt

House Bill 1400 amends the Occupations Code to create the Class A misdemeanor offense of impersonating a private investigator and to enhance the penalty for a subsequent conviction of the offense to a third degree felony.

House Bill 1403**Effective:** 9-1-21**House Author:** Johnson, Ann et al.**Senate Sponsor:** Huffman

House Bill 1403 amends the Penal Code to authorize the imposition of concurrent or consecutive sentences for a person found guilty of any combination of certain offenses for which concurrent or consecutive sentences may be imposed under state law if the offenses arise out of the same criminal episode.

House Bill 1419**Effective:** 9-1-21**House Author:** Hull et al.**Senate Sponsor:** Alvarado

House Bill 1419 amends the Code of Criminal Procedure to require a justice of the peace or other investigator of an unidentified person's death, and a law enforcement agency that receives a report of a missing child or person, to enter certain information into the National Missing and Unidentified Persons System (NamUs). The bill also requires the law enforcement agency to enter supplemental information not immediately available when the original entry is made into NamUs and to immediately notify NamUs after the return of a missing child or person or the identification of an unidentified body.

House Bill 1540

Effective: 9-1-21

House Author: Thompson, Senfronia et al.

Senate Sponsor: Huffman et al.

House Bill 1540 makes various changes to state law based on recommendations from the Texas Human Trafficking Prevention Task Force.

House Bill 1540 amends the Alcoholic Beverage Code to include an offense involving drink solicitation as mandatory grounds for the denial of certain alcoholic beverage permits and licenses in certain circumstances.

House Bill 1540 amends the Civil Practice and Remedies Code and Government Code to provide for the confidentiality of a claimant's identity in a civil action against a defendant who allegedly engages in trafficking of persons or benefits from such activity and to provide for victims of human trafficking to use a pseudonym when giving testimony before legislative committees. The bill gives a law enforcement agency discretion to provide notice of alleged activity for certain common nuisances relating to prostitution and illicit massage services to a person operating an affected property if the agency has reason to believe the common nuisances have occurred on the property. The bill revises the conduct constituting civil racketeering related to trafficking of persons and the circumstances under which an enterprise may be held liable for such an offense.

House Bill 1540 amends the Code of Criminal Procedure, Education Code, Health and Safety Code, and Human Resources Code to designate a general residential operation operating as a residential treatment center as a child safety zone and as a drug-free zone under the Texas Controlled Substances Act. The bill requires each such general residential operation to post "No Trespassing" notices on the grounds and creates a Class C misdemeanor offense for failure to post the notice. The bill also requires each public or private primary or secondary school to post warning signs of increased trafficking penalties.

House Bill 1540 amends the Family Code, Occupations Code, Penal Code, and Property Code to apply the definition of "coercion" to instances of conduct that constitute labor trafficking for both adults and children. The bill enhances the penalty for human trafficking if the actor recruited, enticed, or obtained the victim from a shelter or facility operating as a residential treatment center that serves at-risk groups. The bill expands certain conduct constituting criminal trespass to include committing the offense on the property of or within a general residential operation. The bill increases the penalty and penalty enhancements for solicitation of prostitution.

House Bill 1694

Effective: 9-1-21

House Author: Raney et al.

Senate Sponsor: Schwertner et al.

House Bill 1694 enacts the Jessica Sosa Act and amends the Texas Controlled Substances Act, Health and Safety Code, to establish that it is a defense to prosecution for the following offenses that the applicable actor was the first person to request medical assistance for a possible overdose or was the victim of a possible overdose:

- possession of a controlled substance or marijuana in certain amounts;
- manufacture, delivery, or possession of a miscellaneous substance under the act;
- possession or delivery of drug paraphernalia;
- possession of a dangerous drug; and
- possession and use of an abusable volatile chemical.

The bill sets out the conditions under which this defense is not available to the actor.

House Bill 1906

Effective: 6-15-21

House Author: Herrero et al.

Senate Sponsor: Alvarado

House Bill 1906 amends the Government Code to require the criminal justice division of the governor's office to establish and administer a grant program to reimburse counties for all or part of the costs incurred

by counties as a result of monitoring defendants and victims in cases involving family violence who participate in a global positioning monitoring system under a magistrate's order for emergency protection or a condition for release on bond after an arrest for an offense involving family violence.

House Bill 2301

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Paxton

House Bill 2301 amends the Family Code to exempt an adult participant in the address confidentiality program for certain crime victims who files a petition requesting a name change from having to provide the street address of the petitioner's place of residence and the reason for the requested name change, if the petitioner certifies their participation in the program. The bill makes an order issued to change the petitioner's name confidential and prohibits release of the order by the court to any person.

House Bill 2315

Effective: 9-1-21

House Author: Turner, John et al.

Senate Sponsor: Huffman

House Bill 2315 amends the Code of Criminal Procedure to include any property used or intended to be used in the commission of certain Class A misdemeanor or felony highway racing offenses as contraband subject to seizure and civil asset forfeiture.

House Bill 2357

Effective: 6-15-21

House Author: Reynolds

Senate Sponsor: Miles

House Bill 2357 amends the Code of Criminal Procedure and Government Code to make confidential and excepted from disclosure under state public information law any information identifying a victim of a criminal offense who was younger than 18 years of age at the time of the offense or a victim of certain trafficking and sexual offenses. However, the bill provides for the limited disclosure of the identifying information, including to a parent, guardian, or law enforcement agency.

House Bill 2357 authorizes a medical examiner to release a person's autopsy report to any organ and tissue procurement organization or hospital that treated the person before death or procured any anatomical gift from their body.

House Bill 2366

Effective: 9-1-21

House Author: Buckley et al.

Senate Sponsor: Hughes et al.

House Bill 2366 amends the Penal Code to create a state jail felony offense for exploding or igniting fireworks with the intent to interfere with or flee from a law enforcement officer under certain circumstances. The bill provides penalty enhancements if the offense involves any non-consumer firework or causes serious bodily injury to an officer under certain circumstances. Additionally, the bill provides penalty enhancements for the unlawful use of a laser pointer directed at a uniformed safety officer if the conduct causes bodily injury or serious bodily injury to the officer.

House Bill 2448

Effective: Vetoed

House Author: Canales

Senate Sponsor: Hinojosa

House Bill 2448 repeals a Code of Criminal Procedure provision that prohibits a surety's liability on a bail bond from being relieved if the accused is in federal custody to determine whether the accused is lawfully present in the United States. The bill amends the Code of Criminal Procedure to make a conforming change.

Governor's Reason for Veto: "During the 85th Legislature, I signed Senate Bill 4 into law to help secure the border. I have fought—and continue to fight—to protect all Texans from dangerous cartels, smugglers, and human traffickers. Because the federal government has failed to act during the ongoing border crisis,

Criminal Justice

Texas has deployed numerous resources to combat the dangers faced in border communities. House Bill 2448 would go in the wrong direction, reversing a good change made by Senate Bill 4 and facilitating the release of potentially dangerous criminals from jail. That is an objective I cannot support.”

House Bill 2462

Effective: 9-1-21

House Author: Neave et al.

Senate Sponsor: Paxton et al.

House Bill 2462 amends the Code of Criminal Procedure and Government Code to revise provisions relating to the reporting and evidence of a sexual assault or other sex offense and to other related law enforcement procedures. The bill removes a law enforcement agency’s authority to decline to request a forensic medical examination of the victim of a sexual assault that is reported within the prescribed 120-hour period under certain circumstances, prescribes the conditions under which an agency may or must request an examination for an assault reported outside of that period, and sets out requirements for documenting whether it made a request for each reported assault. The bill entitles a health care provider, a sexual assault examiner, and a sexual assault nurse examiner that provides a forensic medical examination to a sexual assault survivor to reimbursement by the attorney general for certain associated costs.

House Bill 2462 revises provisions of the Sexual Assault Prevention and Crisis Services Act by requiring the statewide electronic tracking system for evidence collected in relation to sex offenses to include evidence collection kits and other items submitted for laboratory analysis and requiring a health care facility or other appropriate entity to enter certain related information into the system. The bill requires the Department of Public Safety (DPS) to submit an annual report on the number of unanalyzed evidence collection kits in the tracking system to the governor and the legislature and to post the report on its website. The bill requires a law enforcement agency that fails to submit evidence of a sex offense to a public accredited crime laboratory within the required period to provide DPS with written documentation of that failure.

House Bill 2706

Effective: 9-1-21

House Author: Howard et al.

Senate Sponsor: Nelson et al.

House Bill 2706 amends the Code of Criminal Procedure, Government Code, and Health and Safety Code to set out provisions relating to the emergency services and care provided to victims of sexual assault and other sex offenses and to the processes of preserving and analyzing the evidence of those offenses. The bill provides for the operation of and minimum standards for Sexual Assault Forensic Examination (SAFE) programs that provide examinations to sexual assault survivors and makes the programs eligible to receive payment of costs and reimbursements from the attorney general for certain services and care rendered to survivors. Among other provisions, the bill prohibits the use of evidence collected during a forensic medical examination performed on sexual assault victims to investigate or prosecute a misdemeanor or controlled substance offense alleged to have been committed by the victim.

House Bill 2706 transfers the duty to develop certain information forms for sexual assault survivors and certain data collection and publication duties regarding SAFE-ready facilities from the Department of State Health Services to the Health and Human Services Commission and revises certain requirements relating to the forms and published information.

House Bill 3157

Effective: 9-1-21

House Author: Reynolds et al.

Senate Sponsor: Miles

House Bill 3157 amends the Penal Code to increase the penalty for the offenses of violating the civil rights of a person in custody and of improper sexual activity with a person in custody or under supervision.

House Bill 3363**Effective:** 9-1-21**House Author:** Harless et al.**Senate Sponsor:** West

House Bill 3363 amends the Code of Criminal Procedure to set out provisions governing the issuance and execution of search warrants for location information that is held in electronic storage by an electronic communications service provider or remote computing service provider and created after the issuance of the warrant. The bill subjects such a warrant to statutory provisions governing the execution of and compliance with a warrant for access to electronic customer data held in electronic storage and the authentication of related records by a service provider. The bill provides for the period during which a warrant is valid and for emergency disclosures of location information without a warrant. The bill makes certain evidence that is obtained through the required disclosure of location information without a warrant inadmissible in a criminal proceeding.

House Bill 3521**Effective:** 9-1-21**House Author:** Hunter**Senate Sponsor:** Huffman et al.

House Bill 3521 amends the Penal Code to revise the definition of coercion for purposes of a trafficking of persons offense to include certain conduct that impairs a person's ability to appraise the nature of or resist engaging in any conduct, including performing or providing labor or services.

Senate Bill 5 (3rd C.S.)**Effective:** 1-18-22**Senate Author:** Lucio et al.**House Sponsor:** Patterson

Senate Bill 5 repeals and replaces Health and Safety Code provisions prohibiting the unlawful restraint of a dog. Among other provisions, the bill prohibits an owner, with certain exceptions, from leaving a dog outside and unattended by use of a restraint without access to certain provisions. The bill establishes criminal penalties.

Senate Bill 6 (2nd C.S.)**Effective:** See below**Senate Author:** Huffman et al.**House Sponsor:** Smith et al.

Senate Bill 6, the Damon Allen Act, amends the Code of Criminal Procedure, Government Code, and Local Government Code to revise the right to bail of criminal defendants, provide for a public safety report system, and set out procedures for bail proceedings and requirements relating to certain training courses and charitable bail organizations. The bill makes a person eligible for bail unless denial of bail is expressly permitted and prohibits the release on personal bond of a defendant who is charged with an offense involving violence or a defendant who, while released on bail or community supervision for such an offense, is charged with committing certain offenses.

Senate Bill 6 requires the Office of Court Administration of the Texas Judicial System (OCA) to develop and maintain a public safety report system that is available for the purposes of setting bail and sets out various system and OCA requirements.

Senate Bill 6 subjects the imposition of conditions of bail to the statutory rules for setting bail and revises those rules. The bill sets out requirements for a magistrate considering the release on bail of a defendant charged with an offense punishable as a Class B misdemeanor or any higher category of offense. The bill provides for the authority of a magistrate to order, prepare, or consider a public safety report with respect to a defendant charged with a fine-only misdemeanor and to set bail for a defendant charged with a misdemeanor without a public safety report. In addition, the bill limits the authority of a magistrate to release on bail a defendant who is charged with an offense punishable as a felony or a

Criminal Justice

misdemeanor punishable by confinement and provides for the limited release on bail of a defendant who is charged with committing an offense while on bail.

Senate Bill 6 requires a magistrate to make a bail decision without unnecessary delay but not later than 48 hours after a defendant is arrested and to impose the least restrictive conditions, if applicable, and the personal bond or cash or surety bond necessary to reasonably ensure the defendant's required appearance in court and the safety of the community, law enforcement, and the victim of the alleged offense. The bill sets out hearing and review procedures for a defendant who is charged with an offense punishable as a Class B misdemeanor or any higher category of offense and unable to give bail in the required amount.

Senate Bill 6 sets out certain requirements for a sheriff, peace officer, or jailer with regard to obtaining a defendant's criminal history record information before taking bail in a misdemeanor or felony case. If the defendant is charged with or has previously been convicted of an offense involving violence, the sheriff, officer, or jailer may not set the amount of the defendant's bail but may take the bail in the amount set by the court.

Senate Bill 6 sets out notification procedures for a court clerk after a magistrate issues an order relating to a condition of bail for a defendant and provides for the reporting of those conditions by a police chief or sheriff in the appropriate database and for the monthly reporting of certain bail and pretrial release information.

Except as otherwise provided by the bill, the bill takes effect January 1, 2022.

Senate Bill 49

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Murr

Senate Bill 49 amends the Code of Criminal Procedure and Government Code to revise and update procedures and programs regarding defendants with a mental illness or intellectual disability. Among other provisions, the bill expands the list of individuals to whom a magistrate must send expert interview reports ordered for certain defendants suspected of having a mental illness or an intellectual disability and provides an exception to the oath requirements of a personal bond for these defendants. The bill revises the eligibility requirements and duties of providers of jail-based competency restoration programs and the qualifications for court-appointed experts examining defendants who raise the insanity defense.

Senate Bill 49 provides for the authority of certain individuals to request that a court modify an order for a civilly committed defendant's inpatient treatment or residential care to an order for participation in an outpatient treatment program and sets out related hearing procedures. Finally, the bill requires the Commission on Jail Standards to require that a prisoner with a mental illness is provided with each prescription medication deemed necessary by a qualified medical professional or mental health professional.

Senate Bill 109

Effective: 9-1-21

Senate Author: West et al.

House Sponsor: Meyer

Senate Bill 109 amends the Civil Practice and Remedies Code, Code of Criminal Procedure, Health and Safety Code, and Penal Code to rename the offense of securing execution of document by deception as the offense of fraudulent securing of document execution. The bill revises the conduct constituting the offense.

Senate Bill 111

Effective: 9-1-21

Senate Author: West et al.

House Sponsor: Collier et al.

Senate Bill 111 amends the Code of Criminal Procedure to require a law enforcement agency filing a case with the state's attorney to submit a written statement acknowledging that all documents, items, and information in the agency's possession that must be disclosed to the defendant in the case have

been disclosed to the attorney. The bill provides for the required disclosure to the state's attorney of any additional document, item, or information discovered or acquired after the case is filed.

Senate Bill 149

Effective: 9-1-21

Senate Author: Powell et al.

House Sponsor: Goldman

Senate Bill 149 amends the Government Code to designate as critical infrastructure facilities over which it is an offense to operate an unmanned aircraft a public or private airport depicted in any current aeronautical chart published by the Federal Aviation Administration and a military installation owned or operated by or for the federal government, the State of Texas, or another governmental entity. This designation applies only if the facility is completely enclosed by a fence or other physical barrier that is obviously designed to exclude intruders or if it is clearly marked with a sign or signs that are posted on the property, are reasonably likely to come to the attention of intruders, and indicate that entry is forbidden.

Senate Bill 162

Effective: 9-1-21

Senate Author: Blanco et al.

House Sponsor: Geren

Senate Bill 162 amends the Penal Code to create a state jail felony offense for a person prohibited from possessing a firearm under state or federal law who knowingly makes a material false statement on a form that is required by law for the purchase, sale, or other transfer of a firearm and submitted to a licensed firearms dealer.

Senate Bill 237

Effective: Vetoed

Senate Author: Bettencourt et al.

House Sponsor: Gervin-Hawkins et al.

Senate Bill 237 amends the Code of Criminal Procedure to include a person charged with committing a Class B misdemeanor criminal trespass offense among the persons to whom a peace officer may issue a citation containing notice to appear instead of taking the person before a magistrate.

Governor's Reason for Veto: "Senate Bill 237 would add criminal trespass to the list of offenses for which law enforcement can "cite and release" instead of arrest an intruder. I appreciate the good intentions of the bill's author and supporters, but it would allow (and tempt) agencies to categorically mandate cite-and-release for this crime, taking away an important tool for officers to keep Texans safe. It would have a particularly troubling impact in the City of Austin, where local voters recently condemned the City's self-inflicted homelessness crisis, because businesses and homeowners count on criminal-trespass arrests to protect themselves and their guests from homeless people who refuse to leave their property. It would also contravene the State's goal of maintaining law and order in communities along the border."

Senate Bill 280

Effective: 9-1-21

Senate Author: Hinojosa

House Sponsor: Collier

Senate Bill 280 amends the Government Code to revise the composition and duties of the capital and forensic writs committee. The bill requires the committee to provide oversight and strategic guidance, set policy, and develop a budget proposal for the office of capital and forensic writs.

Senate Bill 281

Effective: Vetoed

Senate Author: Hinojosa et al.

House Sponsor: Lucio III

Senate Bill 281 amends the Code of Criminal Procedure to make inadmissible against a defendant in a criminal trial all statements made during or after a hypnotic session by a person who has undergone investigative hypnosis for the purpose of enhancing the person's recollection of an event at issue in a criminal investigation or case. The bill's provisions do not affect the admissibility of any physical evidence or the testimony of any witness identified that independently corroborates a crime.

Criminal Justice

Governor’s Reason for Veto: “The author of Senate Bill 281 is to be commended for aiming to bring accountability to the criminal justice system by addressing the use of investigative hypnosis. But the House sponsor’s late amendment to the bill would dramatically expand its scope in an unacceptable way. The sponsor added language so that for any person who has undergone investigative hypnosis, all statements that person makes “after” the hypnosis—even ones made long “after” the hypnosis session and unrelated to that session—are barred from being admitted into evidence in any criminal trial. The House sponsor’s amendment would grant lifetime immunity, for everyone who undergoes this type of hypnosis, from having any subsequent statements used in a criminal trial.”

Senate Bill 295

Effective: 9-1-21

Senate Author: Perry et al.

House Sponsor: Minjarez

Senate Bill 295 amends the Sexual Assault Prevention and Crisis Services Act, Government Code, to revise provisions relating to the confidentiality and disclosure of communications and records concerning survivors of sexual assault or other sex offenses. Among other provisions, the bill establishes the following:

- any communication, including an oral or written communication, between an advocate and a survivor that is made in the course of advising, counseling, or assisting the survivor is confidential;
- any record created by, provided to, or maintained by an advocate is confidential if the record relates to the services provided to a survivor or contains certain information about the survivor or the survivor’s victimization; and
- a survivor has a privilege to refuse to disclose, and to prevent another from disclosing, a confidential communication or record in any civil, criminal, administrative, or legislative proceeding.

The bill revises the circumstances under which communications and records that are otherwise confidential under the act may be disclosed, including in criminal proceedings.

Senate Bill 312

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Smith

Senate Bill 312 amends the Penal Code to increase the penalty for the offense of improper sexual activity with a person in custody or under supervision from a state jail felony to a second degree felony.

Senate Bill 335

Effective: 9-1-21

Senate Author: Johnson et al.

House Sponsor: Wu

Senate Bill 335 amends the Code of Criminal Procedure to revise the notice and disposal procedures regarding toxicological evidence collected under an investigation or prosecution of an intoxication-related offense. Among other provisions, the bill provides for the retention and preservation of toxicological evidence for an offense for which the indictment or information charging the defendant, or the petition in a juvenile proceeding, has been dismissed without prejudice. The bill revises the duty of a court to notify the applicable defendant, guardian, and entity or individual charged with storage of the evidence of the retention and preservation period. The bill revises the conditions under which the entity or individual charged with storing the toxicological evidence may destroy the evidence.

Senate Bill 335 amends the Transportation Code to require an officer, before requesting a person to submit to the taking of a blood specimen, to inform the person that if the person submits to the taking of the specimen, the specimen will be retained and preserved in accordance with applicable state law and to request a signed statement from a person who consents.

Senate Bill 474

Effective: Vetoed

Senate Author: Lucio et al.

House Sponsor: Collier et al.

Senate Bill 474 repeals and replaces Health and Safety Code provisions prohibiting the unlawful restraint of a dog. Among other provisions, the bill prohibits an owner, with certain exceptions, from

leaving a dog outside and unattended by use of a restraint without access to certain provisions. The bill establishes criminal penalties.

Governor's Reason for Veto: "Texans love their dogs, so it is no surprise that our statutes already protect them by outlawing true animal cruelty. Yet Senate Bill 474 would compel every dog owner, on pain of criminal penalties, to monitor things like the tailoring of the dog's collar, the time the dog spends in the bed of a truck, and the ratio of tether-to-dog length, as measured from the tip of the nose to the base of the tail. Texas is no place for this kind of micro-managing and over-criminalization."

[Senate Bill 516](#)

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Murr

Senate Bill 516 amends the Penal Code to establish a uniform third degree felony penalty for criminal mischief involving the whole or partial impairment or interruption of access to an ATM, regardless of the amount of the pecuniary loss.

[Senate Bill 530](#)

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Cole

Senate Bill 530 amends the Penal Code to create the Class B misdemeanor offense of harassment for a person who publishes repeated electronic communications on a website, including a social media platform, in a manner reasonably likely to cause emotional distress, abuse, or torment to another person with the intent to harass, annoy, alarm, abuse, torment, or embarrass that person. The bill enhances the penalty to a Class A misdemeanor in certain circumstances and excepts communications made in connection with a matter of public concern from the application of the offense.

[Senate Bill 576](#)

Effective: 9-1-21

Senate Author: Hinojosa et al.

House Sponsor: Lozano

Senate Bill 576 amends the Penal Code to revise provisions relating to the prosecution and punishment of the offense of smuggling of persons. The bill removes as a condition necessary for conduct to constitute the offense that the actor engaged in the conduct with the intent to obtain a pecuniary benefit and instead enhances the penalty for the offense from a third degree felony to a second degree felony if the offense was committed with that intent. The bill expands the conduct constituting the offense to include a person knowingly assisting, guiding, or directing two or more individuals to enter or remain on agricultural land without the owner's effective consent and further enhances the punishment for the offense to a second degree felony if the actor, another party to the offense, or an individual assisted, guided, or directed by the actor knowingly possessed a firearm during the commission of the offense or the actor engages in behavior constituting the offense involving the use of a means of conveyance to transport an individual with the intent to flee from a person the actor knows is a peace officer or special investigator attempting to lawfully arrest or detain the actor.

[Senate Bill 768](#)

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Johnson, Ann

Senate Bill 768 amends the Texas Controlled Substances Act, Health and Safety Code, to create Penalty Group 1-B and to transfer from Penalty Group 1 to Penalty Group 1-B fentanyl, alpha-methylfentanyl, and any other derivative of fentanyl. The bill creates an offense for the manufacture or delivery of a substance in Penalty Group 1-B and establishes a penalty range for the offense based on the aggregate weight of the controlled substance.

Senate Bill 768 amends the Code of Criminal Procedure, Government Code, Occupations Code, and Penal Code to make a defendant adjudged guilty of the offense for an amount that is four grams or greater ineligible for judge-ordered community supervision, jury-recommended community supervision,

Criminal Justice

or deferred adjudication community supervision. The bill makes ineligible for release to mandatory supervision an inmate who is serving a sentence for or has been previously convicted of the offense for that amount. The bill also expands the conduct that constitutes the offense of directing the activities of a criminal street gang to include certain conduct involving the offense.

Implementation of a provision of this bill by the Texas Department of Criminal Justice is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 957
Effective: 9-1-21

Senate Author: Zaffirini
House Sponsor: Krause

Senate Bill 957 amends the Code of Criminal Procedure to prohibit the denial or reduction of compensation awarded through the crime victims' compensation program on the basis of the claimant or victim not substantially cooperating with an appropriate law enforcement agency at the crime scene or hospital unless the attorney general finds that the claimant or victim subsequently continued to fail or refuse to substantially cooperate.

Senate Bill 1047
Effective: 9-1-21

Senate Author: Seliger et al.
House Sponsor: Smithee

Senate Bill 1047 amends the Code of Criminal Procedure to authorize a search warrant issued to collect a blood specimen from a person suspected of committing the following intoxication offenses to be executed in any county adjacent to the county in which the warrant was issued and by any law enforcement officer authorized to make an arrest in the county of execution:

- driving while intoxicated;
- driving while intoxicated with a child passenger;
- flying while intoxicated;
- boating while intoxicated;
- assembling or operating an amusement ride while intoxicated;
- intoxication assault; or
- intoxication manslaughter.

The bill provides for the removal and return of property seized under such a warrant without a court order.

Senate Bill 1056
Effective: 9-1-21

Senate Author: Huffman
House Sponsor: Wu

Senate Bill 1056 amends the Code of Criminal Procedure, Family Code, and Penal Code to create a Class A misdemeanor offense for making or causing to be made a false report of a criminal offense or an emergency to induce an emergency response from certain entities. The bill provides penalty enhancements for two or more previous convictions of the offense and in certain circumstances in which a person suffers serious bodily injury or death as a direct result of the emergency response. The bill sets out provisions relating to the prosecution of the offense and classifies conduct constituting the offense as conduct indicating a need for supervision under the juvenile justice code if the child has not previously been adjudicated as having engaged in the conduct.

Senate Bill 1125
Effective: 9-1-21

Senate Author: Perry
House Sponsor: Collier

Senate Bill 1125 amends the Texas Controlled Substances Act, Health and Safety Code, to provide for the disposition of controlled substance property and plants to a crime laboratory for purposes of laboratory research, testing results validation, and training of analysts in lieu of destruction. The bill includes a criminal

justice agency that has received a controlled substance property or plant forfeited under statute from a law enforcement agency for analysis and storage among the entities a district court may order to retain, deliver, or destroy the property or plant. The bill also provides for the destruction of controlled substance property and plants under certain circumstances by a crime laboratory as well as by a criminal justice agency to which a law enforcement agency has transferred the property or plant for analysis and storage.

Senate Bill 1164

Effective: 9-1-21

Senate Author: Campbell

House Sponsor: Collier

Senate Bill 1164 amends the Penal Code to expand the circumstances under which a sexual assault is without consent of the other person by including the following circumstances:

- the actor is a coach or tutor who uses the actor's power or influence to exploit the other person's dependency on the actor; or
- the actor is a caregiver hired to assist the other person with activities of daily life who exploits the other person's dependency on the actor.

Senate Bill 1354

Effective: 9-1-21

Senate Author: Miles et al.

House Sponsor: Collier

Senate Bill 1354 amends the Penal Code to revise the conditions under which a person has assumed care, custody, or control of a child, elderly individual, or disabled individual for purposes of the offense for injury to such a child or individual. The bill establishes that the actor has assumed care, custody, or control if the actor has acted so as to cause a reasonable person to conclude that the actor has accepted responsibility for the protection, food, shelter, or medical care for the child or individual.

Senate Bill 1495

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Turner, John et al.

Senate Bill 1495 amends the Penal Code and Transportation Code to enhance the penalty for obstructing a highway or other passageway from a Class B misdemeanor to a Class A misdemeanor for a person who operates a motor vehicle while engaging in a reckless driving exhibition. The bill enhances the penalty to a state jail felony for a person who has been previously convicted of that enhanced conduct, who operates a motor vehicle while intoxicated at the time of the offense, or who causes a person to suffer bodily injury as a result of the offense. The bill also creates the Class B misdemeanor offense of interference with a peace officer investigation of highway racing or reckless driving exhibition.

Senate Bill 1831

Effective: 9-1-21

Senate Author: Taylor et al.

House Sponsor: Thompson, Senfronia et al.

Senate Bill 1831 amends the Education Code, Government Code, and Penal Code to enhance the penalty for a trafficking of persons offense if the actor committed the offense on or within a specified distance of the premises of a public or private primary or secondary school or premises where a school function or a University Interscholastic League event was taking place. The bill increases the punishment for certain offenses involving the solicitation of prostitution in those same locations. The bill increases the punishment for online solicitation of a minor if the actor committed the offense during regular primary or secondary school hours and the actor knew or reasonably should have known that the minor was enrolled in a primary or secondary school at the time of the offense.

Senate Bill 1831 requires each public or private primary or secondary school to post warning signs at specified locations regarding the enhanced penalties for trafficking of persons and sets out related

Criminal Justice

requirements. Implementation by the Texas Education Agency of certain provisions of the bill relating to the supply of warning signs to schools is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1831 requires the Texas Commission of Licensing and Regulation to require the inclusion of information relating to human trafficking prevention in the curriculum of any driver education or driving safety course. The bill revises requirements for specified entities, including certain alcohol licensees, a cosmetology facility, a hospital, a massage establishment or school, a tattoo studio, a sexually oriented business, and a state park or state recreational site, to post a certain sign relating to human trafficking or a substantially similar sign or notice, as applicable. The bill revises requirements for the attorney general to prescribe the sign's design and content and establishes a civil penalty for violations of the posting requirements.

ECONOMIC DEVELOPMENT

This chapter covers legislation regarding state and local economic development. Legislation relating to economic development improvement and management districts is in the [Special Districts](#) chapter, and legislation relating to workforce development is in the [Labor and Employment](#) chapter.

[House Bill 1301](#)

Effective: 9-1-21

House Author: Guillen et al.

Senate Sponsor: Zaffirini et al.

House Bill 1301 amends the Government Code to expand the scope of services that a colonia self-help center may offer colonia residents to include help in securing employment, establishing or expanding a small business, developing professional skills, or managing personal finances and achieving financial literacy. The bill creates a joint interim committee to study and report on colonias and colonia initiatives in Texas.

[House Bill 1472](#)

Effective: 5-15-21

House Author: Bucy et al.

Senate Sponsor: Eckhardt

House Bill 1472 amends the Government Code to make the Confederation of North, Central America and Caribbean Association Football (Concacaf) Gold Cup eligible for funding under the major events reimbursement program.

[House Bill 2404](#)

Effective: 9-1-21

House Author: Meyer et al.

Senate Sponsor: Zaffirini

House Bill 2404 amends the Government Code and Local Government Code to require the comptroller of public accounts to create and make accessible online the Chapter 380 and 381 Agreement Database, which must contain certain information regarding all applicable local economic development agreements in Texas.

[House Bill 3271](#)

Effective: 6-18-21

House Author: Ordaz Perez et al.

Senate Sponsor: Blanco et al.

House Bill 3271 amends the Government Code to establish a revolving loan program to assist certain micro-businesses that employ not more than 20 employees and that have difficulty in accessing capital following a declared disaster. The bill provides for the establishment and administration of the micro-business recovery fund as a dedicated account in the general revenue fund. The Texas Economic Development Bank administers the fund and the loan program.

House Bill 3271 also renames the current capital access fund as the original capital access fund and authorizes the bank to establish access to capital access programs, collateral support programs, loan guarantee programs, and loan participation programs in order to promote private access to capital to certain businesses with fewer than 500 full-time employees.

[Senate Bill 609](#)

Effective: 9-1-21

Senate Author: Alvarado et al.

House Sponsor: Morrison

Senate Bill 609 amends the Government Code and Tax Code to establish the Texas music incubator rebate program to provide rebates of a portion of certain alcoholic beverage taxes collected from eligible music venues and music festival promoters to assist in their efforts to support and continue to bring live musical performances to local communities in Texas. The bill sets out provisions relating to the

Economic Development

administration of the program by the Music, Film, Television, and Multimedia Office within the governor's office, including the rebate application process, and establishes eligibility requirements for a rebate and the Texas music incubator account.

[Senate Bill 678](#)

Effective: 9-1-21

Senate Author: Alvarado et al.

House Sponsor: Button et al.

Senate Bill 678 amends the Government Code to establish the small business disaster recovery loan program to provide financial assistance to small businesses in response to a disaster declaration and to create the small business disaster recovery revolving fund for the purpose of providing loans to eligible small businesses. As specified by the bill, the Texas Economic Development and Tourism Office (TEDTO) uses money from the fund to administer the loan program, the fund is managed and invested by the Texas Treasury Safekeeping Trust Company, and the loans may be used only for certain payroll costs.

Senate Bill 678 requires TEDTO, not later than December 1 of each even-numbered year, to prepare and submit to the governor, lieutenant governor, and each member of the legislature a report relating to the fund and the loan program. Implementation of a provision of this bill by TEDTO and the trust company is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 1155](#)

Effective: 9-1-21

Senate Author: Nelson

House Sponsor: King, Ken

Senate Bill 1155 amends the Government Code to make the NASCAR Texas Grand Prix race eligible for funding under the major events reimbursement program and to ensure the continuing eligibility of the largest annual event held at certain sports entertainment venues in Texas.

[Senate Bill 1265](#)

Effective: 9-1-21

Senate Author: Birdwell

House Sponsor: Ellzey

Senate Bill 1265 amends the Government Code to make the National Hot Rod Association Fall Nationals at the Texas Motorplex eligible for funding under the major events reimbursement program.

[Senate Bill 1269](#)

Effective: 9-1-21

Senate Author: Whitmire

House Sponsor: King, Ken

Senate Bill 1269 amends the Government Code to revise provisions relating to the main street program administered by the Texas Historical Commission. Among other provisions, the bill expands the scope of the program and changes the frequency at which the commission designates communities to participate in the program.

[Senate Bill 1465](#)

Effective: 6-18-21

Senate Author: Hinojosa

House Sponsor: Guillen

Senate Bill 1465 amends the Government Code and Local Government Code to create the Texas small and rural community success fund as a trust fund held outside the state treasury by the comptroller of public accounts as trustee. The fund is created as a successor to the Texas leverage fund program. The comptroller must hold money in the fund in escrow and in trust for and on behalf of the Texas Economic Development Bank, which administers the fund, and the owners of bonds issued under the bill's provisions. The bill, among other related provisions, provides for the components of the fund and certain limitations on the use of the fund.

Senate Bill 1465 also establishes the micro-business disaster recovery fund as a dedicated account in the general revenue fund and establishes a micro-business disaster recovery loan guarantee program to

guarantee loans made to micro-businesses, as described by the bill, that have suffered economic injury as a result of a declared disaster. The bill provides for the components of the fund and requires the bank to administer the fund and the program.

Implementation of a provision of Senate Bill 1465 by the applicable entity is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 2181

Effective: 9-1-21

Senate Author: West

House Sponsor: Button et al.

Senate Bill 2181 amends the Local Government Code to authorize the City of Dallas to acquire, construct, and improve a venue project that is an amphitheater, arena, exhibit hall, music hall, or stadium located within a municipally owned park that is at least 100 acres in size and all or part of which is designated as a national historic landmark district, if the applicable type of facility is specifically listed in the ballot proposition for a venue project for the expansion of an existing convention center facility that primarily hosts conventions and has at least one million square feet of meeting space. The city may not spend more than 20 percent of the revenue from the convention center facility expansion venue project for costs related to such an amphitheater, arena, exhibit hall, music hall, or stadium located within a municipally owned park.

This page intentionally left blank.

ELECTIONS

This chapter covers legislation on issues relating to statewide and local election regulation.

[House Bill 574](#)

Effective: 9-1-21

House Author: Bonnen et al.

Senate Sponsor: Taylor et al.

House Bill 574 amends the Election Code to create a second degree felony offense for a person who knowingly or intentionally makes any effort to count invalid votes, alter a report to include invalid votes, or refuse to count or report valid votes.

[House Bill 1128](#)

Effective: 9-1-21

House Author: Jetton et al.

Senate Sponsor: Kolkhorst et al.

House Bill 1128 amends the Election Code to specify the persons authorized to be lawfully present in a polling place, the meeting place of an early voting ballot board, and a central counting station while certain election-related activity is occurring.

[House Bill 1264](#)

Effective: 9-1-21

House Author: Bell, Keith et al.

Senate Sponsor: Springer et al.

House Bill 1264 amends the Election Code to shorten the deadline by which the monthly abstracts of each death certificate and each application for probate of a will, administration of a decedent's estate, or determination of heirship must be filed with the applicable voter registrar and the secretary of state for the purpose of canceling a decedent's voter registration.

[House Bill 1382](#)

Effective: 9-1-21

House Author: Bucy et al.

Senate Sponsor: Hughes et al.

House Bill 1382 amends the Election Code to require the secretary of state to develop and provide to each early voting clerk an online tool for a person who submits an application for an early voting ballot by mail to track the location and status of the application after providing certain identifying information. The bill sets out requirements for the online tool, including recording certain application and carrier envelope information for each election. Among other provisions, the bill requires the early voting clerk for a primary election or the general election for state and county officers to submit to the secretary of state for posting on the secretary of state's website certain election day information regarding early voter rosters.

[House Bill 1397](#)

Effective: 9-1-21

House Author: White et al.

Senate Sponsor: Hughes et al.

House Bill 1397 amends the Election Code to require a contract for a county to acquire voting system equipment to identify each person or entity that has a five percent or greater ownership interest in the vendor, the vendor's parent company, and each applicable subsidiary or affiliate.

[House Bill 1622](#)

Effective: 9-1-21

House Author: Guillen et al.

Senate Sponsor: Hughes et al.

House Bill 1622 amends the Election Code to remove the requirement for the secretary of state to make an early voting roster publicly available on the secretary of state's website. The bill authorizes a voter to submit a complaint to the secretary of state stating that an early voting clerk has not complied with requirements for maintaining early voting rosters. The bill requires the secretary of state to create and

Elections

maintain a system for receiving and recording the complaints and to maintain a record identifying each noncompliant early voting clerk.

[House Bill 1987](#)

Effective: 9-1-21

House Author: Vasut et al.

Senate Sponsor: Taylor

House Bill 1987 amends the Election Code to clarify that a person is eligible to serve as a member, chair, or vice chair of a state executive committee of a political party if the person is not a candidate for nomination or election to, or the holder of, certain elective offices. However, the bill makes such a candidate eligible to serve in that role for a political party with state organization.

[House Bill 2283](#)

Effective: 9-1-21

House Author: King, Phil et al.

Senate Sponsor: Creighton et al.

House Bill 2283 amends the Election Code, Government Code, and Local Government Code to prohibit a joint elections commission, county election commission, county election board, and commissioners court from accepting contributions without written consent from either the secretary of state or the relevant political subdivision, depending on the amount of the contribution. The bill requires the secretary of state to ensure that any contribution accepted on behalf of the state for election administration is equitably distributed throughout the state and to biennially submit a related report to the governor, the lieutenant governor, and the speaker of the house of representatives.

[House Bill 3107](#)

Effective: 9-1-21

House Author: Clardy et al.

Senate Sponsor: Zaffirini

House Bill 3107 amends the Election Code to update and clarify the law regarding certain election practices and procedures relating to voter registration, election officers and observers, election supplies, the conduct of elections, early voting, candidates, presidential elections, elections to fill a vacant office, and recounts.

[House Bill 3920](#)

Effective: 9-1-21

House Author: Dean

Senate Sponsor: Hughes et al.

House Bill 3920 amends the Election Code to specify that a voter is eligible to vote early by mail due to confinement for childbirth if the voter is expecting to give birth within three weeks before or after election day. The bill excludes as sufficient cause to vote early by mail on the grounds of disability or such confinement a lack of transportation, a sickness that does not meet the criteria for eligibility, or a requirement to appear at the voter's place of employment on election day. The bill requires an applicant for a ballot to vote early by mail on the ground of disability to affirmatively agree with a statement regarding the voter's health or physical condition.

[House Bill 4555](#)

Effective: 9-1-21

House Author: Guillen et al.

Senate Sponsor: Hinojosa

House Bill 4555 amends the Election Code and Penal Code to require an application for a place on the ballot to include an indication that the candidate has either not been finally convicted of a felony, or if so convicted has been pardoned or otherwise released from the resulting disabilities. The bill makes it a Class B misdemeanor for a person who knowingly and falsely indicates otherwise and requires a convicted felon to include in the application proof that the person has been pardoned or otherwise released from the resulting disabilities of the person's conviction.

Senate Bill 1 (2nd C.S.)**Effective:** 12-2-21**Senate Author:** Hughes et al.**House Sponsor:** Murr et al.

Senate Bill 1, the Election Integrity Protection Act of 2021, amends the Election Code and Government Code to set out provisions relating to the conduct of elections in Texas with respect to voter registration, citizenship and residence verification, conduct and security of elections, in-person early voting, poll watchers, early voting by mail, assistance of voters, election-related offenses, and certain ineligible voters. In addition, the bill provides for the prioritization, docketing, and deadlines of certain election proceedings in the Texas Supreme Court, the courts of appeals, and the trial courts.

Senate Bill 1 makes general principles of criminal responsibility under the Penal Code applicable to Election Code offenses. Furthermore, the bill amends the Code of Criminal Procedure to require a court, after a defendant is adjudged guilty of a felony offense, to make an affirmative finding that the person has been found guilty, enter the finding in the judgment of the case, and instruct the defendant regarding how the felony conviction will impact the defendant's right to vote.

Voter Registration

Senate Bill 1 requires certain contents of a voter registration application to be supplied by the person desiring to register to vote, requires a voter registrar to provide notice to certain entities that a person who is not eligible to vote registered to vote, and changes the conduct constituting the offense of making a false statement on a voter registration application. The bill also does the following:

- authorizes any voter to digitally correct information on the voter's registration certificate;
- sets out certain requirements for a voter registrar when there is a notice of change in voter registration information;
- provides penalties that the secretary of state must impose on a voter registrar who does not substantially comply with certain suspense list requirements or rules regarding the statewide computerized voter registration list; and
- requires a county election official, on request, to provide to a member of an early voting ballot board or signature verification committee all available information that is necessary for the board or committee to fulfill its functions.

Citizenship and Residence Verification

Senate Bill 1 requires the secretary of state to enter into an agreement with the Department of Public Safety (DPS) under which information in the existing statewide computerized voter registration list is compared monthly against information in the DPS database in order to verify the accuracy of citizenship status information previously provided on voter registration applications. A voter registrar, after receiving notification of a person who indicates a lack of citizenship status in connection with a vehicle or DPS record, must deliver a written notice requiring the voter to submit proof of U.S. citizenship. The bill requires the secretary of state to notify the appropriate counties upon the determination that a voter has been disqualified from jury service because the voter is not a resident of the county in which the voter is registered to vote.

Conduct and Security of Elections

Senate Bill 1 prohibits a voter from voting inside a vehicle unless the voter is eligible for assistance. The bill does the following, among other provisions, with respect to the conduct and security of elections:

- provides for a required declaration that an unopposed candidate is elected to office;
- expands the eligibility criteria for participation in the countywide polling place program;
- implements requirements for election judges when opening and closing a polling place and requires the secretary of state to create a checklist for both procedures;

Elections

- requires the secretary of state to create and promulgate a form to be used for the register of spoiled ballots at a polling place;
- clarifies that a voter who has not voted before the polls close is entitled to vote if the voter is in line at the polling place by closing time;
- prohibits a temporary branch polling place from being located in a movable structure and specifies that a temporary branch polling place must be located inside a building;
- revises provisions regarding the composition of, and appointment of members to, a county's early voting ballot board;
- prohibits voting system ballots from being arranged in a manner that allows a political party's candidates to be selected in one motion or gesture;
- authorizes an alternate presiding election judge to appoint clerks to serve at a central counting station;
- provides for the development of a protocol for electronic devices inside a central counting station to be equipped with certain tracking software;
- requires the general custodian of election records in a county with a population of 100,000 or more to implement a video surveillance system that retains a record of all areas containing voted ballots; and
- provides for randomized county audits performed by the secretary of state.

In-Person Early Voting

Senate Bill 1 requires a county with a population of at least 55,000 to conduct voting during the early voting period with extended hours. In addition, the bill revises the regular hours for in-person early voting in an election in which the county clerk is the early voting clerk by establishing the following minimum periods for in-person early voting:

- on each weekday of the early voting period that is not a legal state holiday, at least nine hours between the hours of 6 a.m. and 10 p.m.;
- on the last Saturday of the early voting period, at least 12 hours between the hours of 6 a.m. and 10 p.m.; and
- on the last Sunday of the early voting period, at least six hours between the hours of 9 a.m. and 10 p.m.

The bill also does the following:

- extends by one hour the requisite number of hours that in-person early voting must occur for an election in which the county clerk is not the early voting clerk; and
- requires in-person early voting at the main early voting polling place for an election in which a city secretary is the early voting clerk to be conducted at least nine hours each weekday of the early voting period unless the territory covered by the election has fewer than 1,000 registered voters, in which case the voting must be conducted at least four hours each day.

Poll Watchers

Senate Bill 1 provides the following with respect to poll watchers:

- a person must complete a poll watcher training program to be eligible to serve as a watcher;
- an election judge may not have a watcher removed from a polling place for violating any provision of law relating to the conduct of elections, other than a violation of the Penal Code, unless the violation was observed by an election judge or clerk;
- a watcher may not be denied free movement where election activity is occurring, except at a voting station;
- a watcher who is entitled to observe an election activity is also entitled to sit or stand near enough to see and hear the activity;

- a watcher may observe all election activities relating to closing a polling place;
- a watcher is entitled to follow the transfer of election materials from a polling place to any location designated to process election materials; and
- the appointing authority for a watcher and the secretary of state have the opportunity to seek relief upon the belief that the watcher or a state inspector was unlawfully prevented or obstructed from the performance of the watcher's or inspector's duties.

Early Voting by Mail

Senate Bill 1 prohibits the distribution of a mail-in ballot application to a person who did not request the application. Among other provisions regarding early voting by mail, the bill authorizes a signature verification committee and early voting ballot board, for the purpose of verifying a voter's applicable signature, to compare the signature with any known signature on file with the county clerk or voter registrar. The bill sets out the following requirements:

- an application for a mail-in ballot and the carrier envelope of the ballot must include either a driver's license number, the number of a DPS-issued personal identification card, the last four digits of the applicable social security number, or a statement that the voter or applicant has not been issued any of those numbers;
- the early voting clerk must reject an application for a mail-in ballot if an applicable number does not match the number provided on the voter registration application;
- the applicant's signature on an application for a mail-in ballot must be submitted in writing using ink on paper;
- a voter must be provided with an opportunity to correct a defect with a mail-in ballot or to cancel the application to vote by mail;
- a marked mail-in ballot that is delivered in person must be received by an election official and recorded on a prescribed roster;
- mail-in ballots that were not timely returned must be retained in a locked container for the period for preserving the precinct election records; and
- mail-in ballots must be tabulated and stored separately from the ballots voted early by personal appearance and must be separately reported on the returns.

Assistance of Voters

Senate Bill 1 prohibits the Election Code from being interpreted to prohibit or limit the right of a qualified individual with a disability from requesting a reasonable election accommodation or modification. With respect to the offense of unlawfully assisting a voter voting a ballot by mail, the bill revises the applicability of certain exemptions from the offense and sets out additional requirements for a person who assists a voter in preparing the ballot. Moreover, the bill provides the following with respect to the assistance of voters:

- a voter is eligible to receive assistance in reading a ballot if the voter cannot read the ballot because of a physical disability or because of an inability to read the language in which the ballot is written;
- a person, other than an election officer, who lawfully assists a voter must complete a form stating the relationship to the voter of the person assisting the voter, among other information;
- a person who simultaneously provides seven or more voters requiring assistance with transportation to a polling place must complete and sign a form containing identifying information and the type of assistance provided; and
- a person must swear or affirm the requisite oath, as revised by the bill, under penalty of perjury when providing voter assistance to a voter.

Elections

Election-Related Offenses

Senate Bill 1 creates the offense of vote harvesting for a person who knowingly does the following:

- provides or offers to provide in-person interaction with one or more voters, in the physical presence of an official ballot or a mail-in ballot, intended to deliver votes for a specific candidate or measure in exchange for compensation or other benefit;
- provides or offers to provide compensation or other benefit to another person in exchange for vote harvesting services; or
- collects or possesses a mail ballot or official carrier envelope in connection with vote harvesting services.

Senate Bill 1 expands the conduct that constitutes the offense of election fraud to include the following:

- preventing a voter from casting a legal ballot or providing false information to a voter with the intent to do so;
- causing the ballot not to reflect the intent of the voter;
- causing a ballot to be voted for another person that the actor knows to be deceased or otherwise knows not to be a qualified or registered voter;
- causing or enabling a vote to be cast more than once in the same election; and
- discarding or destroying a voter's completed ballot without the voter's consent.

Furthermore, the bill enhances the penalty for election fraud from a Class A misdemeanor to a state jail felony if the person committed the offense while acting in the person's capacity as an elected official, but establishes that the offense is a Class B misdemeanor if the person is convicted of only an attempt. The bill also does the following:

- creates offenses for the unlawful solicitation and distribution of an application to vote by mail and the unlawful distribution of early voting ballots and balloting materials;
- revises the conduct constituting the offenses of unlawfully assisting a voter voting a ballot by mail and unlawful compensation for assisting a voter;
- expands the conduct that constitutes the offense of making a false statement on a voter registration application and enhances the penalty for the offense from a Class A misdemeanor to a state jail felony if compensation is involved;
- creates an offense for an election judge who knowingly provides a voter with an affidavit form used for accepting a voter that contains information that the judge entered on the form knowing it was false;
- creates an offense for an election officer who refuses to accept a poll watcher for service when the acceptance is required; and
- expands the conduct that constitutes the offense of unlawfully prohibiting an employee from voting to include refusing to excuse an absence to vote early and subjecting the employee to a penalty for the absence.

Miscellaneous Provisions

Senate Bill 1 makes certain communications between a public official and a voting systems vendor public information and also does the following:

- prohibits an authority operating a central counting station from purchasing or using certain centrally counted optical ballot scan systems;
- sets out provisions regarding notification and witnessing of a public test of logic and accuracy of a voting system; and
- provides for a study regarding the implementation of educational programs to help voters with disabilities understand how to use voting systems.

Senate Bill 13 (2nd C.S.)**Effective:** 12-2-21**Senate Author:** Huffman et al.**House Sponsor:** Hunter

Senate Bill 13 amends the Election Code to establish the 2022 primary election dates and related scheduling requirements contingent on the date the redistricting plan adopted following the 2020 federal census becomes law. The bill requires the secretary of state to set the dates of the filing period and the general and runoff primary elections if the redistricting plan has not become law on or before February 7, 2022.

Senate Bill 231**Effective:** 9-1-21**Senate Author:** Seliger et al.**House Sponsor:** Cain et al.

Senate Bill 231 amends the Election Code to establish standardized training requirements for county election officers.

Senate Bill 331**Effective:** 6-14-21**Senate Author:** Johnson**House Sponsor:** Button et al.

Senate Bill 331 amends the Election Code to make any person eligible to serve as a voter's interpreter in an election if the person is not the voter's employer, an agent of the voter's employer, or an officer or agent of a labor union to which the voter belongs. The bill restricts the appointment of an interpreter by an election officer to a registered voter of the county in which the voter needing the interpreter resides or an adjacent county. Among other provisions, the bill removes the authorization for an interpreter to accompany a voter to the voting station for the purpose of translating the ballot and authorizes such a voter instead to receive certain voter assistance.

Senate Bill 598**Effective:** 9-1-21**Senate Author:** Kolkhorst**House Sponsor:** Jetton et al.

Senate Bill 598 amends the Election Code to require the general custodian of election records to conduct a risk-limiting audit for a selected statewide race or measure not later than 24 hours after all ballots have been counted. Among other provisions, the bill restricts use of a voting system that consists of direct recording electronic voting machines to such a system that is an auditable voting system, establishes conditions under which the official record of the vote cast is either the electronic vote or the paper vote, and prohibits a voting system from certain network capabilities.

Senate Bill 1111**Effective:** 9-1-21**Senate Author:** Bettencourt et al.**House Sponsor:** Paul et al.

Senate Bill 1111 amends the Election Code to revise provisions relating to the valid residence address of an eligible voter. Among other provisions, the bill does the following:

- prohibits a person from establishing residence for the purpose of influencing an election outcome and at any place the person has not inhabited or does not currently inhabit;
- requires the voter registrar to request confirmation notice of residence from a voter whose residence address is a commercial post office box or similar location that does not correspond to a residence;
- expands the information a voter must include in responding to such notice; and
- provides for a voter's residence to be confirmed and documented through certain methods, with exceptions.

Elections

[Senate Bill 1113](#)

Effective: 9-1-21

Senate Author: Bettencourt et al.

House Sponsor: Cain

Senate Bill 1113 amends the Election Code to authorize the secretary of state to withhold certain funds from a voter registrar who fails to timely perform a duty relating to approving, changing, or canceling a voter's registration. The bill requires the secretary of state to distribute those funds if the registrar performs the registrar's duty not later than 30 days after the funds are withheld.

[Senate Bill 1116](#)

Effective: 9-1-21

Senate Author: Bettencourt et al.

House Sponsor: Bucy

Senate Bill 1116 amends the Election Code to require a county, city, or independent school district that holds election services for an election and maintains a website to timely post applicable election-related information on that website.

[Senate Bill 1387](#)

Effective: 6-16-21

Senate Author: Creighton et al.

House Sponsor: Clardy et al.

Senate Bill 1387 amends the Election Code to require a voting system or voting system equipment used in an election in Texas, beginning September 1, 2021, to be manufactured, stored, and held in the United States and sold by a company headquartered in the United States and whose parent company, if applicable, is also headquartered in the United States. The bill requires the secretary of state to conduct a comprehensive study to determine the feasibility of that requirement.

[Senate Bill 1418](#)

Effective: 9-1-21

Senate Author: Schwertner

House Sponsor: Wilson

Senate Bill 1418 amends the Election Code to authorize the presiding judge of an early voting ballot board to be compensated at a higher rate than other members of the board, at the discretion of the appropriate authority.

[Senate Bill 1761](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Swanson

Senate Bill 1761 amends the Election Code to require the Texas Ethics Commission to ensure that a political contribution and expenditure report includes certain information regarding political expenditures made with a credit card.

[Senate Bill 2093](#)

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Swanson

Senate Bill 2093 amends the Election Code to clarify that the requirement to pay the requisite filing fee or submit a valid petition in lieu of the filing fee applies to a candidate who is nominated by party convention, in order for that candidate to be considered for nomination by a party convention for state and county office.

EMERGENCY RESPONSE

This chapter covers legislation on issues relating to disasters and emergencies.

House Bill 525

Effective: 6-18-21

House Author: Shaheen et al.

Senate Sponsor: Hall et al.

House Bill 525 amends the Government Code to classify a religious organization as an essential business at all times in Texas, including during a declared state of disaster, and to classify such an organization's religious and other related activities as essential activities even if the activities are not listed as essential in an order issued during the disaster. The bill prohibits a governmental entity from, at any time, prohibiting a religious organization from engaging in such activities or operating in the discharge of its foundational faith-based mission and purpose or from ordering a religious organization to close or otherwise alter its purposes or activities during a declared state of disaster. Among other provisions, the bill authorizes a person to assert a violation of the bill's provisions in a judicial or administrative proceeding and obtain relief and authorizes the attorney general to bring an action for injunctive or declaratory relief against a governmental entity or an officer or employee of a governmental entity to enforce compliance with the bill's provisions.

House Bill 788

Effective: 9-1-21

House Author: Geren

Senate Sponsor: Zaffirini

House Bill 788 amends the Government Code to make an emergency service dispatcher of the state or of a political subdivision eligible to participate in a public safety employees treatment court program.

House Bill 1228

Effective: 9-1-21

House Author: Leman

Senate Sponsor: Kolkhorst

House Bill 1228 amends the Health and Safety Code to raise from less than 30,000 to less than 40,000 the maximum population threshold of a county for which statute prescribes the composition of the board of managers of an emergency communication district that is subject to the Emergency Telephone Number Act and is located wholly in the county.

House Bill 1239

Effective: 6-16-21

House Author: Sanford et al.

Senate Sponsor: Paxton et al.

House Bill 1239 amends the Civil Practice and Remedies Code to prohibit an applicable government agency or public official from issuing an order that closes or has the effect of closing places of worship in Texas or in a geographic area of Texas. The bill authorizes a person whose free exercise of religion has been substantially burdened in violation of that prohibition to assert that violation as a defense in a judicial or administrative proceeding without regard to whether the proceeding is brought in the name of the state or by any other person. The bill provides that, for purposes of a state of disaster declared under the Texas Disaster Act of 1975, provisions regarding governmental liability with respect to religious freedom are not considered regulatory statutes and may not be suspended.

House Bill 1500

Effective: 9-1-21

House Author: Hefner et al.

Senate Sponsor: Creighton et al.

House Bill 1500 amends the Government Code and Local Government Code to establish that the Texas Disaster Act of 1975 does not authorize any person to prohibit or restrict the business or operations of a sport shooting range or a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer

Emergency Response

in connection with a disaster. Accordingly, the bill removes the governor's authority to suspend or limit the sale, dispensing, or transportation of firearms and explosives or combustibles that are components of firearm ammunition during a declared disaster and removes the governor's authority to provide for control of the sale, transportation, and use of weapons and ammunition or the storage, use, and transportation of explosives or flammable materials that are components of firearm ammunition in a directive issued during a proclaimed state of emergency. The bill prohibits such a directive from prohibiting or restricting the business or operations of a sport shooting range or a firearms or ammunition manufacturer, distributor, wholesaler, supplier, or retailer.

House Bill 1500 removes a municipality's authority to regulate the use of firearms, air guns, or knives in the case of an insurrection, riot, or natural disaster.

[House Bill 1589](#)

Effective: 9-1-21

House Author: Davis et al.

Senate Sponsor: Menéndez

House Bill 1589 amends the Government Code to entitle public officers and employees who are engaged in certain military service and are called to state active duty in response to a disaster to a paid leave of absence from their duties for each day they are called to active duty during the disaster, not to exceed seven workdays in a fiscal year. During the leave of absence, the person may not be subjected to loss of time, efficiency rating, personal time, sick leave, or vacation.

[House Bill 2343](#)

Effective: 6-7-21

House Author: Geren et al.

Senate Sponsor: Whitmire et al.

House Bill 2343 amends the Government Code to authorize the Department of Public Safety to use appropriated funds to purchase food and beverages for a person who is activated to provide services in response to an emergency situation, incident, or disaster and who is unable to leave or required to remain at their assignment area due to the situation, incident, or disaster.

[House Bill 2911](#)

Effective: 9-1-21

House Author: White et al.

Senate Sponsor: Hancock et al.

House Bill 2911 amends the Health and Safety Code to provide for the statewide deployment of next generation 9-1-1 service (NG9-1-1) by September 1, 2025. The bill creates the NG9-1-1 service fund to be composed of certain federal money, including from the federal Coronavirus State and Local Fiscal Recovery Funds, and used by the Commission on State Emergency Communications and emergency communication districts solely to support the deployment and reliable operation of NG9-1-1 service. The bill repeals a provision providing for the reimbursement of wireless service providers for expenses for network facilities used for 9-1-1 service.

[Senate Bill 44](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Leach

Senate Bill 44 amends the Government Code to provide for up to 10 days of paid leave each fiscal year for executive and judicial branch state employees who are volunteers of any organization that is a member of the Texas Voluntary Organizations Active in Disaster to participate in disaster relief services for a state of disaster declared by the governor. The bill repeals provisions providing for paid leave for state employees who are, or are in training to become, certified disaster service volunteers of the American Red Cross.

[Senate Bill 863](#)

Effective: 5-15-21

Senate Author: Blanco

House Sponsor: Hull

Senate Bill 863 amends the Human Resources Code to provide for the temporary relocation of a residential child-care facility to a location not in the facility's license application during a declared state of disaster.

Senate Bill 877**Effective:** 6-8-21**Senate Author:** Hancock**House Sponsor:** Morrison

Senate Bill 877 amends the Local Government Code to authorize a municipal building inspection in an area of a municipality that is subject to a disaster declaration to be performed by a licensed engineer, a person certified to inspect buildings by the International Code Council, or a person employed as a building inspector by the municipality or, subject to the municipality's approval, any other political subdivision. The inspector may not be the owner of the building or a person whose work is the subject of the inspection. The bill sets out compliance and notice requirements for the inspection and prohibits the municipality from collecting an additional inspection fee related to the inspection.

Senate Bill 966**Effective:** 6-16-21**Senate Author:** Kolkhorst et al.**House Sponsor:** Klick

Senate Bill 966 amends the Communicable Disease Prevention and Control Act, Health and Safety Code, to provide for the issuance of an order by the commissioner of state health services of a public health emergency that is separate from the current public health disaster, which requires a declaration to be issued by the governor.

Senate Bill 966 establishes the legislative public health oversight board to provide oversight for declarations of public health disasters and orders of public health emergencies issued by the commissioner and to perform other duties required by law. The bill removes the commissioner's authority to unilaterally renew a public health disaster and requires instead that the legislature renew the disaster or the board approve the commissioner's renewal. If the legislature or the board is unable to meet to consider the renewal of a declaration of a public health disaster, the declaration continues in effect until the legislature or the board meets, unless the declaration is terminated by the commissioner or governor. The bill authorizes the commissioner to renew a public health emergency for an additional 30 days without legislative approval and requires the commissioner, not later than the seventh day after the date an initial disaster declaration or emergency order is issued, to consult with the chairs of the applicable standing legislative committees regarding the disaster or emergency.

Senate Bill 968**Effective:** 6-16-21**Senate Author:** Kolkhorst et al.**House Sponsor:** Klick et al.

Senate Bill 968 amends the Government Code and Health and Safety Code to set out provisions relating to public health disaster and emergency preparedness and response, including provisions applicable specifically to the COVID-19 pandemic.

With respect to COVID-19, Senate Bill 968 prohibits a governmental entity from issuing a vaccine passport, vaccine pass, or standardized documentation to certify an individual's COVID-19 vaccination status to a third party or sharing an individual's COVID-19 immunization record or similar health information for a purpose other than health care. The bill prohibits a business in Texas from requiring a customer to provide any such documentation or post-transmission recovery on entry to, to gain access to, or to receive service from the business and bars a business that violates that prohibition from state contracting or from receiving state grants. The bill also requires the Preparedness Coordinating Council advisory committee to conduct a study on the state response to COVID-19.

With respect to public health disasters and other related emergencies generally, Senate Bill 968 does the following, among other provisions:

- provides for the establishment of an Office of Chief State Epidemiologist within the Department of State Health Services (DSHS) and the appointment of a chief state epidemiologist;
- prohibits the Texas Medical Board from limiting or prohibiting a nonelective medical procedure during a declared state of disaster;
- prohibits a political subdivision from limiting or prohibiting housing and commercial construction and related activities during a pandemic-related declared disaster or local disaster;

Emergency Response

- requires the Texas Division of Emergency Management (TDEM) to enter into a contract to guarantee a set amount of personal protective equipment is available for use during a declared public health disaster and authorizes TDEM to purchase additional equipment under contract if the state's supply will be insufficient;
- provides for wellness checks for medically fragile individuals during certain emergencies; and
- provides for the implementation of a disease prevention information system for the dissemination of immunization information during a declared disaster or local disaster.

Senate Bill 968 clarifies the authority of the commissioner of state health services to declare a statewide or regional public health disaster or order a statewide or regional public health emergency under certain circumstances but conditions the authority to declare a public health disaster on the governor declaring a state of disaster for the occurrence or threat prompting the commissioner's declaration. The bill repeals a provision that authorizes the governor to terminate a public health disaster declaration at any time.

Implementation of a provision of Senate Bill 968 by DSHS and the Preparedness Coordinating Council advisory committee is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 969](#)

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Klick

Senate Bill 969 amends the Health and Safety Code to require the Department of State Health Services (DSHS), during a public health disaster, to timely make available to the public on its website in an easy-to-read format all available de-identified public health data regarding the public health disaster and to develop a standardized method for reporting data and releasing reports during such a disaster or in response to other outbreaks of communicable disease. The bill authorizes DSHS to impose a civil penalty of not more than \$1,000 on a health care facility for each failure to submit a report required under provisions relating to reports and reportable diseases and authorizes the attorney general to bring an action to recover the civil penalty. Implementation of a provision of this bill by DSHS is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 1343](#)

Effective: 9-1-21

Senate Author: Taylor et al.

House Sponsor: Bonnen

Senate Bill 1343 amends the Government Code to authorize a commissioners court, during a disaster or state of emergency declared by the governor, to hold an open or closed meeting, including by telephone conference call, solely to deliberate about disaster or emergency conditions and related public safety matters that require an immediate response. The commissioners court may hold such a meeting without complying with the requirements of state open meetings law, including the requirement to provide notice before the meeting or to first convene in an open meeting. However, the commissioners court, to the extent practicable under the circumstances, must provide reasonable public notice of such a meeting and, if the meeting is an open meeting, must allow members of the public and the press to observe the meeting. In addition, the commissioners court:

- may not vote or take final action on a matter during the meeting;
- must prepare and keep minutes or a recording of the meeting; and
- must make the minutes or recording available to the public as soon as practicable.

These provisions expire September 1, 2027.

[Senate Bill 1353](#)

Effective: 6-14-21

Senate Author: Miles et al.

House Sponsor: Guerra

Senate Bill 1353 amends the Health and Safety Code to expand the contents of the biennial immunization report provided by the Department of State Health Services, if a public health disaster was

declared under the Communicable Disease Prevention and Control Act during the preceding two years, to include certain information and recommendations regarding the accessibility of immunizations that immunize an individual against the communicable disease subject to the disaster declaration.

[Senate Bill 1427](#)

Effective: 6-16-21

Senate Author: Bettencourt

House Sponsor: Shine

Senate Bill 1427 amends the Tax Code to clarify that the damage suffered by a qualified property as a result of a disaster must be physical damage in order for the property's owner to be entitled to receive the temporary property tax exemption for property damaged by a disaster.

[Senate Bill 1876](#)

Effective: 9-1-21

Senate Author: Miles et al.

House Sponsor: Oliverson et al.

Senate Bill 1876 amends the Health and Safety Code, Utilities Code, and Water Code to set out provisions relating to emergency planning for the continued treatment and safety of end stage renal disease facility patients. Among other provisions, the bill requires end stage renal disease facilities to adopt a written emergency preparedness and contingency operations plan to address the provision of care during an emergency that is likely to threaten the health, welfare, or safety of facility patients or staff or the public as well as an emergency contingency plan for the continuity of essential building systems during an emergency. The bill provides for the prioritization of power and water restoration to such facilities in the same manner as an affected utility gives to a hospital following an extended power outage.

This page intentionally left blank.

ENERGY RESOURCES

This chapter covers legislation relating to the oil and gas industry and the duties and functions of the Railroad Commission of Texas. Legislation relating to electric utilities is in the [Utilities](#) chapter.

[House Bill 632](#)

Effective: 9-1-21

House Author: Darby et al.

Senate Sponsor: Seliger

House Bill 632 amends the Education Code to establish the TexNet Technical Advisory Committee within The University of Texas Bureau of Economic Geology for the TexNet seismic monitoring program. The bill sets out the advisory committee's duties, which include certain financial oversight and the development of recommendations for a program of work to assist the TexNet seismic monitoring program and any affiliated research efforts in accomplishing program goals.

[House Bill 1284](#)

Effective: 6-9-21

House Author: Paddie

Senate Sponsor: Hancock et al.

House Bill 1284 amends the Injection Well Act, Water Code, and the Texas Clean Air Act, Health and Safety Code, to expand the jurisdiction of the Railroad Commission of Texas (RRC) over the geologic storage and associated injection of anthropogenic carbon dioxide to include jurisdiction over any onshore and offshore injection and geologic storage of carbon dioxide in Texas. The bill prohibits the RRC from issuing a related permit for the conversion of a previously plugged and abandoned Class I injection well to a Class VI injection well and requires a permit applicant to submit with the application a letter of determination from the Texas Commission on Environmental Quality (TCEQ) concluding that drilling and operating an anthropogenic carbon dioxide injection well for geologic storage or constructing or operating a geologic storage facility will not impact or interfere with any previous or existing Class I injection well or any other injection well authorized or permitted by TCEQ.

House Bill 1284, among other provisions, also amends the Natural Resources Code to authorize the use of the anthropogenic carbon dioxide storage trust fund by the RRC for the permitting of geologic storage facilities and associated anthropogenic carbon dioxide injection wells, provides for applicable funds and penalties to be deposited to the fund's credit, and amends the Tax Code to make conforming changes.

[House Bill 2201](#)

Effective: 9-1-21

House Author: Ashby et al.

Senate Sponsor: Nichols

House Bill 2201 amends the Natural Resources Code to require the Railroad Commission of Texas by rule to establish standards governing permissible locations for pits used by commercial oil and gas disposal facilities. The rules must include a history of flooding in the 10 years preceding the construction of the pit as a factor in determining whether a pit's proposed location is permissible.

[House Bill 3416](#)

Effective: 9-1-21

House Author: Darby

Senate Sponsor: Lucio

House Bill 3416 amends the Civil Practice and Remedies Code to require a temporary placement service, before it refers or assigns a temporary subcontractor to a client to perform well or mine services, to provide a written disclosure to the subcontractor regarding the subcontractor's applicable indemnification obligations and any applicable insurance policy that is provided for the subcontractor's benefit.

Energy Resources

[House Bill 3516](#)

Effective: 9-1-21

House Author: King, Tracy O. et al.

Senate Sponsor: Perry

House Bill 3516 amends the Natural Resources Code to require rules adopted by the Railroad Commission of Texas (RRC) for the governance of the treatment and beneficial use of oil and gas waste to encourage fluid oil and gas waste recycling for beneficial purposes and establish certain standards for the issuance of permits for commercial recycling of fluid oil and gas waste. The bill requires the RRC to approve or deny an application for a permit issued under the rules by a certain deadline and if the RRC does not do so, the application is considered approved and the applicant may operate under the terms specified in the application for a period of one year.

[House Bill 3648](#)

Effective: 6-18-21

House Author: Geren et al.

Senate Sponsor: Hancock

House Bill 3648 amends the Natural Resources Code and Utilities Code to require the Railroad Commission of Texas and the Public Utility Commission of Texas to collaborate to adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in Texas as critical during energy emergencies. The bill sets out requirements for those rules.

[House Bill 3794](#)

Effective: 9-1-21

House Author: Geren

Senate Sponsor: Hinojosa

House Bill 3794 revises law governing oil and gas security interests and liens by repealing applicable Uniform Commercial Code provisions, known as the first purchaser statute, in the Business & Commerce Code and replacing those provisions with Property Code provisions establishing oil and gas liens for applicable interest owners on the basis of real property interests in Texas. The bill provides for the nature of such a lien, including its priority, enforceability, and other characteristics, and makes related changes to the Business & Commerce Code.

[House Bill 3973](#)

Effective: 9-1-21

House Author: Walle et al.

Senate Sponsor: Nichols

House Bill 3973 creates a joint interim committee to study matters related to abandoned oil and gas wells in Texas, identify potential solutions to reduce the need for general revenue spending to plug abandoned wells, conduct a review of the oil and gas regulation and cleanup fund, and evaluate and identify other sources of potential revenue. The bill requires the Railroad Commission of Texas to provide information to the committee necessary to conduct the study and requires the committee to report its findings and recommendations to the legislature.

[House Bill 4218](#)

Effective: Vetoed

House Author: Craddick

Senate Sponsor: Hughes

House Bill 4218 amends the Property Code to authorize a person to bring a cause of action for a bad faith washout of the person's overriding royalty interest in an oil and gas lease. The bill authorizes an owner of an overriding royalty interest who prevails in such an action to recover actual damages, court costs and attorney's fees, and the enforcement of a constructive trust on the oil and gas lease or mineral estate acquired to accomplish the washout of the overriding royalty interest.

Governor's Reason for Veto: "Texas prizes the freedom of parties to enter into private contracts and to have their bargains enforced. House Bill 4218 would contravene these principles, representing a remarkable intrusion by the State into the contractual relationship between overriding royalty interest-holders and oil-and-gas lessees. The Legislature sought to address a "wash out" of an interest-holder, where a lessee allows the lease to terminate—which extinguishes the royalty interest under some contracts—and then

acquires a new lease on the same property. But those are contractual rights the parties bargained for, and the interest-holder could have given something up in exchange for protection from a wash out. The answer is not to trample every such contract in Texas and provide an extra-contractual cause of action against the lessee, paired with an award of fees for the lawyers who will surely seek out these claims. Instead of enriching lawyers through costly litigation on the back end, as House Bill 4218 would do, Texas law should encourage the parties to negotiate wash out protections in advance.”

Senate Bill 601

Effective: 6-18-21

Senate Author: Perry et al.

House Sponsor: Burrows

Senate Bill 601 amends the Education Code to create the Texas Produced Water Consortium to bring together information resources to study the economics of and technology related to, and the environmental and public health considerations for, beneficial uses of fluid oil and gas waste. The consortium consists of the following:

- Texas Tech University as the host university;
- an agency advisory council, a stakeholder advisory council, and a technical and economic steering committee as those councils and that committee are provided by the bill; and
- private entities.

The bill sets out the duties of the consortium and the host university, but makes implementation of a provision of the bill by the consortium mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1258

Effective: 9-1-21

Senate Author: Birdwell

House Sponsor: Goldman

Senate Bill 1258 amends the Natural Resources Code to establish that, with respect to certain land leased by the state for oil and gas production and certain land in which the state retains a right to a portion of the oil and gas, if an applicable nearby well or well draining the land is producing oil or gas in commercial quantities and is a horizontal drainhole well located in an unconventional fracture treated field, a lessee of an applicable state area or the agent in control of applicable land for purposes of the state’s interest, as appropriate, is not required to drill an offset well unless any take point in the horizontal drainhole well is located within a certain distance of the leased state area or other applicable land.

Senate Bill 1259

Effective: 5-24-21

Senate Author: Birdwell

House Sponsor: Smith

Current law authorizes payments of proceeds from the sale of oil or gas production to be withheld in certain circumstances involving competing claims of ownership. Senate Bill 1259 amends the Natural Resources Code to establish that a payee does not have a common law cause of action for breach of contract against a payor for withholding payments in such a circumstance unless, for a dispute concerning the title, the contract requiring payment specifies otherwise.

Senate Bill 1260

Effective: 5-18-21

Senate Author: Birdwell

House Sponsor: Leman

Senate Bill 1260 amends the Natural Resources Code to grant the state a first lien on a responsible person’s interest in any drill cuttings stored at a site or facility that has ceased oil and gas operations and that the person has failed to clean up by the applicable deadline. The bill authorizes the Railroad Commission of Texas to dispose of abandoned stored drill cuttings by contracting with a person to treat the drill cuttings at the site or facility for a subsequent beneficial use and selling the treated drill cuttings at a public auction or a public or private sale.

Energy Resources

[Senate Bill 1582](#)

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: White

Senate Bill 1582 amends the Natural Resources Code to provide for applicable licensing and registration examination functions under the Liquefied Petroleum Gas Code (LPG Code) and under statutory provisions relating to compressed natural gas to be performed by a proctoring service. The bill removes the requirement that a testing service that administers an examination under the LPG Code collect a nonrefundable examination fee on behalf of the Railroad Commission of Texas.

[Senate Bill 1668](#)

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Raney

Senate Bill 1668 amends the Liquefied Petroleum Gas Code, Natural Resources Code, to require the Railroad Commission of Texas to waive course of instruction, examination, and seminar license requirements for an applicant for a certificate for cylinder filling who meets specified qualifications.

ENVIRONMENT

This chapter covers legislation on issues relating to environmental protection and regulation, including legislation relating to the Texas Commission on Environmental Quality and its various programs.

[House Bill 7 \(2nd C.S.\)](#)

Effective: 9-9-21

House Author: Landgraf et al.

Senate Sponsor: Birdwell

House Bill 7 amends the Texas Radiation Control Act, Health and Safety Code, to prohibit the following, with the exception of, as applicable, storage, or a permit for a facility located, at the site of currently or formerly operating nuclear power reactors and currently or formerly operating nuclear research and test reactors operated by a university:

- a person from disposing of or storing high-level radioactive waste in Texas; and
- the Texas Commission on Environmental Quality under its authority under specified provisions of the federal Clean Water Act from issuing certain general construction permits, approving certain Stormwater Pollution Prevention Plans, or issuing certain permits under the Texas Pollutant Discharge Elimination System Program for the construction or operation of a facility that is licensed for the storage of high-level radioactive waste by the U.S. Nuclear Regulatory Commission under specified federal regulations.

[House Bill 963](#)

Effective: 9-1-21

House Author: Lozano et al.

Senate Sponsor: Zaffirini

House Bill 963 amends the Health and Safety Code to make a used natural gas vehicle that otherwise satisfies model year requirements and applicable statutory requirements a qualifying vehicle under the Texas natural gas vehicle grant program.

[House Bill 1680](#)

Effective: 9-1-21

House Author: Smith

Senate Sponsor: Springer

House Bill 1680 amends the Health and Safety Code to establish that each separately leased individual part of a tract of land owned by the federal government is considered a separate tract of land for purposes of the regulation of on-site sewage disposal systems.

[House Bill 2361](#)

Effective: 9-1-21

House Author: Landgraf et al.

Senate Sponsor: Birdwell

House Bill 2361 amends the Health and Safety Code to authorize the use of a grant under the new technology implementation grant program for applicable leasing, operation, and maintenance costs. The bill includes projects that reduce flaring emissions and other site emissions among the projects for which the Texas Commission on Environmental Quality is required to give preference in awarding a grant and expands grant eligibility for new technology projects that reduce emissions from upstream and midstream oil and gas activities through the installation of systems that reduce site emissions.

[House Bill 2708](#)

Effective: 6-16-21

House Author: Patterson et al.

Senate Sponsor: Paxton

House Bill 2708 amends the Solid Waste Disposal Act, Health and Safety Code, to authorize money in the hazardous and solid waste remediation fee account attributable to statutory fees imposed on lead-acid batteries to be used for reimbursement of environmental remediation at the site of a former

Environment

battery recycling facility located in the municipal boundaries of certain municipalities, such as the City of Frisco, if a community development corporation serving the municipality is issued an industrial hazardous waste permit by the Texas Commission on Environmental Quality for the site and is paying or has paid for part of the costs of the site's environmental remediation pursuant to the permit. This authorization expires September 1, 2027.

House Bill 3215

Effective: 9-1-21

House Author: Geren

Senate Sponsor: Hughes

House Bill 3215 amends the Health and Safety Code to replace as a standard for single-family residential construction that is considered to be in compliance with applicable building energy efficiency requirements the applicable Energy Rating Index Compliance Alternative or subsequent alternative compliance path with a home energy rating system index utilizing Standard 301 of the American National Standard for the Calculation and Labeling of the Energy Performance of Dwelling and Sleeping Units using an Energy Rating Index, commonly cited as ANSI/RESNET/ICC 301, as it existed on January 1, 2021, subject to certain conditions and time frames.

House Bill 4472

Effective: 9-1-21

House Author: Landgraf et al.

Senate Sponsor: Birdwell

House Bill 4472 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) and the comptroller of public accounts, under the Texas emissions reduction plan (TERP), to provide funding for remittance of funds to the state highway fund for use by the Texas Department of Transportation (TxDOT) for congestion mitigation and air quality improvement projects in nonattainment areas and affected counties. The bill requires TCEQ to remit not less than 35 percent of the amount deposited to the credit of the TERP fund to the state highway fund for use by TxDOT for these projects, changes from the TERP account to the state highway fund for such use the credit to which TCEQ transfers the unencumbered balance of the TERP fund remaining on the last day of the state fiscal biennium, and requires TxDOT to annually report to TCEQ specified information for all such projects that are planned to be funded, or received initial funding during the preceding 10 years, from money received by TxDOT under TERP. The bill sets at 55 percent the minimum percentage of time over the lifetime of a project involving a marine vessel or engine under the diesel emissions reduction incentive program that the vessel or engine must be operated in applicable intercoastal waterways or bays.

House Bill 4472 amends the Certificate of Title Act, Transportation Code, to redirect from the credit of the Texas Mobility Fund to the credit of the TERP fund the deposit of vehicle title fees that are sent to the comptroller. The bill makes related changes, including providing for the redirection of those fees back to the credit of the Texas Mobility Fund after certain attainment of national ambient air quality standards for ozone.

House Bill 4472 also contains the same provisions as those in enacted House Bill 2361, relating to TERP. See that latter bill's summary regarding those provisions.

Senate Bill 211

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Landgraf

Senate Bill 211 amends the Solid Waste Disposal Act and the Texas Clean Air Act, Health and Safety Code, to align certain provisions relating to the appeal of an action of the Texas Commission on Environmental Quality (TCEQ) with Water Code provisions governing judicial review of a TCEQ action.

Senate Bill 211 amends the Water Code to clarify the authority of an applicable affected person to file a petition to review, set aside, modify, or suspend a ruling, order, or decision on a matter delegated to the executive director of TCEQ.

Senate Bill 872**Effective:** 5-15-21**Senate Author:** Hancock**House Sponsor:** Lambert et al.

Senate Bill 872 amends the Health and Safety Code to continue the dry cleaner environmental response program until September 1, 2041.

Senate Bill 900**Effective:** 9-1-21**Senate Author:** Alvarado**House Sponsor:** Paddie et al.

Senate Bill 900 amends the Water Code to require the Texas Commission on Environmental Quality (TCEQ), not later than September 1, 2023, to establish a Performance Standards for Safety at Storage Vessels Program to provide for the protection of groundwater and surface water resources from a release of substances from a storage vessel in the event of an accident or natural disaster, applicable only to certain storage vessels that are located at or are part of a petrochemical plant, a petroleum refinery, or an applicable bulk storage terminal. Among other provisions, the bill does the following:

- requires an owner or operator of a storage vessel to register with TCEQ and assess and report to TCEQ its current compliance status with the program no later than September 1, 2027;
- for storage vessels constructed and brought into service after September 1, 2027, requires an owner or operator of a storage vessel to register and certify its compliance status to TCEQ with the program no later than 30 days after start of operation;
- requires an owner or operator of a storage vessel to comply with program requirements on completion of the next regularly scheduled out-of-service maintenance of the storage vessel by the owner or operator that occurs after September 1, 2027;
- requires all facilities to certify program compliance status by no later than September 1, 2037;
- requires TCEQ in implementing the program to require an owner or operator of a storage vessel or a designated third party as assigned by the owner or operator to certify program compliance status every 10 years;
- provides for the inclusion in the program of certain critical safety elements from federal statutes and regulations and national consensus standards; and
- provides for a program certification fee.

Senate Bill 952**Effective:** 9-1-21**Senate Author:** Hinojosa et al.**House Sponsor:** Walle et al.

Senate Bill 952 amends the Texas Clean Air Act, Health and Safety Code, to require an application for the issuance of an air quality standard permit for certain concrete plants to include a plot plan that clearly shows specified information.

Senate Bill 1210**Effective:** 1-1-23**Senate Author:** Johnson et al.**House Sponsor:** Oliverson et al.

Senate Bill 1210 amends the Texas Clean Air Act, Health and Safety Code, to prohibit a building code or other requirement applicable to commercial or residential buildings or construction from prohibiting the use of a substitute refrigerant authorized pursuant to the federal Clean Air Act.

Senate Bill 1818**Effective:** 9-1-21**Senate Author:** Zaffirini**House Sponsor:** Landgraf

Senate Bill 1818 amends the Solid Waste Disposal Act, Health and Safety Code, to establish that an applicable person who arranges for recycling of scrap metal is not responsible for the scrap metal under certain statutory provisions if the person can establish by a preponderance of the evidence that specified criteria were met at the time of the recycling transaction.

This page intentionally left blank.

FAMILY LAW

This chapter covers legislation on issues relating to family law, including the marriage relationship, child custody and support, parental rights, foster care, family violence, child abuse and neglect, and child protective services.

[House Bill 39](#)

Effective: 9-1-21

House Author: Neave et al.

Senate Sponsor: Zaffirini et al.

House Bill 39 amends the Code of Criminal Procedure and Family Code and also makes conforming changes to the Penal Code to provide that all parties to a proceeding regarding a protective order applying to a person who committed family violence may agree in writing to a protective order to facilitate settlement. The bill also clarifies that an agreed protective order is enforceable civilly or criminally, regardless of whether the court makes the required findings that family violence has occurred and family violence is likely to occur in the future. Furthermore, the bill provides that any adult who is acting on behalf of a victim of stalking or certain sexual, trafficking, or prostitution-related offenses who is younger than 18 years of age or an adult ward may file an application for a protective order under applicable state law without regard to the relationship between the applicant and the alleged offender. Among other provisions, the bill sets out the following additional rights for victims of stalking or certain sexual, trafficking, or prostitution-related offenses:

- the right to be informed that the attorney representing the state generally is required, under certain circumstances, to file the application for a protective order with respect to the victim; and
- the right to be notified when the attorney representing the state files, without regard to the relationship between the applicant and the alleged offender, an application for a protective order for victims of those offenses.

[House Bill 135](#)

Effective: 9-1-21

House Author: Minjarez et al.

Senate Sponsor: Miles et al.

House Bill 135 amends the Family Code to require the Department of Family and Protective Services (DFPS), before interviewing an alleged perpetrator in a child abuse or neglect investigation, to inform the person orally and in writing of the person's right to create an audio or video recording of the interview among other related information and to provide the person written notice of the person's right to request an administrative review of DFPS findings after the investigation. The bill sets out requirements relating to DFPS documentation of providing the respective notices and prohibits such a recording from being posted online in a way that identifies a party involved in the interview.

[House Bill 458](#)

Effective: 9-1-21

House Author: Shaheen et al.

Senate Sponsor: Zaffirini

House Bill 458 amends the Family Code to make compensation from a transportation network company and compensation from a person that operates a technology platform used to make deliveries to customers subject to the collection and enforcement of withholding of income for the payment of child support.

[House Bill 567](#)

Effective: 9-1-21

House Author: Frank et al.

Senate Sponsor: Hughes et al.

House Bill 567 amends the Family Code to revise and clarify the procedures and grounds for terminating the parent-child relationship, for taking possession of a child, and for certain hearings in a suit affecting the

Family Law

parent-child relationship involving the Department of Family and Protective Services (DFPS). Among other provisions, the bill establishes that a parent allowing the parent's child to engage in independent activities appropriate and typical for the child's level of maturity, physical condition, developmental abilities, or culture does not constitute clear and convincing evidence for purposes of a court ordering termination of the parent-child relationship and prohibits certain evidence from being used as a basis for DFPS to take possession of the child in an effort to protect the child's health and safety. The bill revises procedures regarding the placement of a child after a full adversary hearing held in an original suit affecting the parent-child relationship filed by a governmental entity that requests permission to take possession of a child without prior notice and hearing or filed by a governmental entity after taking possession of a child in an emergency without a court order. The bill revises provisions with regard to court-ordered participation by a member of the child's household in DFPS-provided, purchased, or referred services.

House Bill 700

Effective: 9-1-21

House Author: Johnson, Jarvis et al.

Senate Sponsor: Zaffirini

House Bill 700 amends the Family Code to provide for the development of a plan to ensure the eligibility of foster children to receive college credit for completing the Preparation for Adult Living program and to revise certain requirements for the Department of Family and Protective Services relating to services provided to foster children transitioning to independent living, including requirements for documents and records that are provided to youth leaving foster care and a program to assist youth with independently managing medications. The bill sets out provisions relating to housing for homeless youth aging out of foster care, including provisions relating to youth who will voluntarily enter extended foster care on the youth's 18th birthday, youth intending to continue living with the youth's substitute care provider after the youth's 18th birthday, and a substitute provider who prohibits a youth from living in the facility after the youth's 18th birthday.

House Bill 851

Effective: 9-1-21

House Author: Cook et al.

Senate Sponsor: Hughes

House Bill 851 amends the Family Code to establish that a party who files a motion to modify any of the following orders in a family law case based on a material and substantial change of circumstances may not be considered on that basis alone to have admitted a material and substantial change of circumstances regarding any other matter: a spousal maintenance order or an order that provides for the appointment of a conservator of a child, the terms and conditions of conservatorship, for the possession of or access to a child, or for the support of a child.

House Bill 867

Effective: 9-1-21

House Author: Thompson, Senfronia et al.

Senate Sponsor: Hughes et al.

House Bill 867 amends the Family Code to provide for the issuance of a maintenance qualified domestic relations order and a child support qualified domestic relations order permitting payment of pension, retirement plan, or other employee benefits to an alternate payee or other lawful payee to satisfy amounts due under a maintenance order or child support order, as applicable.

House Bill 868

Effective: 9-1-21

House Author: Thompson, Senfronia et al.

Senate Sponsor: Zaffirini

House Bill 868 amends the Family Code to establish that the court in a suit affecting the parent-child relationship that involves a jury trial may submit questions to the jury on certain issues relating to the rights and duties of a conservator regarding the imposition of a geographic restriction when a parent has been designated a joint managing conservator or a sole managing conservator.

House Bill 1227**Effective:** 9-1-21**House Author:** Leman et al.**Senate Sponsor:** Zaffirini

House Bill 1227 amends the Family Code to require a court that renders an order modifying an existing order for financial support for a child in the conservatorship of the Department of Family and Protective Services (DFPS) to require that the payments be made to DFPS to provide notice of the order to the office of the attorney general by a specified deadline.

House Bill 1315**Effective:** 9-1-21**House Author:** Johnson, Jarvis et al.**Senate Sponsor:** Powell

House Bill 1315 amends the Family Code to require an order appointing the Department of Family and Protective Services (DFPS) as a child's managing conservator to provide for the continuation of the appointment of the guardian ad litem, attorney ad litem, or an attorney appointed to serve in the dual role for as long as the child remains in DFPS conservatorship. The order may also provide for the continuation of the appointment of both the attorney ad litem and the guardian ad litem for the child if both have been appointed, as long as the child remains in DFPS conservatorship.

House Bill 1372**Effective:** 9-1-21**House Author:** Guerra et al.**Senate Sponsor:** Zaffirini

House Bill 1372 amends the Business & Commerce Code and Family Code to authorize a petitioner for a protective order who is the primary user of a wireless telephone number associated with the respondent's wireless telephone service account to request the court that renders the protective order also to order the separation of that telephone number from the respondent's account and each wireless telephone number primarily used by any applicable children in the petitioner's care or custody. The bill requires a wireless telephone service provider, on receipt of such an order, to transfer the use of each telephone number listed in the order to the petitioner.

House Bill 1387**Effective:** 9-1-21**House Author:** Harris et al.**Senate Sponsor:** Birdwell et al.

Current law requires the minimum standards relating to safety and proper storage of firearms and ammunition in certain foster homes to require those items to be stored separately unless the firearms are stored with a trigger locking device attached to the firearm. House Bill 1387 amends the Human Resources Code to allow those items to be stored together in the same locked location.

House Bill 1849**Effective:** 9-1-21**House Author:** Sanford et al.**Senate Sponsor:** Paxton

House Bill 1849 amends the Family Code to provide for the modification of an order establishing the conservatorship or possession of or access to a child after the death of the child's conservator.

House Bill 2058**Effective:** 9-1-21**House Author:** Klick**Senate Sponsor:** Zaffirini

House Bill 2058 amends the Family Code to require a court, at each permanency hearing after the court renders a final order appointing the Department of Family and Protective Services (DFPS) as permanent managing conservator of a child, to review the efforts of DFPS to ensure the child has regular, ongoing opportunities to engage in age-appropriate normalcy activities, including activities not listed in the child's service plan.

[House Bill 2374](#)

Effective: 9-1-21

House Author: Sanford et al.

Senate Sponsor: Kolkhorst

House Bill 2374 amends the Human Resources Code to provide for an efficiency audit of the Department of Family and Protective Services (DFPS) conducted by an external auditor during the 2022 state fiscal year and every fourth year thereafter to examine fiscal management, efficiency, outcomes for the children and families DFPS serves, and utilization of resources. The bill requires the auditor to prepare and submit a report of the audit and recommendations for efficiency improvements to the governor, the Legislative Budget Board, the state auditor, the DFPS commissioner, the Family and Protective Services Council, and the chairs of the applicable legislative committees. The audit satisfies annual internal audit requirements under the Texas Internal Auditing Act.

[House Bill 2536](#)

Effective: 5-15-21

House Author: Krause et al.

Senate Sponsor: Buckingham et al.

House Bill 2536 amends the Family Code to prohibit a court from ordering the involuntary termination of the parent-child relationship, or the Department of Family and Protective Services from taking possession of a child, based on evidence that the parent sought an opinion from more than one medical provider relating to the child's medical care or transferred the child or the child's medical care, respectively, to another health care facility or to a new medical provider. The bill excludes such a decision by a person responsible for a child's care, custody, or welfare from behavior that constitutes neglect of a child.

[House Bill 2924](#)

Effective: 9-1-21

House Author: Dutton

Senate Sponsor: Hughes

House Bill 2924 amends the Family Code to prohibit a court from ordering the involuntary termination of the parent-child relationship on the basis of a finding that a parent has had the parent's parent-child relationship terminated with respect to another child based on a finding that the parent engaged in certain conduct involving endangerment of the child's well-being, unless the petition for the termination is filed by a specified deadline.

[House Bill 2926](#)

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Buckingham et al.

House Bill 2926 amends the Family Code to authorize the following persons to file a petition requesting the court to reinstate the parental rights of a former parent whose parental rights were involuntarily terminated: the Department of Family and Protective Services (DFPS); the single source continuum contractor providing foster care service delivery with responsibility for the child who is the subject of the petition; the attorney ad litem for the child who is the subject of the petition; or the former parent whose parental rights were involuntarily terminated. The bill sets out the conditions under which such a petition may be filed and provides for a reinstatement hearing to determine whether to grant the petition. Following the hearing, the court may render an order granting the petition, denying the petition, or deferring the decision on the petition and rendering a temporary order expiring after a period of six months during which DFPS remains the managing conservator of the child and the former parent is the possessory conservator.

[House Bill 3009](#)

Effective: 9-1-21

House Author: Ramos et al.

Senate Sponsor: Zaffirini

House Bill 3009 amends the Family Code to require a court to ensure that a child custody evaluator appointed in a suit in which a party subject to the evaluation does not speak English as a primary language is either able to effectively communicate in the party's primary language or will be assisted by a licensed or certified interpreter.

House Bill 3041**Effective:** 9-1-21**House Author:** Frank et al.**Senate Sponsor:** Kolkhorst

House Bill 3041 amends the Family Code to establish a family preservation services pilot program that allows the Department of Family and Protective Services (DFPS) to dispose of an investigation of a child who is a candidate for foster care by referring the child's family for family preservation services and allowing the child to return home instead of entering foster care or by providing services to a child who is pregnant or is a parent. The bill requires the pilot program to be established in two child protective services regions in the state, one rural and one urban, at least one of which has implemented community-based care. Among other provisions related to certain procedures with respect to a child in the managing conservatorship of DFPS, the bill revises requirements related to the information provided to certain relatives or caregivers when a child is taken into possession by DFPS or another agency.

House Bill 3165**Effective:** 6-4-21**House Author:** Meyer**Senate Sponsor:** Whitmire et al.

House Bill 3165 amends the Family Code to establish as an affirmative defense to an allegation of truant conduct that one or more of the absences were due to the child's voluntary absence from the child's home because of abuse as shown by a preponderance of the evidence.

House Bill 3203**Effective:** 9-1-21**House Author:** Dutton**Senate Sponsor:** Hughes

House Bill 3203 amends the Family Code to require a court to alter the standard possession order for parents who reside 100 miles or less apart, for a weekend possession extended by a holiday, and for a holiday possession unaffected by distance, with certain exceptions, to provide the following:

- increased times of possession for a conservator as a result of a conservator's election of one or more alternative beginning and ending possession times for that conservator's weekend periods of possession that are extended by a student holiday or teacher in-service day that falls on a Monday, ending at 8 a.m. Tuesday; and
- the possessory conservator who resides not more than 50 miles from the primary residence of the child has the right to possession of the child as if the conservator had made the elections for certain alternative beginning and ending possession times.

House Bill 3203 requires the attorney general's office to create informational materials that describe the possession schedule under a standard possession order and to make the materials available on its website and distribute printed copies of the materials on request.

House Bill 3379**Effective:** 9-1-21**House Author:** Leman et al.**Senate Sponsor:** Kolkhorst et al.

House Bill 3379 amends the Family Code to limit the circumstances under which there is a duty for an applicable professional or other person to report child abuse or neglect to a circumstance in which the professional or person has reasonable cause to believe that reportable conduct has occurred.

Senate Bill 285**Effective:** 9-1-21**Senate Author:** West**House Sponsor:** Neave

Senate Bill 285 amends the Family Code to revise and update statutory provisions relating to the administration of the Title IV-D program for child support enforcement and procedures regarding the child support review process to establish or enforce support obligations. The bill, among other provisions, makes certain changes to facilitate the continued operation of the statewide integrated system for child

Family Law

support, medical support, and dental support. The bill also provides for the inclusion of medical and dental support in a record of support order and revises the record of support form to include an option for a party to apply for Title IV-D child support services when a support order is established in a county participating in the unified enforcement system.

[Senate Bill 286](#)

Effective: 9-1-21

Senate Author: West

House Sponsor: Neave

Senate Bill 286 amends the Family Code and Property Code to revise and update provisions relating to suits affecting the parent-child relationship and the calculation and enforcement of child support. Among other provisions, the bill requires a court in a suit for dissolution of a marriage to order the payment of maintenance to the state disbursement unit in certain cases, provides for a child support guideline schedule for low-income obligors, and requires a court to render separate cumulative judgments for child support, medical support, and dental support arrears in an enforcement action. The bill requires a disclaimer of a property interest made by an individual to contain a statement under penalty of perjury regarding whether the disclaimant is a child support obligor whose disclaimer is barred as provided by applicable law.

[Senate Bill 567](#)

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Neave

Senate Bill 567 amends the Family Code to authorize a domestic relations office to modify or clarify a court order for possession of and access to a child. The bill clarifies that the authority of a domestic relations office to file a suit and to provide information to assist a party in understanding, complying with, or enforcing applicable duties and obligations applies with respect to a suit affecting the parent-child relationship and the party's duties and obligations under the Family Code, respectively.

[Senate Bill 642](#)

Effective: 6-14-21

Senate Author: West et al.

House Sponsor: Hinojosa

Senate Bill 642 amends the Family Code to authorize a local mental or behavioral health authority to refer a child directly to the relinquishment avoidance program without first contacting the Department of Family and Protective Services (DFPS). The bill prohibits the Health and Human Services Commission (HHSC) from requiring DFPS to conduct a child abuse or neglect investigation before allowing a child to participate in the program unless there is an allegation of abuse or neglect of the child. The bill requires DFPS and HHSC to jointly adopt certain guidance and protocols for the program, including emergency eligibility procedures for children at immediate risk of relinquishment.

[Senate Bill 798](#)

Effective: 9-1-21

Senate Author: Nelson et al.

House Sponsor: Neave

Senate Bill 798 amends the Health and Safety Code and Transportation Code to provide for the issuance of a personal identification certificate or a certified copy of a birth record on request, without payment of a fee, to a victim of dating violence or family violence or to the child of such a victim. The bill requires the Department of Public Safety to exempt such an individual from the payment of any fee for the issuance of a personal identification certificate and exempts the individual from the payment of any fee for the issuance of a driver's license.

[Senate Bill 904](#)

Effective: 9-1-21

Senate Author: Perry et al.

House Sponsor: Lopez et al.

Senate Bill 904 amends the Family Code to require an attorney who is on a court-maintained list as being qualified for appointment as an attorney ad litem for a child in a child protection case to provide

proof that the attorney has completed a training program regarding trauma-informed care and the effect of trauma on children in the conservatorship of the Department of Family and Protective Services.

Senate Bill 907

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Lambert

Senate Bill 907 amends the Family Code and Government Code to require the Texas Judicial Council (TJC) to develop and implement, in consultation with the Department of State Health Services, a voluntary certification process under which a county clerk may be certified to issue a marriage license to applicants through the use of remote technology in accordance with procedures adopted by the TJC. The bill authorizes a county clerk who has been certified to issue a marriage license through the use of remote technology only in accordance with the procedures adopted by the TJC.

Senate Bill 910

Effective: 6-16-21

Senate Author: Schwertner

House Sponsor: Frank

Senate Bill 910 amends the Family Code to require the Department of Family and Protective Services (DFPS) to study and develop a comprehensive list of options for implementing family preservation services in existing catchment areas, including contracting with single source continuum contractors to provide services and procuring service providers through a competitive bidding process. The bill authorizes DFPS to enter into any contracts that DFPS determines necessary to comply with the study of options for implementing those services. Implementation of a provision of this bill by DFPS is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1059

Effective: 9-1-21

Senate Author: Paxton et al.

House Sponsor: Klick

Senate Bill 1059 amends the Human Resources Code to provide for a streamlined process for determining the Medicaid eligibility for a former foster care youth. The bill also changes the period of continuous Medicaid eligibility for certain persons making the transition from foster care to independent living and requires the recertification process for such an individual to comply with the streamlined process and to include the option of recertifying online. Implementation of a provision of this bill by the Department of Family and Protective Services or the Health and Human Services Commission is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1156

Effective: 5-24-21

Senate Author: Nelson

House Sponsor: Minjarez

Senate Bill 1156 amends the Family Code to remove the requirement that an organization be designated as a supporting organization under the federal Internal Revenue Code of 1986 to qualify for a contract with the Health and Human Services Commission to administer a court-appointed volunteer advocate for children program.

Senate Bill 1575

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Oliverson et al.

Senate Bill 1575 amends the Family Code to provide for the review of a child's placement by the Department of Family and Protective Services (DFPS) in a qualified residential treatment program and the determination and approval or disapproval of the placement by the court. The bill includes placement in such a program among the significant events affecting a child in DFPS conservatorship that trigger certain notice requirements. The bill requires the Supreme Court of Texas Children's Commission, in collaboration with DFPS, to establish and oversee a work group to examine the oversight of and best practices related to residential treatment center placements, including placements in qualified residential treatment

Family Law

programs. Among other provisions, the bill sets out a reporting requirement for the work group regarding its findings and recommendations.

Senate Bill 1578

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Frank

Senate Bill 1578 amends the Family Code to revise provisions relating to consultations with the Forensic Assessment Center Network and the Texas Medical Child Abuse Resources and Education System under an agreement with the Department of Family and Protective Services (DFPS) to provide assistance in connection with abuse and neglect investigations conducted by DFPS. Among other provisions, the bill prohibits a health care practitioner who makes a report to child protective services from providing expert consultation to DFPS in connection with the investigation resulting from the report and provides for an evaluation of the use of the network by DFPS. In addition, the bill provides that an authorized DFPS representative, a law enforcement officer, or a juvenile probation officer may not take possession of a child in an emergency without a court order in a suit brought by a governmental entity solely on the basis of the opinion of a medical professional under contract with DFPS who did not conduct a physical examination of the child.

Senate Bill 1896

Effective: 6-14-21

Senate Author: Kolkhorst et al.

House Sponsor: Frank et al.

Senate Bill 1896 amends the Family Code, Government Code, and Human Resources Code to revise certain provisions applicable to the foster care system, including provisions regarding quality and assurance of foster care placements, expanded placement capacity and flexibility to build capacity, best contracting practices, procurement and performance measures for the state's community-based foster care model, and the implementation of the federal Family First Prevention Services Act. Among other provisions, the bill does the following:

- authorizes a single source continuum contractor who has a background and criminal history check on file to provide temporary emergency care for a child if the contractor is unable to find an appropriate placement for the child;
- prohibits the Department of Family and Protective Services (DFPS) from allowing a child to stay overnight in a DFPS office;
- requires the Health and Human Services Commission (HHSC), in collaboration with DFPS and each single source continuum contractor, to develop a plan to increase the placement capacity in each catchment area with the goal of eliminating the need to place a child outside of the child's community;
- requires DFPS to develop capacity for certain placement settings that are eligible for federal financial participation under federal law; and
- requires DFPS to transition, not later than January 1, 2025, the family-based safety services program to evidence-based programs under the federal Family First Prevention Services Act.

Senate Bill 1896 also revises provisions relating to the expansion of community-based care to require that DFPS identify catchment areas in Texas where DFPS will implement community-based care and retain an entity based in Texas to evaluate the implementation process and single source continuum contractor performance in each catchment area. The bill, among other changes regarding general residential operations, includes the following requirements:

- a requirement that DFPS develop a strategic plan for improving the provision of educational services to children placed in a general residential operation;
- a requirement that each general residential operation providing treatment services have a treatment model addressing all aspects related to children's care; and

- a requirement that DFPS use data analytics collected regarding residential child-care providers to develop an early warning system in order to identify at-risk providers most in need of technical support, promote corrective actions, and minimize standard violations.

Senate Bill 1896 also requires HHSC to annually evaluate the use of benefits under the Medicaid program in the STAR Health program offered to children in foster care and provide recommendations to DFPS and each single source continuum contractor to better coordinate the provision of health care and use of those benefits for children in foster care. A contract between a Medicaid managed care organization and HHSC for the organization to provide health care services to recipients under the STAR Health program must require the organization to ensure the organization maintains a network of mental and behavioral health providers, including child psychiatrists and other appropriate providers, in all DFPS regions in Texas, regardless of whether community-based care has been implemented in any region.

Senate Bill 1896 creates the Joint Legislative Oversight Committee on Community-Based Care Transition and establishes the Office of Community-Based Care Transition as a state agency independent of but administratively attached to DFPS.

Senate Bill 1936

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Cook et al.

Senate Bill 1936 amends the Family Code to require a court to alter the standard possession order for parents who reside 100 miles or less apart, for a weekend possession extended by a holiday, and for a holiday possession unaffected by distance, with certain exceptions, to provide the following:

- increased times of possession for a conservator as a result of a conservator's election of one or more alternative beginning and ending possession times for that conservator's weekend periods of possession that are extended by a student holiday or teacher in-service day that falls on a Monday, ending at 8 a.m. Tuesday; and
- the possessory conservator who resides not more than 50 miles from the primary residence of the child has the right to possession of the child as if the conservator had made the elections for certain alternative beginning and ending possession times.

Senate Bill 1936 requires the attorney general's office to create informational materials that describe the possession schedule under a standard possession order and to make the materials available on its website and distribute printed copies of the materials on request.

Senate Bill 2054

Effective: 9-1-21

Senate Author: Menéndez

House Sponsor: White et al.

Senate Bill 2054 amends the Transportation Code to require the Texas Workforce Commission (TWC), on request, to pay the fees associated with driver education and traffic safety courses and driver's license examinations for certain foster children or youth, former foster children or youth, and youth experiencing homelessness. The TWC by rule must establish a process by which such a person may apply to the TWC for the payment of the fees and the TWC must pay the fees to appropriate entities on the person's behalf. The bill requires the Department of Public Safety to request that the comptroller of public accounts transfer to the TWC amounts sufficient to cover the cost of implementing the fee payment program and sets out additional provisions regarding such transfers.

This page intentionally left blank.

FINANCIAL INSTITUTIONS

This chapter covers legislation relating to certain regulated lenders and financial services companies, to the products and services offered or administered by those entities, and to the functions and operations of certain state regulatory entities, including the savings and mortgage lending commissioner and the Office of Consumer Credit Commissioner.

[House Bill 1258](#)

Effective: 9-1-21

House Author: Ashby et al.

Senate Sponsor: Schwertner

House Bill 1258 amends the Tax Code to require an applicable financial institution to exchange data each calendar quarter with the comptroller of public accounts or the comptroller's agent to facilitate matching the names of individuals who are delinquent in a comptroller-administered tax or fee with the names of account holders using a specified all accounts method or specified matched accounts method. The bill, among other provisions, authorizes the comptroller to contract with a third party to facilitate the implementation of the bill's provisions.

[House Bill 3510](#)

Effective: 9-1-21

House Author: Lambert et al.

Senate Sponsor: Menéndez

House Bill 3510 amends the Finance Code to authorize a person licensed by the Office of Consumer Credit Commissioner under statutory provisions governing loans and financed transactions to allow an employee of the license holder to work from a remote location if the license holder meets certain conditions as specified in the bill. The bill also applies to an employee of a person licensed under provisions governing motor vehicle installment sales or commercial motor vehicle installment sales but only if the employee engages in making, servicing, holding, or collecting an applicable retail installment transaction.

[House Bill 3617](#)

Effective: 9-1-21

House Author: Anchia

Senate Sponsor: Zaffirini

House Bill 3617 amends the Finance Code to remove the authority of the savings and mortgage lending commissioner to set fee amounts under the Residential Mortgage Loan Company Licensing and Registration Act and Mortgage Banker Registration and Residential Mortgage Loan Originator License Act for deposit in the recovery fund established for purposes of those acts. The bill removes the requirement for an applicant for a mortgage company license, credit union subsidiary organization license, or residential mortgage loan company license to maintain a physical office in Texas. The bill removes the authorization for the investment or reinvestment of amounts in the recovery fund in the same manner as funds of the Employees Retirement System of Texas and authorizes those amounts to be invested and reinvested instead in accordance with the Public Funds Investment Act and under the prudent person standard described in the Texas Constitution. The bill also repeals certain provisions regarding the use of the recovery fund to reimburse certain expenses.

House Bill 3617 provides for the establishment, composition, and management of a mortgage grant fund. The bill provides for disbursements from the fund and for payment of a claim made by a residential mortgage loan applicant for fraudulent unlicensed activity.

[House Bill 4477](#)

Effective: See below

House Author: Thompson, Senfronia

Senate Sponsor: Zaffirini

House Bill 4477 amends the Finance Code, Government Code, and Vernon's Texas Civil Statutes to change the date that a hold expires on certain transactions involving the suspected exploitation of a

Financial Institutions

vulnerable adult to the 10th business day after the date the hold is placed. Except as otherwise provided, the bill's provisions take effect September 1, 2021.

Senate Bill 43

Effective: 1-1-22

Senate Author: Zaffirini et al.

House Sponsor: Ortega et al.

Senate Bill 43 amends the Finance Code to establish regulations for the financing of residential real estate purchases by means of a wrap mortgage loan. Accordingly, a person originating or making a wrap mortgage loan, unless otherwise exempt from licensing or registration, must be licensed or registered to originate or make residential mortgage loans under the Residential Mortgage Loan Company Licensing and Registration Act, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act, or state law regulating consumer loans. The bill, with respect to its wrap mortgage loan provisions, sets out provisions regarding the following matters:

- transaction requirements and related remedies;
- duties owed to a wrap borrower;
- a wrap borrower's rights as those rights are applicable to residential real estate used as the borrower's residence;
- enforcement of certain registration requirements applicable to a wrap lender required to register as a residential mortgage loan servicer under the Residential Mortgage Loan Servicer Registration Act; and
- enforcement of the bill's provisions regarding wrap mortgage loan financing through a cease and desist order issued by the savings and mortgage lending commissioner.

Senate Bill 43 also revises the eligibility for certain exemptions from licensing or registration under the Residential Mortgage Loan Company Licensing and Registration Act, the Mortgage Banker Registration and Residential Mortgage Loan Originator License Act, and the Texas Secure and Fair Enforcement for Mortgage Licensing Act of 2009 that are based on the number of residential mortgage loans made by, as applicable, an owner of residential real estate or an owner of a dwelling to purchasers of the property during a 12-consecutive-month period. The bill establishes that, in determining eligibility for the revised exemptions, two or more owners of residential real estate are considered a single owner for the purpose of computing the number of mortgage loans made within the specified period if any of the owners are an entity or an affiliate of an entity, including a general partnership, limited partnership, limited liability company, or corporation, as defined by the Business Organizations Code.

Senate Bill 1280

Effective: 1-1-22

Senate Author: Hancock

House Sponsor: Anchia

Senate Bill 1280 amends The Securities Act, Government Code, to remove the following from the list of provisions a violation of which makes a person offering or selling a security liable to a person buying the security:

- provisions establishing requirements for the content of an application for a permit to qualify securities for sale;
- provisions governing the registration of a security by notification or by coordination; and
- provisions relating to the rules for an exemption from registration requirements.

Senate Bill 1900

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Anchia

Senate Bill 1900 amends the Finance Code to revise and update certain provisions governing the regulatory authority of the savings and mortgage lending commissioner. The bill grants the commissioner the authority to regulate and examine the activities of a state savings bank affiliate and the services or

activities of a third-party service provider that a state savings bank or state savings bank affiliate has contracted for or otherwise arranged to be performed on behalf of the bank or affiliate. The bill provides for the extent of that authority, authorizes the commissioner to collect a fee for an examination, and sets out related enforcement provisions. However, instead of conducting an examination, the commissioner may accept the results of an examination conducted in the preceding 24 months by a federal or state financial services regulatory agency or by a member agency of the Federal Financial Institutions Examination Council.

Senate Bill 1900 authorizes the commissioner to examine a holding company that controls a state savings bank to the same extent as if the company were a state savings bank and provides for an enforcement action against a holding company that controls a state savings bank or another person that violates or participates in a violation of prescribed laws, agreements, rules, or orders.

Among other provisions, Senate Bill 1900 also does the following:

- gives the commissioner the option of publishing certain information relating to an application for change of control of a savings bank in a newspaper of general circulation in the county in which the bank is to have its principal office, as an alternative to submitting that information to the Texas Register;
- eliminates the requirement for an applicant for a residential mortgage loan company license or a credit union subsidiary organization license to maintain a physical office in Texas and repeals the requirement for a residential mortgage loan company to maintain a physical office in Texas; and
- with respect to the recovery fund established for the reimbursement of residential mortgage loan applicants for certain acts committed by licensed loan originators:
 - changes the manner by which amounts in the fund may be invested and reinvested; and
 - repeals certain provisions relating to reimbursement from the fund for certain costs and expenses.

This page intentionally left blank.

GOVERNMENT PURCHASING

This chapter covers legislation on issues relating to the procurement of goods and services by state and local governmental entities, legislation governing contracts for public works projects, and legislation establishing restrictions on other government contracts, agreements, and investments.

[House Bill 692](#)

Effective: 6-15-21

House Author: Shine et al.

Senate Sponsor: Creighton

House Bill 692 amends the Government Code to revise retainage requirements for certain public works contracts to establish limits on the amount of retainage withheld to prevent the withholding of excessive retainage and to prohibit the misuse of retainage to confer additional liability or free warranty work, while also providing for the partial release of retainage to incentivize project completion. Among other provisions, the bill requires a governmental entity to include in each applicable public works contract a provision that establishes the circumstances under which the project that is the subject of the contract is considered substantially complete and the circumstances under which the entity may release all or a portion of the retainage for substantially completed portions or fully completed and accepted portions of the project. The bill requires a governmental entity to maintain an accurate record of accounting for the retainage withheld on periodic contract payments and the retainage released to the prime contractor for a public works contract. The bill provides for the maximum amount of retainage that a governmental entity may withhold based on the price and type of a public works contract and for the maximum amount that a prime contractor or subcontractor may withhold from a subcontractor with respect to those contracts.

House Bill 692 prohibits a governmental entity from withholding retainage after completion of a public works contract or for the purpose of requiring the prime contractor, after completion of the contract, to perform work on manufactured goods or systems that were specified by the designer of record and properly installed by the contractor. The bill sets out provisions relating to the continued withholding by a governmental entity of retainage after application to the entity for final payment and release of retainage due to a bona fide dispute and entitles the prime contractor, if there is no bona fide dispute between the entity and the contractor and neither party is in default under the contract, to cure any noncompliant labor, services, or materials or offer the governmental entity a reasonable amount of money as compensation for any noncompliant labor, services, or materials that cannot be promptly cured. The bill provides that a governmental entity is not required to accept the offer of compensation and provides that the bill's provisions may not be construed to limit an applicable party's right to pursue any remedy available under the contract or other applicable law.

[House Bill 1476](#)

Effective: 9-1-21

House Author: Bell, Keith et al.

Senate Sponsor: Nichols

House Bill 1476 amends the Government Code to require a governmental entity to notify a vendor of a disputed amount in an invoice submitted for payment by the vendor not later than the 21st day after the date the entity receives the invoice. The bill requires the governmental entity to include in the notice a detailed statement of the disputed amount and caps at 110 percent the amount of the disputed amount that the entity may withhold from the required payments.

[House Bill 1477](#)

Effective: Vetoed

House Author: Bell, Keith et al.

Senate Sponsor: Nichols

House Bill 1477 amends the Government Code to extend the applicability of provisions governing the use of performance and payment bonds for an applicable public work contract to a public work contract of qualifying value for work performed on public property leased by a nongovernmental entity from a

Government Purchasing

governmental entity. The bill's provisions do not apply to a contract entered into by a nongovernmental entity that leases property from a river authority that owns electric generation capacity in excess of 1,000 megawatts.

Governor's Reason for Veto: "Whenever a government entity leases public property to a non-governmental entity, and the latter decides to enter into a contract for work performed on the property, House Bill 1477 would make the government entity responsible for the prime contractor obtaining a bond to protect subcontractors. If no bond is obtained and the prime contractor does not pay subcontractors, the government entity would be responsible for payment because the bill waives the government entity's sovereign immunity in this situation. Because the government entity may not know who the prime contractor is—or even that there is a contract between the non-governmental entity and a prime contractor—House Bill 1477 could leave the government entity, and taxpayers, on the hook for damages not caused by the government entity."

[House Bill 2581](#)

Effective: 9-1-21

House Author: Kacal

Senate Sponsor: Hancock et al.

House Bill 2581 amends the Government Code to make applicable to all governmental entities the requirement to publish a detailed methodology for scoring each selection when using a method other than competitive bidding in a request for proposals or qualifications for a construction contract. The bill authorizes an offeror who submits a bid, proposal, or response to a request for qualifications for a government construction contract to make a written request to the governmental entity after the contract is awarded to provide documents related to the evaluation of the offeror's submission and requires the entity to deliver those documents to the offeror, including, if applicable, its ranking of the submission.

Among other provisions, House Bill 2581 requires the weighted value assigned to price for civil works projects included in a governmental entity's request for competitive sealed proposals to be at least 50 percent of the total weighted value of all selection criteria. The bill authorizes a governmental entity whose governing body determines that assigning a lower weighted value to price is in the public interest to assign to price a weighted value of at least 36.9 percent of the total weighted value of all selection criteria. The bill requires a governmental entity selecting an offeror using a competitive sealed proposal method to make the evaluations, including any scores, public and provide them to all offerors.

[House Bill 3130](#)

Effective: 9-1-21

House Author: Capriglione

Senate Sponsor: Paxton

House Bill 3130 amends the Government Code to require an applicable state agency to notify the Department of Information Resources of its intent to bid for a contract with a third party for Internet application development that duplicates a function of a native mobile application included as part of the state electronic Internet portal at the same time that others have the opportunity to bid.

[House Bill 3583](#)

Effective: 6-14-21

House Author: Paddie

Senate Sponsor: Hinojosa

House Bill 3583 amends the Local Government Code to prohibit the scope of an energy savings performance contract for a local government that is for the design or construction of a water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, or drainage project from being modified to perform work that is not related to, connected with, or otherwise ancillary to the measures identified in the original scope of a contract or from being modified in a way that increases the price of the original awarded contract by more than 25 percent of the original contract value. The bill excludes from an energy savings performance contract for a local government the design or new construction of these projects, plants, or facilities and provides for the enforcement of provisions governing such contracts.

Senate Bill 13**Effective:** 9-1-21**Senate Author:** Birdwell et al.**House Sponsor:** King, Phil et al.

Senate Bill 13 amends the Government Code to prohibit a state agency or political subdivision from entering into a qualifying contract with a value of \$100,000 or more for goods and services unless the contract contains a written verification from the contracted company that it does not and will not during the contract term boycott energy companies. That prohibition does not apply to a governmental entity that determines that the prohibition is inconsistent with its constitutional or statutory duties related to the issuance, incurrence, or management of debt obligations or the deposit, custody, management, borrowing, or investment of funds.

Senate Bill 13 also requires the comptroller of public accounts to prepare, maintain, and provide to the permanent school fund (PSF) and each statewide retirement system a list of all financial companies that boycott energy companies. The bill provides for the divestment of certain assets the PSF or any such retirement system holds in a listed company that does not cease boycotting energy companies within a specified time frame, exempts certain investments from divestment, prohibits the PSF or an applicable retirement system from acquiring securities of a listed company, and establishes certain reporting requirements for the PSF and the retirement systems. The bill authorizes the attorney general to bring any action necessary to enforce the prohibition on investment in companies that boycott energy companies.

Senate Bill 19**Effective:** 9-1-21**Senate Author:** Schwertner et al.**House Sponsor:** Capriglione et al.

Senate Bill 19 amends the Government Code to prohibit a state agency or political subdivision from entering into an applicable contract for the purchase of goods or services that has a value of at least \$100,000 unless the contract contains a written verification from the contracted company that it does not have a practice, policy, guidance, or directive that discriminates against a firearm entity or firearm trade association and will not discriminate against such an entity or association during the contract term. The bill exempts certain contracts from that prohibition.

Senate Bill 59**Effective:** 6-7-21**Senate Author:** Zaffirini**House Sponsor:** Geren

Senate Bill 59 amends the Local Government Code to authorize the comptroller of public accounts to advertise in any available media or otherwise promote the state purchasing program for local governments to further the purposes of state cooperation in local purchasing programs.

Senate Bill 220**Effective:** 9-1-21**Senate Author:** Zaffirini**House Sponsor:** Smithee

Senate Bill 220 amends the Government Code to make a state agency that uses federal funds to make a purchase from a vendor under a contract listed on a multiple award contract schedule responsible for reporting to the federal funding agency the appropriate portion of a rebate collected from the vendor by the comptroller of public accounts, rather than the comptroller itself as is the case under current law.

Senate Bill 538**Effective:** 9-1-21**Senate Author:** Blanco et al.**House Sponsor:** Longoria

Senate Bill 538 amends the Government Code to expand the scope of the Department of Information Resources' (DIR) cooperative contracts purchasing program for information technology commodity items by allowing DIR to offer items in demand by customers beyond state agencies, including but not limited to political subdivisions of Texas and governmental entities of another state.

Government Purchasing

[Senate Bill 799](#)

Effective: 9-1-21

Senate Author: Nelson

House Sponsor: Paddie

Senate Bill 799 amends the Education Code, Family Code, and Government Code to set out and revise provisions regarding contracting procedures and requirements for governmental entities to standardize procurement thresholds, provide greater group purchasing power to state agencies, clarify project oversight responsibilities, increase the ability of the Health and Human Services Commission and other applicable state agencies to contract for services outside of the competitive bidding process in certain limited circumstances, and make improvements to guidance and training in the state procurement and contract management guide.

[Senate Bill 1122](#)

Effective: 5-28-21

Senate Author: Zaffirini

House Sponsor: Holland

Senate Bill 1122 amends the Government Code to include an officer or employee of a qualified cooperative entity who is engaged in official business among those authorized to participate in the comptroller of public accounts' contracts for travel services and to remove the comptroller's authority to charge fees for participation in those contracts.

[Senate Bill 1821](#)

Effective: 6-7-21

Senate Author: Huffman

House Sponsor: Canales

Senate Bill 1821 amends the Government Code to classify an amendment to an existing contingent fee contract for legal services entered into by an applicable governmental entity as a contingent fee contract itself, thus subjecting the amendment to review by the attorney general, if the amendment changes the scope of representation or may result in the filing of an action or the amending of a petition in an existing action.

[Senate Bill 2116](#)

Effective: 6-18-21

Senate Author: Campbell et al.

House Sponsor: Parker

Senate Bill 2116, the Lone Star Infrastructure Protection Act, amends the Business & Commerce Code and Government Code to prohibit a business entity or a governmental entity from entering into an agreement relating to a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility in Texas with a company that grants the company direct or remote access to or control of such critical infrastructure except for product warranty and support purposes if the company is headquartered in or owned or controlled by citizens of China, Iran, North Korea, Russia, or another country that is designated by the governor as a threat to critical infrastructure or is owned or controlled by a company or other entity that is owned or controlled by citizens of or the government of any such country.

HEALTH AND HUMAN SERVICES

This chapter covers legislation on issues relating to health and human services, including applicable state agencies, the provision of mental health services, health care providers, health care and long-term care facilities, Medicaid, the location and operation of cemeteries, the regulation of health-related occupations, and the financing and administration of related health and human services programs. Legislation relating to hospital districts is in the [Special Districts](#) chapter, and legislation relating to health benefit plan coverage is in the [Insurance](#) chapter. Legislation relating to foster care, family violence, and child protective services is in the [Family Law](#) chapter.

[House Bill 4](#)

Effective: 6-15-21

House Author: Price et al.

Senate Sponsor: Buckingham et al.

House Bill 4 amends the Government Code, Health and Safety Code, and Human Resources Code to require the Health and Human Services Commission (HHSC) to ensure that Medicaid recipients, CHIP enrollees, and other individuals receiving benefits under a public benefits program have the option to receive services as telemedicine medical services, telehealth services, or otherwise using telecommunications or information technology. The bill requires the executive commissioner of HHSC by rule to develop and implement a system that ensures behavioral health services may be provided using an audio-only platform to such an individual. Among other provisions, the bill requires HHSC to establish policies and procedures to improve access to care under the Medicaid managed care program by encouraging the use of telehealth services, telemedicine medical services, home telemonitoring services, and other telecommunications or information technology under the program. The bill authorizes a Medicaid managed care organization (MCO) to reimburse providers for home telemonitoring services provided to persons who have conditions and exhibit risk factors other than those expressly authorized by applicable state law. The bill revises the required contents of the Medicaid application form to include language that notifies an applicant which of the applicant's preferred methods of contact will be shared with their MCO or health plan provider, that allows the applicant to consent to being contacted, and that explains the security risks of electronic communication.

[House Bill 119](#)

Effective: 9-1-21

House Author: Landgraf et al.

Senate Sponsor: Zaffirini et al.

House Bill 119 amends the Health and Safety Code to prohibit a health care provider from discriminating against an organ transplant recipient solely on the basis of an individual's disability. The bill sets out provisions relating to the prohibited actions and conduct that constitute discrimination and provides for disciplinary action of a health care provider for a violation of those provisions.

[House Bill 133](#)

Effective: 9-1-21

House Author: Rose et al.

Senate Sponsor: Kolkhorst et al.

Under previous law, case management services provided for Medicaid recipients under the children and pregnant women program were administered by the Department of State Health Services. House Bill 133 amends the Government Code, Health and Safety Code, and Human Resources Code to provide for the transition of those case management services to a Medicaid managed care model. The bill also provides for the transition of Healthy Texas Women program services to a managed care program. The bill requires information about eligibility requirements for and enrollment in a federally subsidized health benefit plan to be provided to certain women participating in the Healthy Texas Women program. The bill additionally provides for the continuation of Medicaid coverage to a woman who is eligible for Medicaid

Health and Human Services

for Pregnant Women for a period of not less than six months following the date the woman delivers or experiences an involuntary miscarriage.

[House Bill 549](#)

Effective: 9-1-21

House Author: Thompson, Senfronia

Senate Sponsor: Zaffirini et al.

House Bill 549 amends the Health and Safety Code and Occupations Code to authorize certain professionals to disclose confidential information to mental health personnel if the professional determines that there is a probability of imminent physical injury by a patient to the patient or others or that there is a probability of immediate mental or emotional injury to the patient. The bill creates an exception to the privilege of confidentiality in a situation other than a court or administrative proceeding allowing disclosure of confidential information by a physician to those mental health personnel if the physician makes such a determination.

[House Bill 707](#)

Effective: 9-1-21

House Author: Moody et al.

Senate Sponsor: Blanco et al.

House Bill 707 requires the Health and Human Services Commission (HHSC) to conduct a study to evaluate the current status of and opportunities, challenges, and needs to expand recovery housing that promotes sustained recovery from substance use disorders in Texas. The bill requires HHSC to prepare and submit a written report of the study to the legislature.

[House Bill 723](#)

Effective: 9-1-21

House Author: Patterson et al.

Senate Sponsor: Paxton et al.

House Bill 723 amends the Health and Safety Code to require a person who submits a request for an amendment to a death certificate that is not a pending certificate to modify the medical certification information on the certificate to provide written notice of the modification to the decedent's next of kin in the manner prescribed by the Department of State Health Services.

[House Bill 780](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Zaffirini et al.

House Bill 780 amends the Health and Safety Code to provide for the establishment of a bone marrow donor recruitment program by the Department of State Health Services and the development of related informational materials to be posted online and made available to appropriate health care facilities, blood banks, and driver's license offices.

[House Bill 797](#)

Effective: 5-18-21

House Author: Howard et al.

Senate Sponsor: Buckingham et al.

House Bill 797 amends the Health and Safety Code to authorize a home and community support services agency or certain of its employees to purchase, store, or transport for the purpose of administering to the agency's employees, home health or hospice patients, or patient family members under physician's standing orders any vaccine approved, authorized for emergency use, or otherwise permitted for use by the FDA to treat or mitigate the spread of a communicable disease.

[House Bill 1011](#)

Effective: 9-1-21

House Author: Turner, John et al.

Senate Sponsor: Zaffirini

House Bill 1011 amends the Health and Safety Code to provide for expedited death certificates for religious purposes in a county with an office of medical examiner established by applicable state law and for which the commissioners court by resolution elects for the bill's provisions to apply.

House Bill 1164**Effective:** 9-1-21**House Author:** Oliverson et al.**Senate Sponsor:** Buckingham et al.

House Bill 1164 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission, in consultation with the Department of State Health Services, the Perinatal Advisory Council, and certain interested persons, to develop by rule patient safety practices for the evaluation, diagnosis, treatment, and management of placenta accreta spectrum disorder. The bill requires a hospital with a maternal level of care designation to implement the minimum required practices. A hospital with a level IV maternal designation, in addition to implementing those practices, must have available a multidisciplinary team of health professionals who participate in continuing staff and team-based education and training to care for patients with the disorder.

House Bill 1213**Effective:** 9-1-21**House Author:** Darby**Senate Sponsor:** Seliger

House Bill 1213 amends the Health and Safety Code to include court reporter costs among the costs for a hearing or proceeding under the Texas Mental Health Code that must be paid by the county in which emergency detention procedures are initiated or, if no such procedures are initiated, by the county that accepts an application for court-ordered mental health services, issues an order for protective custody, or issues an order for temporary mental health services.

House Bill 1276**Effective:** 6-4-21**House Author:** Parker et al.**Senate Sponsor:** Springer

House Bill 1276 amends the Health and Safety Code to authorize a permitted food service establishment to sell directly to an individual consumer food, other than prepared food, that satisfies certain labeling, inspection, storage, and protection criteria and to prohibit a food service establishment from selling certain damaged or distressed foods directly to an individual consumer. The bill excludes a restaurant that sells food directly to an individual consumer from state food manufacturer, food wholesaler, and food warehouse operator licensing requirements if the restaurant holds a food service establishment permit, complies with the bill's provisions, and is not otherwise required to hold such a license.

House Bill 1280**Effective:** See below**House Author:** Capriglione et al.**Senate Sponsor:** Paxton et al.

House Bill 1280 enacts the Human Life Protection Act of 2021 and amends the Health and Safety Code to create a second degree felony offense for a person who knowingly performs, induces, or attempts an abortion and to provide for the enhancement of that penalty to a first degree felony if an unborn child dies as a result of the offense. The bill also subjects a person who engages in the prohibited conduct to a civil penalty of not less than \$100,000 for each violation and sets out exceptions to the application of the offense. The bill prohibits a physician from taking an action that constitutes such an exception if, at the time the abortion was performed, induced, or attempted, the person knew the risk of death or a substantial impairment of a major bodily function arose from a claim or diagnosis that the female would engage in conduct that might result in the female's death or in substantial impairment of a major bodily function. In addition, the bill does the following:

- requires the attorney general to file an action to recover an applicable civil penalty;
- authorizes the attorney general to recover attorney's fees and costs incurred in bringing such an action;
- clarifies that the fact that conduct is subject to a civil or criminal penalty under the bill's provisions does not abolish or impair any remedy for the conduct that is available in a civil suit; and

Health and Human Services

- requires the appropriate licensing authority to revoke the license, permit, registration, certificate, or other authority of a physician or other health care professional who performs, induces, or attempts an abortion in violation of the bill's provisions.

House Bill 1280 takes effect, to the extent permitted, on the 30th day after one of the following:

- the issuance of a U.S. Supreme Court judgment in a decision overruling, wholly or partly, *Roe v. Wade*, thereby allowing the states to prohibit abortion;
- the issuance of any other U.S. Supreme Court judgment in a decision that recognizes, wholly or partly, the authority of the states to prohibit abortion; or
- the adoption of an amendment to the U.S. Constitution that, wholly or partly, restores to the states the authority to prohibit abortion.

[House Bill 1363](#)

Effective: 9-1-21

House Author: Minjarez et al.

Senate Sponsor: Hughes et al.

House Bill 1363 amends the Occupations Code to waive the requirement for a physical therapist to have completed a residency or fellowship in order to treat a patient without a referral for up to 15 consecutive business days if the physical therapist possesses the requisite doctoral degree and is certified by an entity approved by the Texas Board of Physical Therapy Examiners.

[House Bill 1423](#)

Effective: 9-1-21

House Author: Campos et al.

Senate Sponsor: Zaffirini

House Bill 1423 amends the Health and Safety Code to revise the inspection procedures for convalescent and nursing facilities and related institutions. Among other provisions, the bill requires at least one unannounced inspection of each institution to be conducted annually and sets out provisions providing for follow-up inspections to be conducted after conducting an inspection, survey, or investigation of the institution. The bill requires the Health and Human Services Commission annually to evaluate its capacity to regulate those facilities and institutions and formulate a strategy to effectively perform licensing duties, enforcement activities, and complaint investigations. The bill also provides for a survey of certain facilities' emergency power sources that are capable of providing continuous electric utility services to the facility during severe weather events or other emergencies.

[House Bill 1434](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Zaffirini et al.

House Bill 1434 amends the Health and Safety Code and Occupations Code to prohibit a licensed health care practitioner from performing or delegating to another individual, including a student training to become a health care practitioner, the performance of a pelvic examination on an anesthetized or unconscious patient unless the pelvic exam is within the standard scope of a procedure and the patient or the patient's legally authorized representative gives informed consent under certain conditions. The bill authorizes an appropriate licensing authority to take disciplinary action against a health care practitioner who violates the prohibition, including imposing an administrative penalty, as if the practitioner violated an applicable licensing law.

[House Bill 1516](#)

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Springer

House Bill 1516 amends the Government Code to provide for periodic efficiency audits of the TANF program implemented and administered under state and federal law to be conducted by an external auditor every six years beginning in 2022. The bill requires the Health and Human Services Commission (HHSC) to pay the costs associated with the audits using existing resources and requires the Legislative Budget Board

(LBB) to establish the audit's scope and determine the areas of investigation for the audit. The bill requires the external auditor to prepare and submit a report of the audit and recommendations for efficiency improvements to the governor, the LBB, the state auditor, the executive commissioner of HHSC, and the chairs of the House Human Services Committee and the Senate Health and Human Services Committee. The report, recommendations, and full audit are to be published on the HHSC and state auditor websites.

House Bill 1526

Effective: 6-14-21

House Author: Kuempel

Senate Sponsor: Campbell et al.

House Bill 1526 amends the Health and Safety Code to authorize an individual, corporation, partnership, firm, trust, or association, not later than December 1, 2022, to file a written application with the governing body of the City of New Braunfels or the City of Seguin to establish or use a cemetery located inside the respective municipality's legal boundaries. The bill authorizes the applicable governing body by ordinance to authorize the cemetery's establishment or use if the municipality determines and states in the ordinance that the establishment or use does not adversely affect public health, safety, and welfare.

House Bill 1535

Effective: 9-1-21

House Author: Klick et al.

Senate Sponsor: Schwertner et al.

House Bill 1535 amends the Health and Safety Code and Occupations Code to provide for the establishment of compassionate-use institutional review boards to evaluate and approve proposed research programs to study the medical use of low-THC cannabis in the treatment of certain patients. The bill expands the medical conditions for which a patient may be prescribed low-THC cannabis for compassionate use to include post-traumatic stress disorder as well as a medical condition that is approved for a research program and for which the patient is receiving treatment under that program. The bill increases from one-half of one percent to one percent the maximum percent by weight of THC allowable in cannabis for it to be considered low-THC for purposes of such a prescription. The bill sets out the qualifications for a physician to prescribe low-THC cannabis for the treatment of a patient with a medical condition for treatment in an approved research program.

House Bill 1571

Effective: 9-1-21

House Author: Muñoz, Jr.

Senate Sponsor: Hinojosa

House Bill 1571 amends the Health and Safety Code to exempt from certain cemetery location restrictions a cemetery established and operating before September 1, 2023, in the City of Mission.

House Bill 1616

Effective: 9-1-21

House Author: Bonnen et al.

Senate Sponsor: Huffman et al.

House Bill 1616 amends the Occupations Code to establish Texas as a member of the Interstate Medical Licensure Compact, which is administered by the Interstate Medical Licensure Compact Commission, in order to provide a streamlined process by which physicians may become licensed in multiple states. The bill sets out eligibility requirements for a physician to receive an expedited license under the compact and the method by which a physician who does not meet the eligibility requirements may obtain a license to practice medicine in a member state. Among other provisions, the bill provides for the oversight of the compact by the executive, legislative, and judicial branches of state government in each member state.

House Bill 1681

Effective: 9-1-21

House Author: Harless et al.

Senate Sponsor: Alvarado et al.

House Bill 1681 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission by rule to prohibit the construction of a new licensed assisted

Health and Human Services

living facility within a 100-year floodplain that is located in Harris County. The prohibition does not apply to expansions or renovations of existing assisted living facilities.

[House Bill 1914](#)

Effective: 9-1-21

House Author: Schofield

Senate Sponsor: Kolkhorst

House Bill 1914 amends the Health and Safety Code to exempt a children's isolation unit in a licensed hospital that is designed to provide health care services to children with highly contagious infectious diseases and that has instituted isolation protocols from civil liability for any claim, damage, or loss arising from the provision of those services, unless the act or omission proximately causing the claim, damage, or loss constitutes gross negligence or wilful misconduct.

[House Bill 1935](#)

Effective: 9-1-21

House Author: Bucy et al.

Senate Sponsor: Miles et al.

House Bill 1935 amends the Insurance Code and Occupations Code to authorize a pharmacist to provide an emergency refill of insulin or insulin-related equipment or supplies if the pharmacist satisfies certain criteria established by the bill and by Texas State Board of Pharmacy rule. Among other provisions, the bill requires a health benefit plan that provides coverage for the treatment of diabetes and associated conditions to provide to each qualified enrollee coverage for emergency refills of diabetes equipment or diabetes supplies dispensed to the enrollee in the same manner as for a nonemergency refill.

[House Bill 1966](#)

Effective: 9-1-21

House Author: Thompson, Senfronia

Senate Sponsor: Powell et al.

House Bill 1966 amends the Government Code to designate July as Uterine Fibroids Awareness Month to increase awareness of uterine fibroids and encourage education and research on uterine fibroids.

[House Bill 1967](#)

Effective: 9-1-21

House Author: Thompson, Senfronia

Senate Sponsor: Powell et al.

House Bill 1967 amends the Health and Safety Code to require the Department of State Health Services (DSHS) Center for Health Statistics to establish and maintain an electronic database of information related to uterine fibroids using available health care data collected by DSHS to increase awareness about uterine fibroids and ensure women receive the information and health care necessary to prevent and treat the condition. The bill requires DSHS, in consultation with the Texas Medical Association, to identify and post on the DSHS website existing resources and educational materials on uterine fibroids to increase public awareness of uterine fibroids.

[House Bill 2005](#)

Effective: 9-1-21

House Author: Meyer

Senate Sponsor: Hancock

House Bill 2005 amends the Health and Safety Code to exempt the establishment and use of a private family cemetery located at the site of a presidential library and museum from certain cemetery location restrictions.

[House Bill 2056](#)

Effective: See below

House Author: Klick et al.

Senate Sponsor: Perry et al.

House Bill 2056 amends the Government Code, Health and Safety Code, Insurance Code, and the Dental Practice Act and the Texas Pharmacy Act, Occupations Code, to establish a teledentistry dental service as a telehealth service. Among other provisions, the bill requires the State Board of Dental Examiners and the Texas State Board of Pharmacy to jointly adopt rules relating to the provision of teledentistry

dental services and to jointly develop and publish on each respective board's website responses to frequently asked questions relating to the determination of a valid prescription issued in the course of the provision of those services. The bill requires a pharmacist and a pharmacy, under the Texas Pharmacy Act, to determine that a valid practitioner-patient relationship is present between the practitioner and the patient for teledentistry dental services.

House Bill 2056 provides for reimbursement under Medicaid and CHIP for teledentistry dental services provided to children with special health care needs and for Medicaid reimbursement for teledentistry dental services provided by a dentist licensed to practice dentistry in Texas at the same rate as the Medicaid program reimburses for the same in-person dental service. Effective January 1, 2022, an applicable health benefit plan must provide coverage for a covered health care service or procedure delivered by a preferred or contracted health professional to a covered patient as a teledentistry dental service on the same basis and to the same extent that the plan provides coverage for the service or procedure in an in-person setting and the issuer of such a plan must adopt and display in a conspicuous manner on the issuer's website the issuer's policies and payment practices for teledentistry dental services. Except as otherwise provided, the bill takes effect September 1, 2021.

House Bill 2091

Effective: 6-7-21

House Author: Walle

Senate Sponsor: Taylor

House Bill 2091 amends the Human Resources Code to redesignate the Harris County Board of Protective Services for Children and Adults as the Harris County Board of Resources for Children and Adults. The bill, among other provisions, expands the scope of the board's powers with respect to disbursing funds, accepting and using gifts or grants, and spending funds to benefit children by including those activities with respect to eligible adults with disabilities and eligible elderly persons. In addition, the bill extends the applicability of the board's power to accept and disburse fees and contributions from parents, guardians, and relatives of applicable persons to those individuals who are in the county guardianship program, in the county representative payee program, or receiving services from the county Senior Justice Assessment Center.

House Bill 2093

Effective: 9-1-21

House Author: Cortez et al.

Senate Sponsor: Blanco

House Bill 2093 amends the Health and Safety Code to classify a physician assistant licensed to practice in Texas who has expertise in psychiatry or is currently working in a mental health facility as a non-physician mental health professional for purposes of the Texas Mental Health Code.

House Bill 2205

Effective: 9-1-21

House Author: Romero, Jr. et al.

Senate Sponsor: Schwertner

House Bill 2205 amends the Health and Safety Code and Local Government Code to require the pool safety standards adopted by the executive commissioner of the Health and Human Services Commission to comply with a version of the International Swimming Pool and Spa Code (ISPSC) that is not older than the version in effect on May 1, 2019, regarding all construction, alteration, renovation, enlargement, and repair of commercial swimming pools and spas. The bill, among other provisions, establishes certain exceptions for existing pools and spas and authorizes a municipality to adopt a more recent version of the ISPSC.

House Bill 2211

Effective: 9-1-21

House Author: Metcalf et al.

Senate Sponsor: Perry et al.

House Bill 2211 amends the Health and Safety Code to prohibit a hospital, during a qualifying period of disaster, from prohibiting in-person visitation with a patient receiving care or treatment at the hospital

Health and Human Services

unless federal law or a federal agency requires the hospital to prohibit visitation during that period. Among other provisions, the bill authorizes a hospital to deny entry to or remove a visitor who refuses to meet health screening and PPE requirements, provides for updates to an appropriate person regarding a patient who cannot receive visitors, and sets out related liability protections for hospitals and attending physicians.

[House Bill 2213](#)

Effective: 9-1-21

House Author: Frullo et al.

Senate Sponsor: Kolkhorst

House Bill 2213 amends the Health and Safety Code to exempt from the inspection requirements of the Texas Meat and Poultry Inspection Act the slaughtering or the preparation and transportation in intrastate commerce of an exotic game animal of a species not indigenous to Texas exclusively for donation by a hunter to a nonprofit food bank to the same extent that the slaughter, preparation, and transportation of livestock for personal use of the livestock's owner, family member, or nonpaying guest is exempted from those requirements.

[House Bill 2365](#)

Effective: 9-1-21

House Author: Lopez

Senate Sponsor: Campbell

House Bill 2365 amends the Human Resources Code to establish that a military medical treatment facility located in Texas that has been verified as a Level 1 trauma center by the American College of Surgeons or an equivalent organization, or a health care provider providing services at such a facility, is considered a Medicaid provider for purposes of providing and receiving reimbursement for inpatient emergency services and related outpatient services to the extent those services are not available from an enrolled Medicaid provider at the time the services are needed.

[House Bill 2633](#)

Effective: 9-1-21

House Author: Johnson, Ann et al.

Senate Sponsor: Huffman et al.

House Bill 2633 amends the Family Code, Government Code, Health and Safety Code, Human Resources Code, and Transportation Code to establish the trafficked persons grant program to be administered by the Health and Human Services Commission (HHSC) to provide grants to applicants for dedicated housing and treatment facilities for human trafficking victims. The bill establishes the trafficked persons program account as a dedicated account in the general revenue fund. Among other provisions, the bill requires HHSC to establish and publish eligibility criteria for grant recipients; provides for a study by HHSC to determine the needs and best practices of establishing permanent, safe, and secure housing for child and youth human trafficking victims; expands the scope of the secretary of state's rulemaking authority over the human trafficking prevention business partnership; expands the trafficking-related offenses for which a trafficked persons program established by a juvenile board may provide services; and provides for the issuance of specialty license plates to support the trafficked persons program account.

[House Bill 2658](#)

Effective: 9-1-21

House Author: Frank

Senate Sponsor: Kolkhorst et al.

House Bill 2658 amends the Government Code and Human Resources Code to set out provisions relating to the state Medicaid program, including the administration and operation of the Medicaid managed care program, to in part do the following:

- provide for a study of the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list;
- require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules establishing minimum performance standards applicable to nursing facility providers that participate in the STAR+PLUS Medicaid managed care program;

- require the capitation rates in a Medicaid managed care contract to include acuity and risk adjustment methodologies that consider the costs of providing acute care services and long-term services and supports;
- provide for medication therapy management services to lower costs and improve quality outcomes for recipients by reducing adverse drug events;
- require a Medicaid managed care organization to identify the reason for low active participation rates and develop an approach to increase active participation in disease management programs for high-risk recipients;
- provide for reimbursement for preventive dental services under Medicaid;
- require the executive commissioner of HHSC to adopt rules requiring parental consent for services provided under the school health and related services program in order for a school district to receive reimbursement for the services; and
- provide for two consecutive periods of continuous eligibility under the state Medicaid program for children younger than 19 years of age between each certification and recertification of the child's eligibility.

Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

House Bill 2822

Effective: 9-1-21

House Author: Hull et al.

Senate Sponsor: Buckingham et al.

House Bill 2822 amends the Government Code to prohibit the executive commissioner of the Health and Human Services Commission (HHSC), in the rules and standards governing the Medicaid vendor drug program, from requiring prior authorization for a nonpreferred antipsychotic drug that is included on the vendor drug formulary prescribed to an adult patient under certain conditions related to the patient having previously been prescribed, treated with, or obtained prior authorization for such a drug. The bill requires a contract between HHSC and a Medicaid managed care organization (MCO) to contain a requirement that the MCO develop, implement, and maintain an outpatient pharmacy benefit plan for its enrolled recipients that does not require prior authorization for a nonpreferred antipsychotic drug prescribed to an adult recipient if the conditions of the prohibition are met. The bill provides for the automation of clinical prior authorization for each drug in the antipsychotic drug class to the maximum extent possible based on a pharmacy benefit manager's claim system.

House Bill 3088

Effective: 6-14-21

House Author: Coleman et al.

Senate Sponsor: Kolkhorst et al.

House Bill 3088 amends the Government Code to revise provisions relating to the administration of certain mental health grant programs established by the Health and Human Services Commission, including the community mental health grant program, the Texas Veterans + Family Alliance grant program, the mental health grant program for justice-involved individuals, and the grant program for the establishment and expansion of community collaboratives. Among those provisions, the bill includes changes to requirements regarding the minimum amount of grant funds required to be spent with respect to certain specified programs in a county with a population of less than 100,000 and caps certain administrative costs for implementing the grant programs.

House Bill 3121

Effective: 9-1-21

House Author: Turner, John et al.

Senate Sponsor: Johnson et al.

House Bill 3121 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to develop and implement a voluntary quality standards certification process to certify a psychiatric residential youth treatment facility that meets standards for certification under the process.

Health and Human Services

The bill provides for the application for and issuance and renewal of a certificate, application and renewal fees, and inspections to ensure the certificate holder remains in compliance with the process requirements and HHSC rules. The bill also provides for the regulation of certified facilities and for enforcement of its provisions through the imposition of certain civil and administrative penalties under the Texas Mental Health Code for related violations. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

[House Bill 3720](#)

Effective: 9-1-21

House Author: Frank et al.

Senate Sponsor: Kolkhorst et al.

House Bill 3720 amends the Government Code, Health and Safety Code, and Human Resources Code to require the Health and Human Services Commission (HHSC), in consultation with the Intellectual and Developmental Disability System Redesign Advisory Committee, the state Medicaid managed care advisory committee, and interested stakeholders, to develop a questionnaire to be completed by or on behalf of an individual who requests to be placed on or is currently on an interest list for certain Medicaid waiver programs.

House Bill 3720 requires at least one member appointed to the Long-Term Care Facilities Council to be a community-based provider at a licensed intermediate care facility for individuals with intellectual or developmental disabilities (ICF-IID). The bill changes the nature of the cap on the total amount of certain penalties HHSC may impose on an ICF-IID for an applicable violation to a cap on the total amount of penalties assessed for an on-site regulatory visit or complaint investigation, regardless of the duration of any ongoing violations. The bill expands the rules developed and adopted by the executive commissioner of HHSC regarding the imposition of administrative penalties against providers participating in the home and community-based services (HCS) and Texas home living (TxHmL) Medicaid waiver programs. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

[House Bill 3961](#)

Effective: 1-1-22

House Author: Spiller et al.

Senate Sponsor: Perry

House Bill 3961 amends the Health and Safety Code to require a licensed nursing facility, a licensed assisted living facility, or any other long-term care facility providing care to residents who are assisted by the state long-term care ombudsman to post on the facility's website information about the office of the ombudsman, including the office's statewide toll-free telephone number and information regarding its role as an advocate for residents of long-term care facilities. A long-term care facility may comply with this requirement by posting the required information on the facility's parent company website if the facility does not maintain a unique website, but is not required to comply if the facility and any parent company do not maintain a website.

[House Bill 4048](#)

Effective: 6-15-21

House Author: Allison

Senate Sponsor: Johnson

House Bill 4048 repeals a Health and Safety Code provision limiting the authority of a physician assistant and an advanced practice registered nurse to complete a medical certification for a death certificate or fetal death certificate to circumstances in which a patient was receiving palliative care or in which a patient who executed a written certification of a terminal illness had elected to receive hospice care and was receiving hospice services from a qualified hospice provider.

[House Bill 4074](#)

Effective: 6-18-21

House Author: Hunter et al.

Senate Sponsor: Menéndez

House Bill 4074 amends the Government Code to require the Statewide Behavioral Health Coordinating Council to include statewide suicide prevention efforts in its five-year statewide behavioral

health strategic plan. The bill requires the council to create a suicide prevention subcommittee focusing on statewide suicide prevention efforts using information collected by the council from available sources of suicide data reports and sets out provisions relating to the subcommittee's guidelines for the use of the reports, methods for identifying how the reports are used to make policy, and the submission of reports by public or private entities that collect information regarding suicide and suicide prevention.

Senate Bill 4 (2nd C.S.)

Effective: 12-2-21

Senate Author: Lucio et al.

House Sponsor: Klick et al.

Senate Bill 4 amends the Health and Safety Code to prohibit a person from providing an abortion-inducing drug to a pregnant woman without satisfying the applicable informed consent requirements for abortions and to require a physician who provides such a drug to comply with the applicable physician reporting requirements regarding abortions. The bill creates a state jail felony offense for a person who intentionally, knowingly, or recklessly violates provisions relating to abortion-inducing drugs but exempts a pregnant woman on whom a drug-induced abortion is attempted, induced, or performed from criminal liability and establishes an administrative violation based on conduct constituting the offense. The bill prohibits a state executive or administrative official from declining to enforce provisions relating to abortion-inducing drugs, or adopting a construction of those provisions in a way that narrows their applicability, based on the official's own beliefs on the requirements of the state or federal constitution, unless the official is enjoined by a state or federal court from enforcing those provisions.

Senate Bill 4 extends abortion complication reporting requirements to apply to complications resulting from induced abortions, revises existing complication reporting requirements to also apply to certain physicians, and expands the list of events and outcomes that are expressly included in the definition of "abortion complication" for purposes of those reporting requirements. Among other provisions, the bill revises definitions for provisions relating to abortion-inducing drugs and clarifies that the provision of an abortion-inducing drug must satisfy the protocol authorized by applicable state law. The bill prohibits a manufacturer, supplier, physician, or any other person from providing a patient with any abortion-inducing drug by courier, delivery, or mail service and requires a physician, before providing an abortion-inducing drug, to take certain actions. The bill requires the physician's examination of the pregnant woman to be done in person and clarifies that the requirement for the physician to document the gestational age and intrauterine location of the pregnancy is for the purpose of determining whether an ectopic pregnancy exists. The bill clarifies that the woman's required follow-up visit must occur within a 14-day period following the date an abortion-inducing drug is administered and that the physician must assess any continued blood loss at that visit.

Senate Bill 4 establishes that nothing in the bill's provisions shall be construed as creating or recognizing a right to abortion and that it is not the intention of the bill to make lawful an abortion that is otherwise unlawful. The bill further establishes that nothing in its provisions repeals, replaces, or otherwise invalidates existing Texas laws, regulations, or policies, except for the specific statutes that the bill explicitly repeals. The bill provides for the severability of its provisions and sets out certain legislative findings.

Senate Bill 8

Effective: 9-1-21

Senate Author: Hughes et al.

House Sponsor: Slawson et al.

Senate Bill 8 enacts the Texas Heartbeat Act and amends the Civil Practice and Remedies Code, Government Code, and Health and Safety Code to set out provisions relating to the performance or inducement of abortions, including provisions prohibiting abortions after the detection of an unborn child's heartbeat and provisions authorizing a private civil right of action. Among other provisions, the bill prohibits a physician from knowingly performing or inducing an abortion on a pregnant woman unless the physician has determined whether the woman's unborn child has a detectable fetal heartbeat and prohibits a physician from knowingly performing or inducing an abortion on a pregnant woman if the

Health and Human Services

physician detected a fetal heartbeat for the unborn child or failed to perform a test to detect a fetal heartbeat.

Senate Bill 8 creates an exception for a medical emergency that prevents compliance with the bill's provisions relating to the detection of a fetal heartbeat with respect to an abortion and specifies that the requirements in those provisions must be enforced exclusively through the applicable private civil actions authorized by the bill. The bill provides for the following:

- the authority of any person, other than an officer or employee of a state or local governmental entity in Texas, to bring a civil action against any person who performs or induces an abortion in violation of the Woman's Right to Know Act or knowingly engages in conduct that aids or abets the performance or inducement of an abortion;
- certain undue burden defense limitations on the civil liability of a defendant who has standing to assert the third-party rights of a woman or group of women seeking an abortion;
- the venue for a civil action brought under the bill's provisions, including a prohibition against the action being transferred to a different venue without the written consent of all parties;
- sovereign, governmental, and 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 applicable state law relating to abortion;
- an award of attorney's fees in actions challenging abortion laws; and
- the construction and severability of statutes that regulate or prohibit abortion.

Senate Bill 25

Effective: 9-1-21

Senate Author: Kolkhorst et al.

House Sponsor: Frank et al.

Senate Bill 25 amends the Health and Safety Code to grant a resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, home and community-based services (HCS) program, or state supported living center, or the resident's guardian or legally authorized representative the right to designate an essential caregiver with whom the facility, center, or program provider may not prohibit in-person visitation. The executive commissioner of the Health and Human Services Commission (HHSC) must develop guidelines to assist the facilities, centers, and program providers in establishing essential caregiver visitation policies and procedures. A facility, center, or program provider may revoke an individual's designation as an essential caregiver if the caregiver violates the facility's, center's, or provider's safety protocols or applicable visitation rules and may petition HHSC to suspend in-person essential caregiver visits for up to seven days if in-person visitation poses a serious community health risk.

Senate Bill 40

Effective: 6-3-21

Senate Author: Zaffirini et al.

House Sponsor: Price

Senate Bill 40 amends the Occupations Code to provide for the authority of a health professional licensed by the Texas Department of Licensing and Regulation to provide telehealth services in accordance with statutory provisions governing those services and any requirements imposed by the law and rules governing practice by the health professional.

Senate Bill 50

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Neave

Senate Bill 50 amends the Government Code to provide for the development of a uniform process compliant with the state's employment-first policy to assess the goals of and competitive and integrated employment opportunities and related employment services available to an individual receiving services under an applicable Medicaid waiver program and to use the identified goals and available opportunities and services to direct the individual's plan of care. Among other provisions, the bill sets out a reporting

requirement for the executive commissioner of the Health and Human Services Commission (HHSC) and makes implementation of a provision of the bill by HHSC mandatory only if a specific appropriation is made for that purpose.

Senate Bill 73

Effective: 9-1-21

Senate Author: Miles et al.

House Sponsor: Klick et al.

Senate Bill 73 amends the Human Resources Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to establish a separate provider type for a local public health entity for purposes of enrollment as a provider for and reimbursement under the state Medicaid program. Implementation of a provision of the bill by HHSC and the Department of State Health Services is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 184

Effective: 6-4-21

Senate Author: Johnson et al.

House Sponsor: Thompson, Senfronia

Senate Bill 184 requires the Department of State Health Services (DSHS), in collaboration with the Health and Human Services Commission, to prepare a report on the prevalence of eating disorders and eating disorder-related deaths in Texas and, not later than December 1, 2023, to submit the report and any recommendations for legislative or other action to reduce the prevalence of eating disorders and related deaths to the legislature. The bill requires DSHS to also prepare a report on the prevalence of eating disorders among youth in Texas and to submit the report and a summary of the survey findings relating to the prevalence of eating disorders among such youth to the legislature not later than December 1, 2024.

Senate Bill 199

Effective: 9-1-21

Senate Author: Nelson

House Sponsor: Price

Senate Bill 199 amends the Education Code and Health and Safety Code to provide for certain liability exemptions regarding the use or attempted use of, or the failure to use, an automated external defibrillator to a person or entity that owns, occupies, manages, or is otherwise responsible for the designated location where the defibrillator is placed and for regular inspections of the defibrillator by a person or entity that owns or leases it. The bill repeals provisions relating to guidelines for automated external defibrillator training.

Senate Bill 224

Effective: 9-1-21

Senate Author: Perry et al.

House Sponsor: Walle et al.

Senate Bill 224 amends the Human Resources Code to require the Health and Human Services Commission to develop and implement simplified certification and recertification requirements for SNAP benefits for individuals with a disability or who are 60 years of age or older, have no earned income, and reside in a household in which every household resident has a disability or is 60 years of age or older.

Senate Bill 225

Effective: 9-1-21

Senate Author: Paxton

House Sponsor: Sanford

Senate Bill 225 enacts Ellie's Law and amends the Human Resources Code to make changes to the searchable database of certain information related to each registered or listed family home to require the Health and Human Services Commission (HHSC) to maintain permanently on its website the database that lists each licensed, registered, or listed group day-care home and family home that previously had a license, registration, or listing involuntarily suspended or revoked or for which HHSC refused to renew a license, registration, or listing. The bill increases the number of preceding years HHSC is required to evaluate when determining if all licensing requirements are met and whether a facility that submits an

Health and Human Services

application for the renewal of a license has been cited for repeated violations or has established a pattern of violations. In addition, the bill requires the executive commissioner of HHSC to establish standards for the visual and auditory supervision of an infant engaged in time on the infant's stomach while awake. Implementation of a provision of this bill by the executive commissioner is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 239](#)

Effective: 9-1-21

Senate Author: Powell

House Sponsor: Collier

Senate Bill 239 amends the Government Code to require the Department of State Health Services, using existing resources and not later than August 31, 2022, to develop and implement a disease prevention information system for dissemination of immunization information during a declared state of disaster or local state of disaster.

[Senate Bill 248](#)

Effective: 9-1-21

Senate Author: Johnson et al.

House Sponsor: Thierry

Senate Bill 248 amends the Health and Safety Code and Tax Code to provide for the regulation of e-cigarettes, the use of which is commonly known as vaping. The bill establishes a framework for regulating the sale of e-cigarettes analogous to the way in which the state regulates tobacco sales by requiring those selling e-cigarettes to first obtain an e-cigarette retailer permit. Among other provisions, the bill expands what constitutes an e-cigarette; provides for disciplinary action to be taken against cigarette, e-cigarette, and tobacco product retailers for offenses committed by an agent or employee of the retailer; and creates a new class of tobacco wholesaler permit for an interstate warehouse that receives unstamped cigarettes.

[Senate Bill 263](#)

Effective: 9-1-21

Senate Author: Menéndez et al.

House Sponsor: Minjarez

Senate Bill 263 amends the Human Resources Code to expand the category of relative caregivers of a dependent child who are eligible for the TANF supplemental grandparent payment to include an aunt, uncle, or sibling and to lower the minimum age to qualify for the payment to 25 years of age. The bill includes the aunt, uncle, or sibling of a child receiving TANF among the relatives who may serve as a protective payee for the child and requires that a person be at least 25 years of age to serve in that capacity.

[Senate Bill 270](#)

Effective: 9-1-21

Senate Author: Perry et al.

House Sponsor: Leach

Senate Bill 270 amends the Health and Safety Code to authorize a nursing facility to file an action against a resident's responsible payor for an amount owed by the resident to the facility in the event that the payor misappropriates the resident's funds to a degree that the resident is unable to afford to pay for the resident's care. A nursing facility may also file an action for injunctive relief and a court may grant any appropriate injunctive relief to prevent or abate such misappropriation. The bill authorizes the prevailing party to recover attorney's fees but prohibits a nursing facility from recovering a total amount, including damages and attorney's fees, that exceeds the amount misappropriated from the resident.

[Senate Bill 271](#)

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Klick et al.

Senate Bill 271 amends the Health and Safety Code to require an assisted living facility that receives an employment application from an applicant who states in the application that the applicant resided in another state during the five years preceding the application date to conduct a name-based criminal

history check in each state in which the applicant previously resided before employing the applicant in a permanent position. The bill requires the Health and Human Services Commission (HHSC) to develop and make available on the HHSC website to assisted living facilities a written statement to be included in employment applications on which an applicant must indicate whether the applicant has been convicted of an offense that, under state law, bars the applicant from employment at a health facility serving the elderly, persons with disabilities, or persons with terminal illnesses.

Senate Bill 284

Effective: 6-4-21

Senate Author: Seliger

House Sponsor: Allison

Senate Bill 284 requires the Texas Medical Board (TMB) to conduct a study regarding out-of-state physicians who practiced medicine in Texas during the COVID-19 pandemic pursuant to TMB rules providing for the waiver of licensing requirements during disasters and emergencies. The bill requires the TMB to submit a report and applicable recommendations to the governor, the lieutenant governor, the speaker of the house of representatives, and each legislative standing committee with primary jurisdiction over the TMB not later than December 1, 2022.

Senate Bill 383

Effective: 9-1-21

Senate Author: Powell et al.

House Sponsor: Perez et al.

Senate Bill 383 amends the Health and Safety Code to require a nursing facility advertising, marketing, or otherwise promoting that the facility provides memory care services to prepare a written notice disclosing whether the facility is certified or is not certified under state law to provide specialized care and treatment for facility residents with Alzheimer's disease and related disorders. The facility must provide written notice to the following persons disclosing whether the facility holds such certification:

- each facility resident; and
- each person applying for services from the facility or the person's next of kin or guardian.

The bill sets out a similar requirement for the provision of such a disclosure to residents of assisted living facilities.

Senate Bill 437

Effective: 6-16-21

Senate Author: Blanco

House Sponsor: Turner, John

Senate Bill 437 amends the Health and Safety Code to require the Texas Division of Emergency Management (TDEM) to establish the Personal Protective Equipment Reserve Advisory Committee composed of various health care and essential personnel representatives to make recommendations to TDEM regarding the procurements needed for a statewide reserve and the storage and distribution of personal protective equipment. Implementation of a provision of this bill by TDEM is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 452

Effective: 9-1-21

Senate Author: West et al.

House Sponsor: Rose

Senate Bill 452 amends the Family Code to revise and update statutory provisions relating to prevention and early intervention services. The bill, among other provisions, makes requirements relating to parenting education programs provided by the Department of Family and Protective Services (DFPS), including requirements relating to program outcomes and program evaluation by DFPS, applicable to prevention and early intervention programs and practices. For a program or practice to be considered evidence-based, the program or practice, among other criteria, must be associated with an organization in Texas, a national organization, an institution of higher education, or a national or state public health

Health and Human Services

institute. The bill also revises the outcome requirements for evidence-based prevention and early intervention programs and practices.

[Senate Bill 454](#)

Effective: 6-4-21

Senate Author: Kolkhorst et al.

House Sponsor: Lambert et al.

Senate Bill 454 amends the Government Code to set out provisions regarding local mental health authority (LMHA) group regional planning, including provisions requiring each LMHA group to meet at least quarterly to collaborate on planning and implementing regional strategies and requiring an annual update of the mental health services development plan that was initially developed by the Health and Human Services Commission and the LMHA group.

[Senate Bill 464](#)

Effective: 6-14-21

Senate Author: Lucio

House Sponsor: Lopez

Senate Bill 464 amends the Communicable Disease Prevention and Control Act, Health and Safety Code, to require the Department of State Health Services (DSHS), if it provides information to a physician who serves part-time as health authority for a county, to also provide the information to the director of the local health department for the county, including information on a death from a reportable or other communicable disease reported to DSHS under applicable provisions of that act.

[Senate Bill 500](#)

Effective: 9-1-21

Senate Author: Miles et al.

House Sponsor: Rose et al.

Senate Bill 500 amends the Health and Safety Code to create a Class B misdemeanor offense for a person who operates a boarding home facility without a permit in a county or municipality that requires a person to obtain a permit to operate such a facility. The bill also provides for a study conducted by the Health and Human Services Commission regarding state and local regulation of group homes.

[Senate Bill 572](#)

Effective: 6-14-21

Senate Author: Springer et al.

House Sponsor: White et al.

Senate Bill 572 amends the Health and Safety Code to prohibit certain health care facilities from prohibiting a resident or patient of the facility from receiving in-person visitation with a religious counselor on the patient's or resident's request during a public health emergency except as required by federal law or a federal agency. The bill requires the executive commissioner of the Health and Human Services Commission by rule to develop guidelines to assist health care facilities in establishing in-person religious counselor visitation policies and procedures.

[Senate Bill 640](#)

Effective: 9-1-21

Senate Author: Menéndez et al.

House Sponsor: Cortez

Senate Bill 640 requires the Health and Human Services Commission (HHSC) to conduct a study to assess the interoperability needs and technology readiness of behavioral health service providers in Texas. The bill requires HHSC to prepare and submit a related report to the legislature, lieutenant governor, and governor not later than August 31, 2022.

[Senate Bill 672](#)

Effective: 9-1-21

Senate Author: Buckingham et al.

House Sponsor: Bonnen et al.

Senate Bill 672 amends the Human Resources Code to require the Health and Human Services Commission to provide reimbursement under Medicaid to a participating treating health care provider who

provides to a child or adult recipient behavioral health services that are classified by a current procedural terminology code as collaborative care management services.

Senate Bill 764

Effective: 9-1-21

Senate Author: Huffman

House Sponsor: Hinojosa

Senate Bill 764 amends the Human Resources Code to prohibit the operation of certain child-care facilities or a family home during an appeal of a suspension or denial of an applicable license, certification, registration, or listing.

Senate Bill 809

Effective: 9-1-21

Senate Author: Kolkhorst et al.

House Sponsor: Oliverson

Senate Bill 809 amends the Health and Safety Code to require a health care institution that receives federal money for assisting health care institutions during the coronavirus disease public health emergency to report the money received to the Health and Human Services Commission on a monthly basis.

Senate Bill 930

Effective: 9-1-21

Senate Author: Zaffirini et al.

House Sponsor: Middleton et al.

Senate Bill 930 amends the Health and Safety Code to establish that certain information regarding the occurrence of communicable diseases in a licensed nursing facility, continuing care facility, or assisted living facility is not considered protected health information for purposes of medical records privacy protections and to establish disclosure requirements for that information.

Senate Bill 967

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Klick

Senate Bill 967 amends the Health and Safety Code to provide for the expiration of certain public health orders issued by a health authority on the 15th day following the date of issuance unless the applicable municipal governing body or county commissioners court extends the order for a longer period before that day.

Senate Bill 970

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Shaheen

Senate Bill 970 amends the Education Code, Health and Safety Code, and Human Resources Code to repeal certain provisions regarding health and human services, including provisions relating to various defunct programs and unfunded mandates and reporting requirements for the Department of State Health Services and the Health and Human Services Commission, among other changes.

Senate Bill 984

Effective: 9-1-21

Senate Author: Schwertner et al.

House Sponsor: Klick

Senate Bill 984 amends the Health and Safety Code to provide for de-identified health care data collection and reporting by each trauma service area regional advisory council necessary for the state and the service area to effectively plan for and respond to public health disasters and communicable or infectious disease emergencies in Texas. Implementation of these provisions of the bill by the Department of State Health Services or a council is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 984 requires the governor to appoint to the Task Force on Infectious Disease Preparedness and Response at least one member who is an epidemiologist. The bill also requires the task force to meet at least once each year at a location determined by the task force director.

[Senate Bill 993](#)

Effective: 9-1-21

Senate Author: Hancock et al.

House Sponsor: Klick et al.

Senate Bill 993 amends the Texas Optometry Act, Occupations Code, to provide for a peer review process for investigating and reviewing complaints filed with the Texas Optometry Board regarding a therapeutic optometrist's treatment of a patient for glaucoma. The bill removes certain restrictions on the prescribing of oral medications by therapeutic optometrists and allows therapeutic optometrists who are appropriately certified to independently manage most types of glaucoma cases.

[Senate Bill 1061](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Klick

Senate Bill 1061 amends the Human Resources Code to require a person who is subject to the background and criminal history check required in connection with a small employer's employer-based day-care facility to submit to the Health and Human Services Commission a complete set of fingerprints. The bill makes the requirement for a temporary shelter day-care facility to submit a complete set of fingerprints of certain persons required to undergo a criminal history check in connection with that facility applicable to all persons undergoing such a check in connection with the facility. The bill provides for a state and an FBI criminal history check of each person whose fingerprints are submitted as required by the bill.

[Senate Bill 1103](#)

Effective: 9-1-21

Senate Author: Seliger

House Sponsor: Turner, John

Senate Bill 1103 amends the Health and Safety Code to require the executive commissioner of the Health and Human Services Commission (HHSC) to adopt rules for the issuance and renewal of a certificate of registration for certain nurse aides and for the regulation of nurse aides as necessary to protect the public health and safety. The bill requires an applicant for employment in certain facilities serving the elderly, persons with disabilities, or persons with terminal illnesses, for purposes of being listed on the nurse aide registry, to hold a certificate of registration issued by HHSC on completion of the required training program approved by HHSC.

[Senate Bill 1130](#)

Effective: 5-28-21

Senate Author: Hancock

House Sponsor: Geren

Senate Bill 1130 amends the Occupations Code to offer a massage therapy license applicant the option to satisfy applicable training requirements using distance learning, with exceptions for internship programs and certain hours of study taught by a licensed instructor.

[Senate Bill 1136](#)

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Frank

Senate Bill 1136 amends the Government Code to provide for the implementation of initiatives based on best practices and models that are designed to reduce Medicaid recipients' use of hospital emergency room services as a primary means of receiving health care benefits, including initiatives designed to improve recipients' access to and use of primary care providers. The bill also requires the Health and Human Services Commission to encourage Medicaid providers to continue implementing effective interventions and best practices associated with improvements in the health outcomes of Medicaid recipients that were developed and achieved under the Delivery System Reform Incentive Payment (DSRIP) program. The bill requires a biannual report to the legislature regarding the initiatives and continued implementation efforts.

Senate Bill 1137**Effective:** 9-1-21**Senate Author:** Kolkhorst et al.**House Sponsor:** Oliverson et al.

Senate Bill 1137 amends the Health and Safety Code to set out disclosure requirements for a facility licensed as a hospital regarding the public availability of price information, including a list of standard charges for all facility items or services and for a limited set of shoppable services. Among other provisions, the bill provides for the content of those lists and the format for disclosing such information electronically and for the reporting, monitoring, and enforcement of the required disclosure of charges. The bill authorizes the Health and Human Services Commission to impose an administrative penalty, subject to certain limitations, against a facility for certain violations of the bill's provisions relating to the required disclosure of charges.

Senate Bill 1138**Effective:** 9-1-21**Senate Author:** Hughes et al.**House Sponsor:** Noble et al.

Senate Bill 1138 requires the Legislative Budget Board (LBB), in coordination with the Health and Human Services Commission and other applicable state agencies, to conduct a study on state and federal safety net programs available in Texas for the purpose of streamlining program eligibility requirements, resources, and benefits to improve outcomes for program recipients and reduce costs to taxpayers. The bill requires the LBB to submit a report based on its findings and recommendations to the legislature and post the report on its website.

Senate Bill 1244**Effective:** 9-1-21**Senate Author:** Perry**House Sponsor:** Oliverson

Senate Bill 1244 amends the Government Code to require the Health and Human Services Commission (HHSC), before awarding a Medicaid managed care contract to a managed care organization (MCO), to evaluate and certify that the MCO is reasonably able to fulfill the terms of the contract. The bill prohibits HHSC from awarding such a contract to an MCO that does not receive this certification and authorizes an MCO to appeal a denial of certification by HHSC.

Senate Bill 1341**Effective:** 9-1-21**Senate Author:** Springer**House Sponsor:** Shaheen

Senate Bill 1341 amends the Government Code and Human Resources Code to require the Health and Human Services Commission (HHSC) to develop and implement methods for reducing abuse, fraud, and waste in public assistance programs and to regularly conduct certain data matches and reviews in connection with those programs. The bill, among other provisions, expands the scope of the electronic data matching program that verifies certain factors affecting a Medicaid recipient's eligibility for benefits under a public assistance program. The bill requires HHSC to enter into a memorandum of understanding with each state agency from which data is required to conduct electronic data matches relating to the integrity of certain public assistance programs.

Senate Bill 1397**Effective:** 6-16-21**Senate Author:** Hinojosa**House Sponsor:** Guerra

Senate Bill 1397 amends the Health and Safety Code to require certain trauma service area regional advisory councils to collect and report data on patients transferred outside their geographic boundaries and to develop regional protocols and processes to assist the council in managing the dispatch, triage, transport, and transfer of patients within the geographic boundaries of the council.

Senate Bill 1414

Effective: 6-7-21

Senate Author: Huffman

House Sponsor: Oliverson

Senate Bill 1414 amends the Occupations Code to extend the deadline for passing each part of certain qualifying licensing examinations to receive a medical license to not later than the earlier of the second anniversary of the date the applicant completed all graduate medical training the applicant undertook, including internship, residency, and fellowship, or the 12th anniversary of the date the applicant began the graduate medical training.

Senate Bill 1534

Effective: 9-1-21

Senate Author: Buckingham

House Sponsor: Campos

Under current law, the State Board of Dental Examiners (SBDE) issues a remedial plan to address complaints against license holders, including dentists and dental hygienists, that are not related to patient care. Senate Bill 1534 amends the Occupations Code to authorize the SBDE to remove from its website any public information regarding a dentist or dental hygienist with respect to a remedial plan and the complaint resolved by the plan on or after the fifth anniversary of the date the plan is issued unless circumstances specified by the bill apply.

Senate Bill 1648

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Krause et al.

Senate Bill 1648 amends the Government Code and Human Resources Code to require the Health and Human Services Commission (HHSC) to take the following actions relating to the provision of benefits under the Medicaid program:

- coordinate with the Department of Family and Protective Services to develop and implement a process to review a denial of services under the Medicaid managed care program on the basis of medical necessity for foster care youth;
- ensure that a health care provider is allowed to enter a variable schedule into the electronic visit verification system;
- study the feasibility of creating an online portal for individuals to request to be placed and check the individual's placement on a Medicaid waiver program interest list;
- develop a protocol in the ombudsman office to improve the capture and updating of contact information for an individual who contacts the office regarding Medicaid waiver programs or services;
- develop a procedure to verify that a Medicaid recipient or their parent or legal guardian is informed regarding the consumer direction model and provided the option to choose to receive care under that model and, if applicable, to document declination of that model;
- develop and implement a pilot program to provide coordinated care through a health home to children with complex medical conditions; and
- provide Medicaid reimbursement for preventive dental services for an adult recipient with a disability who is enrolled in the STAR+PLUS Medicaid managed care program.

Senate Bill 1648 clarifies that a continuity of specialty care protection for Medicaid recipients with complex medical needs applies regardless of whether the recipient has primary health benefit plan coverage in addition to Medicaid coverage. The bill requires a Medicaid managed care organization (MCO) to make a good-faith effort to negotiate a single-case agreement with a specialty provider who is not in the MCO's provider network for a recipient enrolled in a managed care plan offered by the MCO who has complex medical needs and wants to continue to receive care from that specialty provider. The bill provides for the reimbursement of the specialty provider until the MCO and the specialty provider enter into the single-case agreement.

Senate Bill 1648 repeals the expiration date for statutory provisions relating to long-term care services waiver program interest lists for children who become ineligible for the medically dependent children waiver program. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1692

Effective: 9-1-21

Senate Author: Miles

House Sponsor: Longoria

Senate Bill 1692 amends the Health and Safety Code to authorize a dialysis technician to provide home dialysis care in a nursing facility under the following conditions:

- the technician must be in compliance with all the applicable Health and Human Services Commission (HHSC) rules regarding training and competency; and
- the care must be provided under the personal supervision of a registered nurse who is employed by the same entity that employs the technician and has complied with all HHSC rules regarding training and competency of registered nurses who provide care at end stage renal disease facilities.

Senate Bill 1808

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Coleman

Senate Bill 1808 amends the Health and Safety Code and Human Resources Code to exempt from licensure for the provision of home and community support services and from statutory provisions governing boarding home facilities a person who provides intellectual and developmental disabilities habilitative specialized services under Medicaid and is a certified home and community-based services (HCS) or Texas home living (TxHmL) provider or a local intellectual and developmental disability authority contracted with the Department of State Health Services.

Senate Bill 1827

Effective: 6-16-21

Senate Author: Huffman et al.

House Sponsor: Holland

Senate Bill 1827 amends the Government Code to establish the Texas Opioid Abatement Fund Council to ensure that money recovered by the state through a statewide opioid settlement agreement is allocated fairly and spent to remediate the opioid crisis in Texas. Among other provisions, the bill creates the opioid abatement account in the general revenue fund for use as a funding source for applicable state agencies' efforts to abate opioid-related harms and creates the opioid abatement trust fund outside of the state treasury for use in funding efforts to address opioid-related harms in local communities, providing basic civil legal services to indigent persons directly impacted by opioid-use disorders, and funding the council. The bill requires that 15 percent of the money obtained under a settlement agreement be deposited into the account and the remaining 85 percent be deposited into the trust fund. Implementation of a provision of the bill by the comptroller of public accounts is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1829

Effective: 6-7-21

Senate Author: Hinojosa

House Sponsor: Klick

Senate Bill 1829 amends the Government Code to require the Health and Human Services Commission to maintain in accordance with a single source of truth design an accurate electronic directory of certain contact information for each recipient enrolled in a managed care plan offered by a Medicaid managed care organization (MCO) and to ensure that each MCO and enrollment broker participating in the Medicaid managed care program update the directory in real time.

Senate Bill 1856

Effective: 9-1-21

Senate Author: Powell

House Sponsor: Klick

Senate Bill 1856 amends the Health and Safety Code to establish that services that are provided by a vocational nursing student in a licensed nursing facility and authorized by a contract or other arrangement with the facility are allowed at all times in Texas, including during a declared state of disaster. The bill authorizes a licensed nursing facility to require a student to comply with the facility's policies regarding health screenings or the use of personal protective equipment and condition the student's provision of services on compliance with those policies.

Senate Bill 1895

Effective: 9-1-21

Senate Author: Huffman

House Sponsor: Klick

Senate Bill 1895 amends the Occupations Code provision that prohibits the Texas Medical Board (TMB) from considering or acting on any complaint involving care provided more than seven years before the date on which the complaint is received by the TMB, unless the care was provided to a minor. The bill creates an additional exception to that prohibition for a complaint alleging a sexual assault involving a health care services provider who, in the course of performing an assisted reproduction procedure on the other person, uses human reproductive material from a donor knowing that the other person has not expressly consented to such use. Under the bill's provisions, the TMB may not consider or act on such a complaint for an alleged violation that occurred more than seven years before the date on which the complaint is received or more than two years from the date the complainant knew, or should have known, of the facts giving rise to the complaint, whichever is later.

Senate Bill 1911

Effective: 6-14-21

Senate Author: Blanco et al.

House Sponsor: Rose

Senate Bill 1911 amends the Human Resources Code to revise the required contents of the Medicaid application form, including a renewal form, to include language that notifies the applicant which listed contact methods will be shared, allows the applicant to consent to being contacted through the preferred contact methods by their managed care organization or health plan provider, and explains the security risks of electronic communication.

Senate Bill 1917

Effective: 9-1-21

Senate Author: Lucio et al.

House Sponsor: Meza

Senate Bill 1917 amends the Government Code to provide for the establishment of public awareness and education outreach campaigns designed to provide information relating to the programs and resources available to aging adults who are blind or visually impaired in Texas.

Senate Bill 1921

Effective: 9-1-22

Senate Author: Lucio

House Sponsor: Guillen

Senate Bill 1921 amends the Human Resources Code to provide for Medicaid reimbursement to a public or private provider of behavioral health services for the provision of behavioral health or physical health services to a Medicaid recipient before that recipient's enrollment with and receipt of services through a managed care organization. In addition, the bill provides for the following:

- Medicaid reimbursement to an authorized wound care education and training services provider; and
- the update, on request from a teaching hospital that provides behavioral health and physical health services, of the education adjustment factor used to calculate the medical education add-on.

Implementation of a provision of this bill by the Health and Human Services Commission is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1941

Effective: 9-1-21

Senate Author: Gutierrez

House Sponsor: Zwiener

Senate Bill 1941 amends the Health and Safety Code to require the Health and Human Services Commission to develop and implement a five-year strategic plan to improve the diagnosis and treatment of and raise public awareness of hyperemesis gravidarum and to develop a new plan for the next five years by September 1 of the last fiscal year in each five-year period.

Senate Bill 2013

Effective: 9-1-21

Senate Author: Hinojosa

House Sponsor: Allison

Senate Bill 2013 amends the Health and Safety Code to require the Health and Human Services Commission (HHSC) to post on its website current administrative penalty schedules applicable to a substance use disorder service provider and to ensure that the administrative penalties listed in the posted schedules are accurate. The bill requires HHSC to conduct a study to evaluate certain administrative penalties assessed by HHSC against those providers and to prepare and submit a related report to the legislature not later than January 1, 2022.

Senate Bill 2038

Effective: 9-1-21

Senate Author: Menéndez et al.

House Sponsor: Dean et al.

Senate Bill 2038 amends the Health and Safety Code to set out provisions relating to prices and fees charged by certain licensed freestanding emergency medical care facilities that provide testing or vaccination for an infectious disease based on a declared state of disaster. Among other provisions, the bill requires such a facility to disclose to each patient the price the facility charges for the test or vaccine and any facility fees, supply costs, and other costs associated with the test or vaccine and prohibits the facility from engaging in certain pricing practices during a declared disaster. The bill requires the Health and Human Services Commission to impose certain administrative penalties on a person licensed to operate the facility for a violation of that prohibition or a rule adopted in relation to the prohibition.

Senate Joint Resolution 19

For Election: 11-2-21

Senate Author: Kolkhorst et al.

House Sponsor: Frank et al.

Senate Joint Resolution 19 proposes an amendment to the Texas Constitution to grant a resident of a nursing facility, assisted living facility, intermediate care facility for individuals with an intellectual disability, residence providing home and community-based services, or state supported living center the right to designate an essential caregiver with whom the facility, residence, or center may not prohibit in-person visitation.

This page intentionally left blank.

HIGHER EDUCATION

This chapter includes legislation affecting the governance and funding of the state’s public institutions of higher education in general, legislation relating to specific institutions, and legislation relating to student outcomes and other issues affecting students.

[House Bill 133 \(3rd C.S.\)](#)

Effective: 1-18-22

House Author: Jetton

Senate Sponsor: Huffman et al.

House Bill 133, Caleb Rule’s Law, amends the Education Code to extend the eligibility of a surviving child of a qualifying public servant for education benefits at a public institution of higher education to include a child who meets the following conditions:

- is younger than 25 years of age on the date of the applicable individual’s death; and
- if not a biological or adopted child of the individual, was claimed as a dependent on the individual’s federal income tax return for the year preceding the year of the individual’s death.

The bill applies beginning with costs charged for the spring 2022 semester.

[House Bill 885](#)

Effective: 6-15-21

House Author: Harris et al.

Senate Sponsor: Birdwell

House Bill 885 amends the Education Code to exempt a junior college district from the requirement to meet a \$6 billion property valuation threshold as a condition of offering a baccalaureate nursing degree program if the district instead meets a \$4 billion threshold and does not have a four-year institution of higher education located in a county in which the district is located.

[House Bill 981](#)

Effective: 6-15-21

House Author: Dutton

Senate Sponsor: Miles

House Bill 981 amends the Education Code to require the Texas Higher Education Coordinating Board to conduct a study on the feasibility of establishing a religious studies program at Texas Southern University that offers bachelor’s, master’s, and doctoral degrees and to report the results to the university’s board of regents and the appropriate legislative standing committees not later than December 1, 2022.

[House Bill 1027](#)

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Creighton

House Bill 1027 amends the Education Code to revise requirements for public institutions of higher education relating to the dissemination of course schedules and lists of required and recommended course materials. Among other provisions, the bill extends certain provisions relating to lists of required and recommended textbooks to apply to other course materials, updates details relating to the electronic publication of course materials lists and associated information, and requires such lists to include or provide website links to specified information regarding fees or charges for course materials, related opt-out provisions, and the use of student data by publishers or providers of electronic course materials.

[House Bill 1259](#)

Effective: 9-1-21

House Author: Darby et al.

Senate Sponsor: Seliger

House Bill 1259 amends the Education Code to transfer the administration of the rural veterinarian incentive program from Texas A&M University to the Texas Animal Health Commission. Among other provisions, the bill revises the composition of the rural veterinarian incentive program committee and

Higher Education

extends program eligibility to a student or graduate of any appropriately accredited college of veterinary medicine in Texas and to certain graduates of Texas high schools and general academic teaching institutions. The bill requires a program participant's agreement with the applicable university system, among other specifications, to provide that any financial support the participant receives constitutes a loan until the participant satisfies the stated conditions and to require the participant to sign a promissory note.

House Bill 1259 renames the rural veterinarian incentive fund as the rural veterinarian incentive program account, moves the account to the general revenue fund, transfers its administration to the Texas Higher Education Coordinating Board, and revises the account's composition and authorized uses.

House Bill 1325

Effective: 5-15-21

House Author: Coleman

Senate Sponsor: Miles

House Bill 1325 amends the Education Code to include the medical school at the University of Houston and the college of osteopathic medicine at Sam Houston State University among the medical schools participating in the joint admission medical program. The bill sets out certain transition provisions leading to those institutions' full participation in the program.

House Bill 1522

Effective: 9-1-21

House Author: Frank et al.

Senate Sponsor: Springer

House Bill 1522 amends the Education Code, Government Code, and Labor Code to establish Midwestern State University (MSU) as a component institution of the Texas Tech University (TTU) System. The bill transfers the governance, management, control, property, funds, and revenue bond authority of MSU to the TTU System board of regents and provides for certain aspects of that transition. With regard to the TTU System as a whole, the bill revises certain student fees and venue for certain lawsuits.

House Bill 2509

Effective: 6-14-21

House Author: Lucio III et al.

Senate Sponsor: Hinojosa

House Bill 2509 amends the Education Code to classify a nationally accredited post-doctor of podiatric medicine program that prepares podiatrists for independent practice as a "graduate medical education program" for purposes of certain state programs supporting graduate medical education.

House Bill 2827

Effective: 6-18-21

House Author: González, Mary

Senate Sponsor: Zaffirini

House Bill 2827 amends the Education Code to transfer from the Center for Teaching and Learning at The University of Texas at Austin to the Texas Higher Education Coordinating Board certain duties relating to postsecondary education and career counseling, including developing and providing academies in that field to appropriate public school district employees, developing a certain online instructional program, and providing other counseling resources to educators.

House Bill 3348

Effective: 6-16-21

House Author: Pacheco et al.

Senate Sponsor: Creighton et al.

House Bill 3348 amends the Education Code to raise the general cap on the number of baccalaureate degree programs a public junior college may offer from three to five.

House Bill 4202

Effective: 9-1-21

House Author: Rose

Senate Sponsor: West

House Bill 4202 amends the Government Code to make a work college, as defined by federal law, eligible for membership in the TexShare library consortium.

House Bill 4361**Effective:** 6-14-21**House Author:** Raney et al.**Senate Sponsor:** Bettencourt

House Bill 4361 amends the Education Code to authorize a public institution of higher education to agree with an employer, under certain circumstances, to provide an off-campus lower-division program or workforce education program at a site requested by the employer, whether or not the site is within the institution's uniform state service region or junior college district service area, as applicable. An institution may enter into such an agreement without the approval of a higher education regional council if the employer has solicited an agreement to offer the program with another qualifying institution of higher education that is located in the service region or service area of the employer's requested site but does not finalize such an offer within six weeks after the employer's initial written solicitation.

Senate Bill 36**Effective:** Vetoed**Senate Author:** Zaffirini**House Sponsor:** Turner, Chris

Senate Bill 36 amends the Education Code to include a report made to a peace officer or a law enforcement agency as a qualifying report for purposes of an offense involving a failure to report an incident of personal hazing. The bill extends the immunity from civil or criminal liability granted to a person who voluntarily reports such an incident in the context of an educational institution's investigation or related process to include a person who cooperates in good faith with any law enforcement agency investigation regarding the incident. The bill establishes the Collaborative Task Force on Higher Education Mental Health Services to study and evaluate direct mental health services at public institutions of higher education, including those provided to students who have experienced hazing.

Governor's Reason for Veto: "Hazing on campus is a serious problem that deserves serious attention, which is why I signed Senate Bill 38 into law last session. This session's Senate Bill 36 was a worthy effort to further clarify the anti-hazing statute, until the House sponsor added an unnecessary provision that would simply grow government by creating yet another new task force. It is important to ensure that students receive mental-health services, and Texas's existing agencies and institutions can already study the issues that would be addressed by this vast new bureaucratic entity. Unfortunately, the Senate author's good idea to clean up a statute has been undercut by the House sponsor."

Senate Bill 52 (3rd C.S.)**Effective:** 1-18-22**Senate Author:** Creighton et al.**House Sponsor:** Bonnen

Senate Bill 52 amends the Education Code to authorize the board of regents of certain public higher education entities to undertake specific capital projects financed through the issuance of bonds and any applicable system-wide revenue financing program. Among other provisions, the bill sets out the maximum aggregate principal amounts that may be financed for each project, provides for the oversight of certain projects, and creates the Capital Project Oversight Advisory Commission.

Senate Bill 165**Effective:** 6-14-21**Senate Author:** Blanco**House Sponsor:** Fierro

Senate Bill 165 amends the Education Code to require the Texas Higher Education Coordinating Board to adopt rules permitting a student at a public institution of higher education to exceed the standard cap on dropped courses if a disaster declared by the governor results in a bar or limit on in-person attendance of a duration that significantly affects the student's ability to participate in coursework. The bill prohibits an institution from counting toward the permitted maximum a course dropped by a student during a specified period due to such a bar or limit resulting from the COVID-19 pandemic.

Higher Education

[Senate Bill 480](#)

Effective: 6-7-21

Senate Author: Miles

House Sponsor: Coleman

Senate Bill 480 amends the Education Code to expand the purposes of the student union fee levied by the University of Houston System to include providing programming at a student union building.

[Senate Bill 783](#)

Effective: 9-1-21

Senate Author: Creighton

House Sponsor: Murphy

Senate Bill 783 amends the Government Code to require the bid documents and contract for an applicable construction or installation project by a public institution of higher education to require certain iron and steel products used in the project to be produced in the United States, subject to certain exceptions.

[Senate Bill 884](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Raymond

Senate Bill 884 amends the Education Code to revise provisions establishing a campus extension of The University of Texas Health Science Center at San Antonio in the city of Laredo to establish instead a University of Texas System multi-institution center in that city. The bill provides for the funding of the center's operating costs and activities and establishes that the center's primary purpose is to host educational activities, conduct and facilitate research, and engage in community outreach. The bill authorizes the system's component institutions to use the center to provide undergraduate and graduate medical and dental education and other levels of health education work in collaboration with any appropriate public institution of higher education.

[Senate Bill 937](#)

Effective: 6-4-21

Senate Author: Campbell

House Sponsor: Tinderholt

Senate Bill 937 amends the Education Code to revise provisions relating to an excused absence from a public institution of higher education for a student called to active military service to refer instead to required military service.

[Senate Bill 959](#)

Effective: 9-1-21

Senate Author: Zaffirini et al.

House Sponsor: Romero, Jr.

Senate Bill 959 amends the Education Code to require the Texas Higher Education Coordinating Board, in making its recommendations to the legislature for appropriations of performance-based incentive funds for public junior colleges, to consider student success measures achieved in qualified noncredit continuing workforce education courses.

[Senate Bill 1019](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Turner, John

Senate Bill 1019 amends the Education Code to require the Texas Higher Education Coordinating Board to include in its annual report on financial aid in Texas a breakdown of student loan data disaggregated by race, ethnicity, sex, degree type, and enrollment status.

[Senate Bill 1094](#)

Effective: 9-1-21

Senate Author: Creighton et al.

House Sponsor: Frullo

Senate Bill 1094 amends the Education Code to authorize contract benefits purchased under the prepaid higher education tuition program to be applied to the payment of tuition and fees for a registered

apprenticeship program and revises related provisions accordingly. The bill also makes tuition and fees for a registered apprenticeship program eligible for prepayment by tuition units purchased under the prepaid tuition unit undergraduate education program funded by the Texas Tomorrow Fund II. The bill clarifies that a medical and dental unit or a registered apprenticeship program is an entity to which certain confidential records relating to the Texas save and match program may be released.

[Senate Bill 1102](#)

Effective: 6-14-21

Senate Author: Creighton et al.

House Sponsor: Parker

Senate Bill 1102 amends the Education Code to establish the Texas Reskilling and Upskilling through Education (TRUE) program to award grants to lower-division institutions of higher education or to local chambers of commerce, trade associations, and economic development corporations partnering with those institutions to support the creation, redesign, expansion, and delivery, as applicable, of workforce training programs and other qualifying education. The education and training must lead to postsecondary industry certifications or other workforce credentials required for high-demand occupations, must be developed and provided in consultation with employers hiring in those occupations, and must create pathways to employment. The bill sets out further program requirements, including requirements for Texas Higher Education Coordinating Board data collection and reporting regarding workforce credentials developed or redesigned under the program.

[Senate Bill 1126](#)

Effective: 5-26-21

Senate Author: Springer et al.

House Sponsor: Stucky

Senate Bill 1126 amends the Education Code, Agriculture Code, and Health and Safety Code to establish the Texas Woman's University System, to redesignate the university board of regents as the system board of regents, and to establish the dual role of university president and system chief executive officer. The bill updates language relating to powers and duties of the board to reflect these changes and provides for the transition of Texas Woman's University branch campuses at Dallas and Houston to general academic teaching institutions within the system.

[Senate Bill 1227](#)

Effective: 6-14-21

Senate Author: Taylor et al.

House Sponsor: Metcalf

Senate Bill 1227 amends the Education Code to prohibit a public institution of higher education from requiring for purposes of course credit for a particular lower-division course a College-Level Examination Program (CLEP) score higher than the minimum score recommended by the American Council on Education, unless the course is a prerequisite for a related course for which a higher score is determined to be necessary to indicate the student's sufficient preparation.

[Senate Bill 1230](#)

Effective: 9-1-21

Senate Author: Taylor et al.

House Sponsor: Pacheco

Senate Bill 1230 amends the Education Code to establish the Texas Commission on Community College Finance to make recommendations for consideration by the 88th Legislature regarding the state funding formula and funding levels for public junior colleges. The bill provides for the commission's composition and appointing authorities, identifies certain subjects for its examination and recommendations, and requires the commission to submit its final report and recommendations not later than November 1, 2022. The bill's provisions expire January 1, 2023.

Higher Education

[Senate Bill 1251](#)

Effective: 5-28-21

Senate Author: Miles

House Sponsor: Johnson, Ann

Senate Bill 1251 amends the Education Code to authorize The University of Texas System board of regents, in its role as the authority responsible for degree programs at The University of Texas M.D. Anderson Cancer Center, to conduct jointly with The University of Texas Health Science Center at Houston certain graduate programs related to the broad fields encompassed in population and public health and to jointly prescribe related courses.

[Senate Bill 1295](#)

Effective: 9-1-21

Senate Author: Creighton et al.

House Sponsor: Morrison et al.

Senate Bill 1295 amends the Education Code to establish a method of allocating funding to each public institution of higher education supported by the higher education fund that is designated by the Texas Higher Education Coordinating Board (THECB) as a doctoral, comprehensive, or master's university. The allocation method includes a base institutional appropriation and an additional component based on a three-year average of degrees awarded to at-risk students, as defined by the bill. The bill requires the THECB to conduct a one-time study on the allocation method regarding its effectiveness in allocating state funds fairly and equitably and in promoting student success and provides for the submission of the resulting report and recommendations not later than September 1, 2022.

[Senate Bill 1371](#)

Effective: 6-7-21

Senate Author: Huffman

House Sponsor: Murphy

Senate Bill 1371 amends the Education Code to prohibit a campus peace officer employed by a postsecondary educational institution from including any identifying information of an alleged victim who completes an applicable pseudonym form in the officer's required report to the institution's Title IX coordinator regarding an alleged incident of sexual harassment, sexual assault, dating violence, or stalking by or against a student or employee of the institution.

[Senate Bill 1385](#)

Effective: 7-1-21

Senate Author: Creighton et al.

House Sponsor: Murphy et al.

Senate Bill 1385 amends the Education Code to prohibit a general academic teaching institution or a private or independent institution of higher education from doing the following:

- adopting or enforcing a regulation that prohibits or otherwise prevents a student athlete in an intercollegiate athletic program from obtaining professional legal representation or earning compensation for the use of the athlete's name, image, or likeness when not engaged in official team activities;
- disqualifying a student athlete from eligibility for a scholarship, grant, or similar financial assistance because the athlete obtains such representation or earns such compensation;
- prescribing a team contract that prohibits or prevents a student athlete's commercial use of the athlete's name, image, or likeness when not engaged in official team activities; or
- providing or soliciting a prospective student athlete with compensation in relation to the athlete's name, image, or likeness.

Senate Bill 1385 sets out certain conditions and limitations on a contract entered into by a student athlete for use of the athlete's name, image, or likeness, including a requirement to predisclose the contract to the student's institution. The bill provides for a student athlete's required attendance at a financial literacy and life skills workshop and prohibits certain agency and recruitment transactions between an individual, corporate entity, or organization and a prospective student athlete.

Senate Bill 1467**Effective:** 5-30-21**Senate Author:** Hinojosa**House Sponsor:** Canales

Senate Bill 1467 amends the Education Code, Government Code, and Health and Safety Code to replace obsolete references to The University of Texas-Pan American and The University of Texas at Brownsville with references to The University of Texas Rio Grande Valley (UTRGV). The bill updates and revises provisions relating to certain student fees charged by UTRGV and updates provisions authorizing the use of certain student fee revenue for purposes of the university's obligations under a certain settlement agreement regarding the financing of a wellness, recreational, and fitness complex.

Senate Bill 1490**Effective:** 9-1-21**Senate Author:** Creighton et al.**House Sponsor:** Turner, Chris

Senate Bill 1490 amends the Education Code to restrict the authority of the Texas Higher Education Coordinating Board to authorize a private postsecondary educational institution to grant a professional degree, or to represent that earned credits are applicable toward a professional degree, by imposing certain conditions based on market need, the institution's academic standards and resources, and the availability of field-based experience placements to students seeking the degree at the institution. The bill limits the issuance of such authorization for an exempt institution or person to an institution operating under a state authorization reciprocity agreement.

Senate Bill 1525**Effective:** 6-7-21**Senate Author:** Creighton et al.**House Sponsor:** Parker

Senate Bill 1525 amends the Education Code to extend the definition of "distinguished researcher" for purposes of eligibility for funding under the governor's university research initiative to include an individual researcher or group of researchers who have attained certain highly prestigious national academic recognitions. The bill provides for the determination of eligible academic recognitions. The bill establishes the governor's university research initiative advisory board to assist the Texas Economic Development and Tourism Office with the review and evaluation of grant proposals under the initiative.

Senate Bill 1531**Effective:** 9-1-21**Senate Author:** West**House Sponsor:** Turner, Chris

Senate Bill 1531 amends the Education Code to lower the threshold for excessive undergraduate credit hours for a student enrolled in an associate degree program from 30 credit hours in excess of the total number required for the student's degree program to 15 credit hours in excess of that required total. A public institution of higher education may charge a resident student tuition at a rate higher than the standard resident tuition rate for credit hours that exceed the threshold. The bill establishes that a student not enrolled in a degree program is considered to be enrolled in a baccalaureate degree program for purposes of determining excessive credit hours.

Senate Bill 1677**Effective:** 9-1-21**Senate Author:** Buckingham**House Sponsor:** Frullo

Senate Bill 1677 amends the Education Code and Government Code to authorize the Texas Higher Education Coordinating Board (THECB) to eliminate a reporting requirement for a public institution of higher education if the commissioner of higher education determines that the THECB has access to an alternative means of collecting the data or receiving the information. The bill repeals and removes the following provisions:

- a requirement for certain rules and regulations concerning faculty academic workloads to be included in the operating budget of an institution of higher education;

Higher Education

- provisions requiring annual affordability and access reports from each institution of higher education;
- provisions requiring certain public school districts to develop and file a plan to increase graduates' enrollment in higher education; and
- provisions requiring applicable state agencies to post executive staff compensation information and related data on their public websites.

[Senate Bill 1780](#)

Effective: 9-1-21

Senate Author: Creighton et al.

House Sponsor: Burrows et al.

Senate Bill 1780 amends the Education Code and Government Code to establish the Texas Epidemic Public Health Institute at The University of Texas Health Science Center at Houston for the purpose of establishing and maintaining a reserve network of public health professionals and other relevant entities and persons to coordinate efforts to protect public health and support pandemic and epidemic disaster preparedness and response components of the state emergency management plan. Among other provisions, the bill provides for the maintenance and administration of the institute, its access to Department of State Health Services data, and a required biennial financial audit. Implementation of a provision of the bill relating to the institute is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 1860](#)

Effective: 9-1-21

Senate Author: Powell et al.

House Sponsor: Neave

Senate Bill 1860 amends the law to postpone the applicability of provisions relating to the electronic submission of the Texas Application for State Financial Aid (TASFA) or a similar state financial aid application from beginning with applications submitted for the 2022-2023 academic year to beginning with applications submitted for the 2023-2024 academic year.

[Senate Bill 1888](#)

Effective: 6-18-21

Senate Author: Creighton

House Sponsor: Parker et al.

Senate Bill 1888 amends the Education Code to provide for the expansion and renaming of a certain early college readiness pilot program as the Texas First early high school completion program. The bill requires the Texas Higher Education Coordinating Board (THECB) to establish program standards regarding specific competencies to demonstrate a student's mastery in applicable subject areas and acceptable assessments for demonstrating early college readiness. The bill authorizes a public school district or open-enrollment charter school to issue a high school diploma to a student who meets the program's standards, notwithstanding any other local or state requirements.

Senate Bill 1888 establishes the Texas First scholarship program, under which a Texas resident who graduates early under the Texas First early high school completion program and meets other criteria is awarded state credit applicable to tuition, mandatory fees, and attendance costs at a public research university or emerging research university. The bill provides for the distribution to high school students and their parents of specified information on the Texas First programs established by the bill. The bill repeals provisions relating to the early high school graduation scholarship program. Implementation of a provision of the bill by the Texas Education Agency or the THECB is mandatory only if a specific appropriation is made for that purpose.

INSURANCE

This chapter covers legislation relating to the business of insurance, including legislation relating to insurance plan coverage and the regulation of insurers and insurance professionals. In addition, this chapter covers legislation relating to the functions and operations of the Texas Department of Insurance and the Texas Windstorm Insurance Association. The chapter also covers legislation relating to prescription drug costs. Legislation relating to workers' compensation insurance is in the [Labor and Employment](#) chapter, and legislation relating to certain public health benefit plans is in the [Public Retirement Systems](#) chapter.

[House Bill 18](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Kolkhorst et al.

House Bill 18, to be known as "Texas Cares," amends the Health and Safety Code to establish a prescription drug savings program for certain uninsured individuals under which the Health and Human Services Commission (HHSC) may contract with a pharmacy benefit manager to provide discounted prescription drugs to program enrollees. The bill sets out provisions relating to the development and implementation of the program by HHSC, including provisions relating to enrollee cost sharing and the establishment of a program trust fund. Under the program, enrollees use money from the fund to pay an amount equal to the value of a prescription drug rebate at the point of sale, and that rebate amount is returned to the fund so that the program is cost neutral. The bill requires HHSC to suspend the program on its fourth anniversary and seek legislative approval to continue the program unless the ongoing program costs are fully funded through enrollee cost sharing.

House Bill 18 requires HHSC to conduct or contract to conduct a community outreach and education campaign to provide information on the program's availability to eligible individuals, to submit annual legislative reports on the program, and to conduct certain studies on the program's effectiveness. Implementation of a provision of this bill by HHSC is mandatory only if a specific appropriation is made for that purpose.

[House Bill 317](#)

Effective: 9-1-21

House Author: Murr et al.

Senate Sponsor: Miles et al.

House Bill 317, the Texas Living Organ Donor Act, amends the Insurance Code to prohibit an insurer from taking certain discriminatory actions against a living organ donor in connection with a life insurance policy or contract, disability insurance policy, or long-term care insurance policy. The bill also prohibits an insurer from preventing an insured from donating all or part of an organ as a condition of continuing coverage under such a policy or contract.

[House Bill 428](#)

Effective: 9-1-21

House Author: King, Ken et al.

Senate Sponsor: Zaffirini

House Bill 428 amends the Insurance Code to require health benefit plan coverage for an annual well woman exam to include any test or screening approved by the FDA for the detection of ovarian cancer.

[House Bill 769](#)

Effective: 9-1-21

House Author: Middleton et al.

Senate Sponsor: Taylor et al.

House Bill 769 amends the Insurance Code to prohibit the board of directors of the Texas Windstorm Insurance Association (TWIA) from voting on a proposed rate increase if there is a vacancy on the board and the vacancy has existed for at least 60 days at the time the vote is to be taken. The bill prohibits TWIA

Insurance

from purchasing reinsurance from an insurer or broker involved in the execution of a catastrophe model on which TWIA relies in adopting rates or in determining the probable maximum loss applicable for the period covered by the reinsurance.

[House Bill 1033](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Hancock

House Bill 1033 amends the Health and Safety Code to revise prescription drug price reporting requirements for pharmaceutical drug manufacturers. The bill changes the entity to which a manufacturer must submit its annual wholesale acquisition cost report from the executive commissioner of the Health and Human Services Commission to the Department of State Health Services (DSHS) and transfers to DSHS the duty to publish reported drug price information online. The bill requires certain information reported by a manufacturer increasing a drug price above a specified threshold to be included with the annual report instead of with the price increase report as is currently required. The bill establishes a fee that a manufacturer is required to submit with each report and subjects a manufacturer that fails to comply with the report or fee requirements to an administrative penalty. However, DSHS must provide the manufacturer notice and an opportunity to correct the failure before assessing the penalty.

House Bill 1033 amends the Insurance Code to change the deadline by which a pharmacy benefit manager or health benefit plan issuer must file its annual prescription drug cost report with the commissioner of insurance and the deadline by which the commissioner must publish aggregated data from the reports on the Texas Department of Insurance (TDI) website. The bill requires the reports to include information relating to private health benefit plans that cover prescription drugs and are regulated by TDI but prohibits the reports from including information relating to CHIP or Medicaid.

[House Bill 1689](#)

Effective: 1-1-22

House Author: Oliverson et al.

Senate Sponsor: Hancock

House Bill 1689 amends the Insurance Code to set out provisions relating to credit for reinsurance governed by certain covered agreements entered into under the federal Dodd-Frank Wall Street Reform and Consumer Protection Act. The bill requires credit to be allowed when reinsurance is ceded to an assuming insurer in a reciprocal jurisdiction, as defined by the bill, if the assuming insurer satisfies the requirements set out by the bill, which do not include any collateral requirements. The bill requires the commissioner of insurance to develop and publish a list of reciprocal jurisdictions and a list of assuming insurers who satisfy the conditions necessary for credit. The bill authorizes the revocation or suspension of an assuming insurer's eligibility for credit if the commissioner finds that the assuming insurer ceases to meet one or more of the applicable requirements.

[House Bill 1763](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Hughes et al.

House Bill 1763 amends the Insurance Code to set out provisions relating to the contractual relationship between a pharmacist or pharmacy and a health benefit plan issuer or pharmacy benefit manager (PBM). The bill prohibits a plan issuer or PBM from directly or indirectly reducing the amount of a claim payment to a pharmacist or pharmacy after adjudication of the claim, except in accordance with an audit, and prohibits a PBM from paying an affiliated pharmacist or pharmacy a reimbursement amount that is more than the amount the PBM pays a nonaffiliated pharmacist or pharmacy for the same pharmacist service. The bill requires a pharmacy benefit network contract to specify or reference a separate fee schedule, which must be provided to contracted pharmacists and pharmacies electronically and, on request, in writing if it is not available in the contract.

House Bill 1763 entitles a pharmacist or pharmacy that is a member of a pharmacy services administrative organization that enters into a contract with a plan issuer or PBM on the pharmacist's or

pharmacy's behalf to receive a copy of the applicable contract provisions. The bill prohibits a plan issuer or PBM from taking certain actions affecting a pharmacist's or pharmacy's ability to mail or deliver a drug to a patient on the patient's request.

House Bill 1763 sets out certain restrictions on the professional standards and scope of practice requirements that a plan issuer or PBM may impose as a condition of a contract with a pharmacist or pharmacy. The bill prohibits a PBM from retaliating against a pharmacist or pharmacy based on the pharmacist's or pharmacy's exercise of any right or remedy under applicable law.

House Bill 1777

Effective: 9-1-21

House Author: Oliverson

Senate Sponsor: Hancock

House Bill 1777 amends the Insurance Code to revise certain annuity transaction disclosures and standards. The bill, among other provisions, establishes a new standard of care for an agent recommending an annuity to a consumer that requires the agent to act in the consumer's best interest by satisfying certain care, disclosure, conflict of interest, and documentation obligations. The bill prohibits an insurer from issuing an annuity recommended to a consumer unless there is a reasonable basis to believe the annuity would effectively address the consumer's financial situation, insurance needs, and financial objectives.

House Bill 1777 makes it mandatory for an insurer to establish and maintain a supervision system that meets certain minimum requirements and is reasonably designed to achieve the insurer's and the insurer's agent's compliance with statutory provisions governing the suitability of annuity transactions. The bill adds new requirements for such a system, including a requirement for the insurer to establish and maintain reasonable procedures to identify and eliminate sales contests, sales quotas, bonuses, or noncash compensation that are based on the sale of specific annuities within a limited period of time.

House Bill 1777 sets out safe harbor provisions establishing that recommendations and sales of annuities made in compliance with comparable standards satisfy statutory requirements for the suitability of an annuity transaction if certain conditions are met. The bill also revises the training requirements for an agent who engages in the sale of annuity products and lowers the minimum nonforfeiture interest rate for annuities.

House Bill 1787

Effective: 9-1-21

House Author: Lambert

Senate Sponsor: Menéndez

Current law regarding the required liability coverage under a personal automobile insurance policy for a temporary vehicle provided to an insured by an automobile repair facility contains an outdated reference to named driver policies. House Bill 1787 amends the Insurance Code to update that reference and clarify that such coverage is not required to insure a person specifically named in an authorized named driver exclusion under the policy.

House Bill 1919

Effective: 9-1-21

House Author: Harris et al.

Senate Sponsor: Schwertner et al.

House Bill 1919 amends the Insurance Code to prohibit a health benefit plan issuer or pharmacy benefit manager from taking any of the following actions with regard to an affiliated provider, which is defined as a pharmacy or durable medical equipment provider that controls, is controlled by, or is under common control with the issuer or manager:

- transferring to or receiving from the affiliated provider a record containing patient- or prescriber-identifiable prescription information for a commercial purpose;
- steering or directing a patient to use the affiliated provider through any oral or written communication;
- requiring a patient to use the affiliated provider in order for the patient to receive the maximum benefit for the service under the patient's health benefit plan;

Insurance

- offering or implementing a health benefit plan that requires or induces a patient to use the affiliated provider;
- soliciting a patient or prescriber to transfer a patient prescription to the affiliated provider; or
- requiring a pharmacy or durable medical equipment provider that is not the affiliated provider to transfer a patient's prescription to the affiliated provider without the prior written consent of the patient.

House Bill 2090

Effective: 9-1-21

House Author: Burrows et al.

Senate Sponsor: Hancock

House Bill 2090 amends the Insurance Code to provide for the establishment and administration of a statewide all payor claims database by the Center for Healthcare Data at The University of Texas Health Science Center at Houston for the purpose of increasing public transparency of health care information and improving the quality of health care in Texas. The database will include information relating to medical, dental, pharmaceutical, and other relevant health care claims and encounters, enrollment, and benefit information. The bill requires the Texas Department of Insurance to aid in the center's establishment of the database and provides for the establishment of a stakeholder advisory group to assist the center. Among other provisions relating to the database, the bill provides for a public access portal that allows the public to easily access and navigate information in the database.

House Bill 2090 also sets out provisions regarding health care cost transparency. Under those provisions, a health benefit plan issuer or administrator must provide to the enrollee, on request, cost-sharing information for a specific preventive or non-preventive health care service or supply. The bill requires an issuer or administrator to provide this disclosure through an Internet-based self-service tool, a physical copy, or other means of disclosure as authorized by the bill. In addition, the bill requires an issuer or administrator to publish on a website a network rate machine-readable file, an out-of-network allowed amount machine-readable file, and a prescription drug machine-readable file. The bill specifies the information that must be included in those files and provides the following:

- the files must be available and accessible to any person free of charge and without conditions;
- the files must be updated monthly with a clear indication of the date of the most recent update; and
- an issuer or administrator may contract with another person to provide the files.

House Bill 2595

Effective: 9-1-21

House Author: Price et al.

Senate Sponsor: Nelson

House Bill 2595 amends the Insurance Code to require the commissioner of insurance to develop and maintain a parity complaint portal that is an integrated system that allows for the enrollee of a health benefit plan to submit complaints of suspected violations of state law relating to health benefit plan coverage for mental health conditions and substance use disorders. The bill requires the Health and Human Services Commission (HHSC) to appoint a liaison to receive reports of concerns, complaints, and potential violations submitted through the portal.

House Bill 2595 requires the commissioner, in collaboration with HHSC's ombudsman for behavioral health, to develop educational materials and parity law training sessions regarding coverage for mental health conditions and substance use disorders and to prepare an annual report on the status of rights and responsibilities for mental health condition and substance use disorder benefits and of complaints submitted through the parity complaint portal. The report must be submitted to the appropriate legislative committees and state agencies and published on the portal.

House Bill 2595 amends the Government Code to designate October as Mental Health Condition and Substance Use Disorder Parity Awareness Month.

House Bill 2819**Effective:** 9-1-21**House Author:** Smithee**Senate Sponsor:** Nichols

House Bill 2819 amends the Insurance Code to authorize the Texas Department of Insurance to deny an application for a temporary insurance agent license if it determines that any of the grounds exist for license denial or disciplinary action under applicable state law. The bill extends to 180 days the period during which a temporary license is valid.

House Bill 2920**Effective:** 9-1-21**House Author:** Lozano**Senate Sponsor:** Hancock

House Bill 2920 amends the Insurance Code to require the commissioner of insurance, not later than June 1, 2022, and with the advice of the Texas Windstorm Insurance Association (TWIA), to adopt rules establishing a grace period of not more than 10 days after the due date for the receipt of payment of premium for the renewal of a TWIA policy.

House Bill 3433**Effective:** 9-1-21**House Author:** Smithee et al.**Senate Sponsor:** Hughes

House Bill 3433 amends the Insurance Code to prohibit a health maintenance organization or any legal entity engaged in the business of insurance in Texas from discriminating against an individual because of the individual's political affiliation or expression. The bill subjects an HMO or legal entity that is found to be in violation of or to have failed to comply with the bill's provisions to sanctions or administrative penalties and authorizes the commissioner of insurance to use cease and desist procedures.

House Bill 3459**Effective:** 9-1-21**House Author:** Bonnen et al.**Senate Sponsor:** Buckingham

House Bill 3459 amends the Insurance Code to prohibit a health maintenance organization (HMO), preferred provider benefit plan insurer, or exclusive provider benefit plan insurer that uses a preauthorization process for health care services from requiring a physician or provider to obtain preauthorization for a particular service if, in the most recent six-month evaluation period, the HMO or insurer has approved or would have approved not less than 90 percent of the preauthorization requests submitted by the physician or provider for the particular service. The bill, among other provisions, sets out a process for determining which physicians or providers qualify for a preauthorization exemption, including conditions that must be met for an exemption to be rescinded or denied and procedures for an independent review of an exemption determination. The bill's provisions relating to the preauthorization exemption apply to the Employees Retirement System of Texas and the Teacher Retirement System of Texas but not to Medicaid or CHIP.

House Bill 3459 prohibits a denial or reduction of payment to a physician or provider based on medical necessity or appropriateness of care for a health care service for which the physician or provider has qualified for an exemption unless the physician or provider failed to substantially perform the service or knowingly and materially misrepresented the service in a request for payment with the specific intent to deceive and obtain an unlawful payment. The bill limits the purposes for which an HMO or insurer may conduct a retrospective review of a health care service subject to an exemption and sets out certain notice requirements for an HMO or insurer regarding a physician or provider who qualifies for an exemption.

House Bill 3459 also revises the requirement for a utilization review agent to provide a health care provider with an opportunity to discuss treatment with a licensed physician before the agent issues an adverse determination regarding a service ordered, requested, or provided by the health care provider by requiring the physician to be licensed in Texas and, if the health care provider is a physician, to have the same or similar specialty.

Insurance

[House Bill 3564](#)

Effective: 6-14-21

House Author: Paul

Senate Sponsor: Taylor

House Bill 3564 amends the Insurance Code to prohibit the Texas Department of Insurance from rescinding a certificate of compliance issued for an improvement for purposes of coverage through the Texas Windstorm Insurance Association.

[House Bill 3752](#)

Effective: 9-1-21

House Author: Frank et al.

Senate Sponsor: Hancock

House Bill 3752 amends the Insurance Code to authorize the Texas Mutual Insurance Company (Texas Mutual) to create, acquire, or otherwise own or operate one or more subsidiaries that offer health benefit coverage. Such a subsidiary may offer accident or health insurance or another type of health benefit plan in accordance with a certificate of authority issued to the subsidiary under the Insurance Code, or it may offer alternative health benefit coverage exempted from insurance laws to individuals, small businesses with not more than 250 full-time equivalent employees, or Texas Mutual policyholders or their employees.

House Bill 3752 sets out certain considerations and guiding principles for developing health benefit coverage offerings under the bill's provisions and requires Texas Mutual to submit a legislative report explaining how any anticipated offerings would comply with all of the considerations and guiding principles. The bill provides for a subsidiary's authority to contract with an outside insurance company for purposes of obtaining coverage or transferring risk.

[House Bill 3769](#)

Effective: 9-1-21

House Author: Smithee

Senate Sponsor: Zaffirini

House Bill 3769 amends the Insurance Code to establish disclosure requirements for certain occupational insurance policies designed or marketed to provide coverage to an employer that elects not to maintain workers' compensation insurance coverage.

[House Bill 3924](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Springer et al.

House Bill 3924 amends the Insurance Code to authorize a nonprofit agricultural organization or an affiliate of the organization to offer health benefits to members of the organization and their family members. The bill establishes disclosure requirements for an organization that offers such benefits, prohibits the organization from requiring a waiting period of more than six months for treatment of a preexisting condition otherwise included in the benefits, and provides for the organization's authority to contract with an insurance company for purposes of obtaining coverage or transferring risk. A nonprofit agricultural organization that provides benefits in accordance with the bill's provisions is not a health insurer and is not engaging in the business of health insurance. The bill sets out certain balance billing prohibitions and out-of-network claim dispute resolution procedures applicable to a health benefit plan offered by a nonprofit agricultural organization.

[House Bill 4030](#)

Effective: 9-1-21

House Author: Smithee

Senate Sponsor: Hancock

House Bill 4030 amends the Insurance Code to revise the law relating to the licensing and regulation of insurance professionals. The bill eliminates the subagent designation for individuals acting for or on behalf of an agent and removes the requirement for a corporation or partnership licensed by the Texas Department of Insurance (TDI) to register separately with TDI each of the locations from which it will conduct business in Texas. The bill extends the period of validity for a temporary insurance agent license

and gives TDI the authority to deny an application for a temporary license on certain grounds. The bill authorizes TDI to suspend the issuance of a provisional permit if the processing time for license applications falls below a certain threshold.

House Bill 4030 increases the number of hours of continuing education in ethics that a holder of a TDI-issued license is required to complete during each license renewal period. The bill requires a license issued to a nonresident agent licensed in another state to be automatically suspended, canceled, or revoked if the licensee's home state suspends, cancels, or revokes the licensee's corresponding resident license and removes the requirement for a nonresident agent seeking to transition to a resident agent to include a clearance letter with their license application. The bill removes requirements for a nonresident public insurance adjuster to include a certificate or letter of authorization with their license application and to file an annual affidavit certifying their understanding of relevant laws, rules, and contract terms and conditions.

House Bill 4030 eliminates the insurance services representative license and the life and health insurance counselor license and provides for the conversion of those licenses to general property and casualty insurance agent licenses and general life and health agent licenses, respectively. The bill also eliminates the registration requirements for home office salaried employees and the exemption for such employees from other state law regulating insurance professionals.

Senate Bill 790

Effective: 9-1-21

Senate Author: Zaffirini et al.

House Sponsor: Howard

Senate Bill 790 amends the Local Government Code to authorize a county and a municipality to elect to consider a health benefit plan payment towards a claim for ground or air ambulance services provided by the county or municipality as payment in full for those services, regardless of the amount the county or municipality charged for those services. If the county or municipality makes this election, it may not practice balance billing for such a claim. The bill also sets out a reporting requirement for a study to be conducted by the Texas Department of Insurance with respect to, among other matters, the balance billing practices of ground ambulance service providers.

Senate Bill 827

Effective: 9-1-21

Senate Author: Kolkhorst et al.

House Sponsor: Lucio III et al.

Senate Bill 827 amends the Insurance Code to cap an insured individual's co-pay for prescription insulin that is included in their health benefit plan's formulary at \$25 per prescription for a 30-day supply. A health benefit plan must include at least one insulin from each therapeutic class in its formulary.

Senate Bill 874

Effective: 6-7-21

Senate Author: Hancock

House Sponsor: Oliverson

Senate Bill 874 amends the Insurance Code to postpone the expiration date of statutory provisions relating to the establishment of a temporary health insurance risk pool and the date on which the Texas Department of Insurance is required to begin reporting annually on pool activities.

Senate Bill 918

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Leman

Senate Bill 918 amends the Insurance Code to remove the requirement that an insurance company's annual shareholder meeting to elect directors be held before May 1. The bill decreases from seven to five the minimum number of directors on the board of an insurance company other than a life, health, or accident insurance company and repeals a provision limiting the life, health, or accident insurance

Insurance

companies who may provide staggered terms for their board of directors to those whose board consists of at least nine directors.

[Senate Bill 965](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Lucio III

Current law exempts certain residential property insurers with a low market share from rate filing and approval requirements. Senate Bill 965 amends the Insurance Code to require an exempt insurer that increases the premium rates charged for a residential property insurance product by an annual average amount of eight percent or greater for three consecutive calendar years to file its proposed rates in the calendar year following the three consecutive years and, if applicable, obtain approval of the proposed rates. Certain years in which there is a weather-related catastrophe or other major natural disaster may be excluded in calculating average premium increases.

Senate Bill 965 also repeals provisions that provide for the adoption of reduced filing requirements for certain personal automobile insurers with a low market share.

[Senate Bill 1028](#)

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Smithee et al.

Senate Bill 1028 amends the Insurance Code to change the requirements for health benefit plan coverage for colorectal cancer early detection by revising the applicability of those coverage requirements, lowering to 45 the age at which the coverage must begin for an enrollee, and expanding the examinations, services, and tests that must be covered. The bill limits the circumstances under which a managed care plan may impose a cost-sharing requirement for colorectal cancer early detection coverage.

[Senate Bill 1065](#)

Effective: 9-1-21

Senate Author: Alvarado et al.

House Sponsor: Bernal

Senate Bill 1065 amends the Insurance Code to change the requirement for a health benefit plan that covers a screening mammogram to provide coverage that is no less favorable for a diagnostic mammogram by requiring such a plan instead to provide coverage that is no less favorable for diagnostic imaging for breast cancer that is conducted using mammography, ultrasound imaging, or magnetic resonance imaging. Implementation of a provision of this bill by a state agency or institution subject to the bill is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 1296](#)

Effective: 9-1-21

Senate Author: Johnson

House Sponsor: Oliverson

Senate Bill 1296 amends the Insurance Code to require the commissioner of insurance to establish a process under which the commissioner reviews certain health benefit plan rates and rate changes for compliance with applicable state and federal law and regulations. The bill requires the commissioner to adopt specified rules and guidance regarding individual health benefit plans and sets out additional factors the commissioner is required to consider in making a determination regarding a proposed rate for a qualified health plan, including, if the plan is in the silver level, whether the rate is appropriate for the plan in relation to the rates charged for qualified health plans offering different levels of coverage. The commissioner may consider inflation indexes and, if appropriate, medical claims trends.

Senate Bill 1296 authorizes an applicable health benefit plan issuer to offer different plan designs by rating area to individuals and small employers, provide network access beyond the geographic rating area, and offer plan designs with cost-sharing mechanisms necessary to comply with federal actuarial values in the individual and small group market in Texas. The bill requires the commissioner to seek federal funding for the rate review program. Implementation of a provision of this bill by the Texas Department of Insurance is mandatory only if a specific appropriation is made for that purpose.

Senate Bill 1367**Effective:** 9-1-21**Senate Author:** Creighton**House Sponsor:** Oliverson

Senate Bill 1367 amends the Insurance Code to exempt certain lines of commercial insurance from rate and form filing requirements and from the diligent effort requirements for placing surplus lines insurance. The bill authorizes the commissioner of insurance to temporarily reinstate those requirements for a specific kind of insurance on finding that a reasonable degree of competition does not exist for that kind of insurance. The bill also exempts certain large risks from rate filing requirements.

Senate Bill 1448**Effective:** 9-1-21**Senate Author:** Taylor et al.**House Sponsor:** Bonnen

Senate Bill 1448 amends the Insurance Code to prohibit the Texas Windstorm Insurance Association (TWIA) from filing an increased rate unless two-thirds of the board of directors votes to approve the rate. The bill transfers the responsibility to conduct a one-time study of the funding and funding structure of TWIA to the windstorm insurance legislative oversight board and postpones the deadline by which that oversight board is required to submit a report of its study on whether to merge TWIA and the FAIR Plan.

Senate Bill 1602**Effective:** 9-1-21**Senate Author:** Taylor**House Sponsor:** Thompson, Ed

Senate Bill 1602 amends the Insurance Code to prohibit an insurer from renewing a private passenger automobile insurance policy if the named insured fails or refuses to cooperate with the insurer in the investigation, settlement, or defense of a claim or action. If an insured under such a policy fails or refuses to provide that cooperation or the insurer is unable to contact the insured using reasonable efforts, the insurer must provide written notice to the named insured that states, among other information, that the insurer will not renew the policy if the insured continues to fail or refuse to cooperate.

Senate Bill 1809**Effective:** 9-1-21**Senate Author:** Hancock**House Sponsor:** Vo

Senate Bill 1809 amends the Insurance Code to revise provisions relating to the enforcement of insurance laws with respect to unauthorized persons who engage in the business of insurance in violation of the law. The bill, among other provisions, does the following:

- revises the conditions under which the commissioner of insurance may issue an emergency cease and desist order and makes certain changes to the timeline for a hearing on such an order;
- authorizes the commissioner to impose an administrative penalty or order restitution for unauthorized insurance activity;
- eliminates time limits for the commissioner to hold a hearing on whether to seek administrative relief for unauthorized insurance activity;
- establishes a specific deadline by which a person must respond to a request for information relating to an act that the commissioner or the Texas Department of Insurance believes constitutes the business of insurance and establishes that failure to provide the requested information constitutes a violation and may be used as evidence to support the issuance of an emergency cease and desist order;
- increases the maximum civil penalty for a person or entity that violates statutory provisions relating to unauthorized insurance or statutory provisions relating to an unauthorized and independently procured insurance premium tax; and
- increases the monetary penalty imposed on a person who is the subject of a written order to produce certain information based on the commissioner's belief that unauthorized insurance has been effectuated by or for the person and who either fails to timely comply with the order or wilfully makes a disclosure that is untrue, deceptive, or misleading.

Insurance

[Senate Bill 1954](#)

Effective: 9-1-21

Senate Author: Hancock

House Sponsor: Oliverson

Senate Bill 1954 amends the Insurance Code to make changes relating to the pledge or encumbrance of an insurer's assets under the Asset Protection Act. The bill revises the act's definition of "asset," establishes certain exemptions from the act, and authorizes the commissioner of insurance to adopt rules regarding the act. The bill provides certain clarification regarding the calculation of the quantitative limits on the encumbrance of an insurer's assets and the point at which compliance with those limits is considered to be achieved. The bill makes certain provisions of the act inapplicable with respect to pledges or encumbrances permitted in a commissioner-approved transaction relating to separate accounts for guaranteed benefits or funds. The bill subjects a governmental entity to a provision relating to claimant liens on assets.

[Senate Bill 2016](#)

Effective: 6-16-21

Senate Author: Johnson

House Sponsor: Paul

Senate Bill 2016 amends the Insurance Code to establish that a provision of the code mandating the coverage of certain health benefits that is enacted on or after January 1, 2012, does not apply to a qualified health plan if a determination is made that the provision requires the plan to offer benefits in addition to the essential health benefits required under the federal Affordable Care Act and that the state must make payments to defray the cost of the additional benefits mandated by the provision. If such a determination is made, the provision also does not apply to a non-qualified health plan that is offered in the same market as the qualified health plan.

[Senate Bill 2124](#)

Effective: 9-1-21

Senate Author: Blanco et al.

House Sponsor: Lucio III

Senate Bill 2124 amends the Insurance Code to authorize the plan sponsor of a health benefit plan, including a vision or dental benefit plan, to consent on behalf of a party enrolled in the plan to the electronic delivery of certain written communications. The bill sets out actions the plan sponsor must take before giving that consent, including providing the party an opportunity to opt out of electronic delivery.

JUVENILE JUSTICE

This chapter covers legislation relating to juvenile justice generally, juvenile records, and juvenile court proceedings. Legislation relating to family law, including child custody and support, family violence, and child abuse, is in the [Family Law](#) chapter.

[House Bill 80](#)

Effective: 9-1-21

House Author: Johnson, Jarvis et al.

Senate Sponsor: Whitmire

House Bill 80 amends the Code of Criminal Procedure to prohibit a justice of the peace or municipal court judge from requiring a defendant who is under the conservatorship of the Department of Family and Protective Services or in extended foster care to pay any amount of a fine and costs imposed by the justice or judge. The bill authorizes the justice or judge to require the defendant to perform community service in lieu of the payment of fine and costs as appropriate.

[House Bill 454](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton et al.

House Bill 454 amends the Government Code to authorize the commissioners court of a county to establish a juvenile family drug court program for individuals who are suspected by the Department of Family and Protective Services or the court of having a substance abuse problem and who reside in the home of a child who is the subject of a case filed under the juvenile justice code. The bill sets out related provisions, including provisions regarding participant payment for treatment and services under the program and financing of the court.

[House Bill 686](#)

Effective: Vetoed

House Author: Moody et al.

Senate Sponsor: Lucio et al.

House Bill 686 amends the Government Code to require a parole panel to take certain factors relating to growth and maturity into consideration when determining whether to release on parole an inmate who was younger than 17 years of age at the time the applicable offense was committed. The bill changes parole eligibility for an inmate serving a sentence for certain capital or first degree felony offenses committed when the inmate was younger than 17 years of age.

Governor's Reason for Veto: "The author of House Bill 686 is to be commended for aiming to provide opportunities for the young offender population. The bill, which addresses parole eligibility for juvenile offenders, admirably recognizes the potential for change and encourages rehabilitation and productiveness in the young offender population. As written, though, the bill's language conflicts with jury instructions required by the Texas Code of Criminal Procedure, which would result in confusion and needless, disruptive litigation. And the bill would cause disparate results in parole eligibility for juvenile offenders by failing to account for all circumstances in Texas Code of Criminal Procedure 42A.054. Further changes to address these issues will allow for meaningful reform on this important matter, and I look forward to working with the House author to accomplish that goal."

[House Bill 1193](#)

Effective: Vetoed

House Author: Wu et al.

Senate Sponsor: Whitmire

House Bill 1193 amends the Family Code to establish that a juvenile court retains jurisdiction over certain persons whose proceedings have been delayed through no fault of the state. The bill requires a juvenile court, on receipt of an application for the sealing of certain juvenile records, to hold a hearing to determine whether ordering the records sealed is in the best interest of the person and of justice and authorizes the court to order the records to be sealed.

Juvenile Justice

Governor's Reason for Veto: "People who commit youthful indiscretions should have the opportunity to turn their lives around and not be burdened by a criminal record as an adult. Texas law already allows juveniles to clear their records in appropriate circumstances. House Bill 1193, however, would allow juveniles who were sentenced for serious violent crimes to hide their acts from society and from future employers. I have vetoed similar bills in past sessions that would have concealed serious offenses, and I must do so again here."

[House Bill 1401](#)

Effective: 9-1-21

House Author: Johnson, Ann et al.

Senate Sponsor: Huffman

House Bill 1401 amends the Family Code to authorize an application for sealing juvenile records to be sent to the juvenile court by any reasonable method authorized under the Texas Rules of Civil Procedure, including secure electronic means. The bill also authorizes a court clerk to send copies of an order sealing juvenile records to the entities listed in the order by secure electronic means and eliminates the clerk's specific authority to send copies of the order by regular mail and email.

[House Bill 1664](#)

Effective: 9-1-21

House Author: White et al.

Senate Sponsor: Eckhardt

House Bill 1664 amends the Human Resources Code to require the Health and Human Services Commission to reinstate Medicaid eligibility for the duration of a child's inpatient stay if the child is hospitalized or becomes an inpatient in another type of medical facility while placed in a juvenile facility.

[House Bill 2107](#)

Effective: 9-1-21

House Author: Wu

Senate Sponsor: Menéndez

House Bill 2107 amends the Family Code to require a juvenile court to order a child who is unfit or lacks responsibility to proceed in juvenile court proceedings as a result of an intellectual disability to receive services for the disability on an outpatient basis for a specified period if the court determines that the child may be adequately treated or served in an alternative setting. The bill requires the court to consult with the probation department and with local treatment or service providers to determine the appropriate treatment or services for such a child before issuing the order.

[House Bill 2669](#)

Effective: 9-1-21

House Author: Guillen

Senate Sponsor: Zaffirini

House Bill 2669 reenacts and amends provisions of the Code of Criminal Procedure to establish the confidentiality of the criminal records of a child who is charged with or convicted of a fine-only misdemeanor, other than a traffic offense, or whose conviction for such an offense is appealed.

[House Bill 4158](#)

Effective: 6-8-21

House Author: Turner, John

Senate Sponsor: Kolkhorst

House Bill 4158 amends the Family Code to clarify that confidential criminal history record information contained in the juvenile justice information system may be disseminated by the Department of Public Safety to the Health and Human Services Commission as provided by statutory provisions granting access to that information.

[House Bill 4544](#)

Effective: 9-1-21

House Author: Swanson

Senate Sponsor: Whitmire et al.

House Bill 4544 amends the Human Resources Code and Transportation Code to provide for the issuance to a child being released or discharged from the supervision of the Texas Juvenile Justice

Department (TJJD) of a personal identification certificate, a certified copy of the child’s birth certificate, and a copy of the child’s social security card. The bill requires TJJD, the Department of Public Safety, and the vital statistics unit of the Department of State Health Services to adopt a memorandum of understanding that establishes their respective responsibilities with respect to the issuance of a personal identification certificate to a child. The bill establishes a \$5 fee for a personal identification certificate issued under the bill’s provisions.

[House Bill 4568](#)

Effective: 6-14-21

House Author: Holland

Senate Sponsor: Hall

House Bill 4568 amends the Human Resources Code to revise the composition of the Rockwall County Juvenile Board by including all judges of the county courts at law in Rockwall County.

[Senate Bill 511](#)

Effective: 5-24-21

Senate Author: Perry

House Sponsor: Spiller

Senate Bill 511 amends the Human Resources Code to authorize the juvenile boards of Crosby and Lubbock Counties and the juvenile boards of one or more counties that are adjacent to or in close proximity to either county to agree to operate together with respect to all matters, or with respect to certain matters specified by the juvenile boards.

[Senate Bill 2049](#)

Effective: 9-1-21

Senate Author: Menéndez

House Sponsor: Wu

Senate Bill 2049 amends the Family Code to authorize a juvenile court to appoint the guardian ad litem who is appointed for a child in a suit filed by the Department of Family and Protective Services to also serve as the guardian ad litem for the child in a proceeding held under the juvenile justice code. In addition, the bill authorizes a court to appoint the person appointed as such a guardian ad litem to also serve as the guardian ad litem for a child in a suit filed by a governmental entity seeking termination of the parent-child relationship or the appointment of a conservator for a child if the person is applicably qualified to serve as guardian ad litem. The bill prohibits a non-attorney guardian ad litem in a case involving a dual-system child from investigating any charges involving a dual-status child that are pending with the juvenile court or offering testimony concerning the guilt or innocence of a dual-status child.

This page intentionally left blank.

LABOR AND EMPLOYMENT

This chapter covers legislation on workers and employers, including legislation on unemployment benefits, workers' compensation, and workforce development.

[House Bill 7](#)

Effective: 5-13-21

House Author: Button et al.

Senate Sponsor: Nelson et al.

House Bill 7 amends the Labor Code to require the Texas Workforce Commission, in computing the replenishment ratio used to determine an experience-rated employer's unemployment compensation contribution tax rate, to exclude the amount of unemployment benefits paid and not effectively charged to an employer's account as a result of an order or proclamation by the governor declaring at least 50 percent of Texas counties to be in a state of disaster or emergency.

[House Bill 21](#)

Effective: 9-1-21

House Author: Neave et al.

Senate Sponsor: Zaffirini et al.

House Bill 21 amends the Labor Code to set the statute of limitations for filing a complaint alleging sexual harassment with the Texas Workforce Commission at 300 days after the date the alleged conduct occurred.

[House Bill 619](#)

Effective: 9-1-21

House Author: Thompson, Senfronia et al.

Senate Sponsor: Alvarado et al.

House Bill 619 amends the Labor Code to require the Texas Workforce Commission (TWC) to prepare a strategic plan for improving the quality of the infant, toddler, preschool, and school-age child-care workforce in Texas. The bill, among other provisions, requires the TWC to provide the plan to the governor, lieutenant governor, and speaker of the house of representatives and to update the plan every three years.

[House Bill 1247](#)

Effective: 9-1-21

House Author: Lozano et al.

Senate Sponsor: Powell et al.

House Bill 1247 amends the Labor Code to require the Texas Workforce Commission, Texas Education Agency, and Texas Higher Education Coordinating Board to jointly develop a strategic framework to encourage work-based learning in Texas.

[House Bill 1752](#)

Effective: 6-4-21

House Author: Oliverson et al.

Senate Sponsor: Schwertner

House Bill 1752 amends the Texas Workers' Compensation Act, Labor Code, to condition the authority of the Texas Department of Insurance workers' compensation division to conduct a benefit review conference in person on the division's determination that good cause to do so has been shown. The bill gives the division the option to conduct such a conference by videoconference as an alternative to doing so telephonically or in person.

[House Bill 1753](#)

Effective: 6-15-21

House Author: Oliverson

Senate Sponsor: Schwertner

House Bill 1753 amends the Insurance Code and Labor Code to change the frequency with which the workers' compensation research and evaluation group is required to issue a consumer report card on workers' compensation health care networks from annually to biennially and to set a specific deadline

Labor and Employment

for the report card's issuance. The bill repeals certain biennial reporting requirements for that group and the commissioner of insurance regarding the impact of the 2005 legislative reforms to the workers' compensation system.

[House Bill 1792](#)

Effective: 9-1-21

House Author: Button et al.

Senate Sponsor: Zaffirini

House Bill 1792 amends the Government Code to provide for the required evaluation of child-care providers participating in the Texas Rising Star Program through a single entity selected by the Texas Workforce Commission to oversee a statewide roster of qualified assessors.

[House Bill 1799](#)

Effective: 9-1-21

House Author: Button et al.

Senate Sponsor: Zaffirini

House Bill 1799 amends the Education Code to require the Texas Workforce Commission (TWC) at least annually to prepare and submit to the Texas Workforce Investment Council or to the Apprenticeship and Training Advisory Committee, as designated by the council, a report that includes an apprenticeship-related instruction cost study for the most recent state fiscal year and the funding distribution for apprenticeship-related instruction programs for the state fiscal year in which the report is submitted. The bill removes the requirement for the TWC to prepare an update to the Apprenticeship Related Instruction Cost Study prior to each biennial legislative session.

[House Bill 2607](#)

Effective: 9-1-21

House Author: Talarico et al.

Senate Sponsor: Lucio et al.

House Bill 2607 amends the Government Code and Labor Code to establish and provide for an entry level rating for child-care providers under the Texas Rising Star Program. The bill sets out the required qualifications for and restrictions applicable to the rating, including the specification that a provider participating at the entry level rating is not eligible for increased reimbursement rates under the program. Among other provisions, the bill requires the Texas Workforce Commission (TWC) to assess the number of 3-star rated and 4-star rated child-care providers participating in partnerships with public school districts and public charter schools.

House Bill 2607 requires each local workforce development board to inform the local school districts and open-enrollment charter schools in the workforce development area regarding opportunities to partner with child-care providers in the board's area to expand access to and provide facilities for prekindergarten programs.

Implementation of a provision of House Bill 2607 by the TWC or local workforce development boards is mandatory only if federal money is available for that purpose and using the federal money for that purpose would not result in supplanting or decreasing existing funding for programs currently funded by the TWC using available federal money under the Child Care Development Block Grant.

[House Bill 3767](#)

Effective: 9-1-21

House Author: Murphy et al.

Senate Sponsor: Bettencourt et al.

House Bill 3767, the Texas Education and Workforce Alignment Act, amends the Government Code to establish the Tri-Agency Workforce Initiative. Under the initiative, the Texas Education Agency (TEA), Texas Higher Education Coordinating Board (THECB), and Texas Workforce Commission (TWC) coordinate and improve information and other resources as necessary to ensure that the use of state and federal education and workforce funds is efficiently aligned to achieve state workforce development goals, align career education and training programs to workforce demands, and enable local and state policy makers to identify the workforce outcomes of participants in career education and training programs and progress

toward the state workforce development goals. Among other provisions regarding the initiative, the bill provides for the following:

- interagency agreements entered into by TEA, the THECB, and the TWC;
- the development of a strategic plan for the operation of a unified repository for education and workforce data;
- the development and update of state workforce development goals and coordinated interagency strategies for achieving those goals, including an opportunity for comment on the proposed goals or strategies;
- the establishment of a publicly accessible web-based library of credentials;
- the establishment of Internet-based resources for the initiative; and
- student success reporting with respect to students previously enrolled in a career education and training program offered by a school or institution.

Implementation of the bill provisions requiring a strategic plan for the operation of a unified workforce data repository and requiring student success reporting is mandatory only if a specific appropriation is made for that purpose or the agencies receive gifts, grants, or donations for that purpose.

House Bill 3767 amends the Labor Code to establish that it is the intent of the legislature that the TWC work with employers to enhance the reporting of employment and earnings data by employers to the TWC as part of the employer's routine wage filings under the Texas Unemployment Compensation Act or TWC rule and consistent with federal law and regulations. However, implementation of this provision is mandatory only if a specific appropriation is made for that purpose.

House Bill 3938

Effective: 6-15-21

House Author: Bell, Keith et al.

Senate Sponsor: Powell et al.

House Bill 3938 amends the Labor Code to establish the industry-based certification advisory council to advise the Texas Workforce Commission (TWC) regarding the alignment of public high school career and technology education programs with current and future workforce needs in communities, regions, and the state and transfers to the advisory council certain relevant duties formerly assigned to the Texas Education Agency, the Texas Higher Education Coordinating Board, and the TWC.

House Bill 4279

Effective: 9-1-21

House Author: Dominguez

Senate Sponsor: Hinojosa

House Bill 4279 amends the Education Code to make the Windham School District eligible for a grant under the Jobs and Education for Texans (JET) grant program.

Senate Bill 22

Effective: 6-14-21

Senate Author: Springer et al.

House Sponsor: Patterson et al.

Senate Bill 22 amends the Government Code to prescribe the conditions under which a detention officer, custodial officer, firefighter, peace officer, or emergency medical technician who suffers from SARS-CoV-2 or COVID-19 that results in death or total or partial disability is presumed to have contracted the virus or disease during the course and scope of the individual's employment for purposes of benefits or compensation that the individual or their spouse may be entitled to receive. This presumption is rebuttable in the same manner as other presumptions relating to diseases or illnesses suffered by public safety employees, but a rebuttal may not be based solely on evidence relating to the risk of exposure to SARS-CoV-2 or COVID-19 of a person with whom a qualified individual resides.

Senate Bill 22 amends the Labor Code to authorize an injured employee who is subject to the presumption regarding SARS-CoV-2 or COVID-19 and whose claim for workers' compensation benefits is determined to be compensable by an insurance carrier or the workers' compensation division to request

Labor and Employment

reimbursement for health care paid by the employee, including copayments and partial payments, by submitting to the carrier a written request and documentation showing the amounts paid to the health care provider. The bill provides a deadline by which the carrier must provide reimbursement or deny the request and authorizes an employee whose request is denied to seek medical dispute resolution. The bill establishes procedures for the reprocessing of a claim for benefits related to SARS-CoV-2 or COVID-19 that was denied before the bill's effective date. The bill's provisions expire September 1, 2023.

[Senate Bill 45](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Zwiener et al.

Senate Bill 45 amends the Labor Code to establish that an employer commits an unlawful employment practice if sexual harassment of an employee occurs and the employer or the employer's agents or supervisors know or should have known that the conduct constituting sexual harassment was occurring and fail to take immediate and appropriate corrective action.

[Senate Bill 695](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Hefner

Senate Bill 695 amends the Labor Code to revise the method through which the Texas Workforce Commission is required to serve a notice of assessment on a defaulting employer under the Texas Unemployment Compensation Act.

[Senate Bill 770](#)

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Button et al.

Senate Bill 770 amends the Labor Code to make eligible for the job-training programs provided under the self-sufficiency fund any individuals who are identified by the Texas Workforce Commission as being low-income or at risk of becoming dependent on public assistance benefits.

[Senate Bill 788](#)

Effective: 9-1-21

Senate Author: Creighton et al.

House Sponsor: Howard

Senate Bill 788 amends the Education Code to require the Texas Education Agency, the Texas Higher Education Coordinating Board, and the Texas Workforce Commission jointly to develop and make available specified model data-sharing agreements for sharing information subject to the federal Family Educational Rights and Privacy Act of 1974 (FERPA) for purposes of the evaluation of the electronic student records system and improved support of students and workforce preparation participants.

[Senate Bill 818](#)

Effective: 9-1-21

Senate Author: Powell et al.

House Sponsor: Turner, Chris

Senate Bill 818 amends the Texas Unemployment Compensation Act, Labor Code, to establish that an individual is not disqualified for unemployment benefits if the individual's separation from employment was caused by being called to provide service in the federal uniformed services or the Texas military forces. The bill establishes an exclusion from unemployment benefit chargebacks for an employer of such an individual, provided that the employer has not violated reemployment provisions of state and federal law with respect to the individual.

[Senate Bill 1524](#)

Effective: 1-1-22

Senate Author: Hughes et al.

House Sponsor: Guillen

Senate Bill 1524 amends the Tax Code to establish a sales and use tax refund pilot program for certain persons who employ at least one apprentice in a qualified apprenticeship for at least seven months during the calendar year.

Senate Bill 1555

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Raney et al.

Senate Bill 1555 amends the Government Code to require each local workforce development board to establish and implement graduated reimbursement rates for child-care providers participating in the Texas Workforce Commission's (TWC) subsidized child-care program that align the TWC age groupings with the child-to-caregiver ratios and group sizes adopted by the Health and Human Services Commission. Among other provisions, the bill provides that the graduated rates must provide the highest reimbursement rate to the providers that provide care to children in the age group with the lowest child-to-caregiver ratio.

Senate Bill 1801

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Turner, Chris

Senate Bill 1801 amends the Texas Unemployment Compensation Act, Labor Code, to require the Texas Workforce Commission to accept payment for a refund of unemployment benefits issued in error by personal check, cashier's check, money order, debit card, electronic check, or electronic funds transfer. Refunds must be accepted through the mail and by Internet.

Senate Bill 2099

Effective: 9-1-21

Senate Author: Zaffirini et al.

House Sponsor: Patterson

Senate Bill 2099 amends the Texas Unemployment Compensation Act, Labor Code, to require the Texas Workforce Commission (TWC) to ensure that a person who files a claim for unemployment benefits is able to check the status of the person's claim through one or more convenient telephonic or electronic methods. Each method must provide the person with an option to submit the person's contact information and receive a return phone call or e-mail response within a reasonable time. The bill requires the TWC to include detailed information regarding the available methods on the TWC website.

This page intentionally left blank.

LAW ENFORCEMENT

This chapter covers legislation relating to peace officers, law enforcement agencies, and the duties and functions of the Texas Commission on Law Enforcement. Legislation relating to peace officer retirement systems is in the [Public Retirement Systems](#) chapter, and legislation relating to the regulation of handguns, firearms, and other weapons is in the [Public Safety](#) chapter. Legislation on crime victims and criminal offenses, penalties, and procedures is in the [Criminal Justice](#) chapter, and legislation on juvenile offenders and proceedings is in the [Juvenile Justice](#) chapter.

[House Bill 54](#)

Effective: 5-26-21

House Author: Talarico et al.

Senate Sponsor: Whitmire et al.

House Bill 54, Javier Ambler’s Law, amends the Government Code to prohibit a state or local law enforcement agency from authorizing a person to accompany and film a peace officer acting in the line of duty for the purpose of producing a reality television program.

[House Bill 315](#)

Effective: 9-1-21

House Author: VanDeaver et al.

Senate Sponsor: Hughes et al.

House Bill 315 amends the Government Code to authorize an honorably retired or medically discharged state peace officer or that officer’s nearest surviving relative to purchase a uniform previously issued to the individual by the officer’s commissioning state agency and to authorize the officer who purchases the uniform or on whose behalf the uniform is purchased to be buried in it.

[House Bill 558](#)

Effective: 9-1-21

House Author: White et al.

Senate Sponsor: Hall et al.

House Bill 558 amends the Transportation Code to require a peace officer to require the taking of a person’s blood specimen on arrest for an intoxication or alcoholic beverage offense involving the operation of a motor vehicle or a watercraft under certain circumstances.

[House Bill 929](#)

Effective: 9-1-21

House Author: Sherman, Sr. et al.

Senate Sponsor: West et al.

House Bill 929, the Botham Jean Act, amends the Occupations Code to require a law enforcement agency’s policy regarding body worn cameras to provide for the collection of the camera and the applicable recorded video and audio as evidence and for a peace officer’s duty to keep the camera activated when wearing the camera and actively participating in an investigation. The bill limits the encounters for which an officer may choose not to activate a body worn camera or to discontinue a recording in progress to encounters not related to an investigation.

[House Bill 1677](#)

Effective: 9-1-21

House Author: Holland et al.

Senate Sponsor: Springer

House Bill 1677 amends the Government Code to authorize the State Preservation Board to establish a Texas Police Service Animals Memorial Monument on the grounds of the Capitol Complex adjacent to the Texas Peace Officers’ Memorial Monument to recognize and honor police service animals that were killed in the line of duty. The bill provides for the maintenance and funding of the monument.

Law Enforcement

[House Bill 1758](#)

Effective: 9-1-21

House Author: Krause

Senate Sponsor: Birdwell

House Bill 1758 amends the Code of Criminal Procedure and Penal Code to require each law enforcement agency that uses or intends to use a drone for law enforcement purposes to adopt and update as necessary a written policy regarding the agency's use of force by means of a drone and to submit the policy to the Texas Commission on Law Enforcement every two years. The bill also limits the circumstances under which the use of force, including deadly force, involving a drone is justified.

[House Bill 1900](#)

Effective: 9-1-21

House Author: Goldman et al.

Senate Sponsor: Huffman et al.

House Bill 1900 amends the Government Code, Local Government Code, Tax Code, and Utilities Code to provide for the classification by the criminal justice division of the governor's office of a municipality with a population of more than 250,000 that adopts a budget that reduces appropriations to its police department year-over-year as a defunding municipality until the funding reductions are reversed, adjusted for inflation. The bill includes certain exceptions under which a reduction in funding to a municipal police department does not constitute defunding the department, including a process by which a municipality can apply to and receive approval from the division to reduce funding to its police department.

In addition to placing restrictions on a defunding municipality's power to annex an area, House Bill 1900 requires a defunding municipality to hold an election in each area annexed by the municipality in the preceding 30 years and to disannex any area that votes in favor of disannexation. The bill prohibits a defunding municipality from adopting a property tax rate that exceeds the lesser of its current no-new-revenue tax rate or voter-approval tax rate and provides for a downward adjustment in the municipality's no-new-revenue maintenance and operations tax rate to account for its reduction in public safety expenditures. The bill provides for a defunding municipality's share of municipal sales and use tax revenue to be reduced to cover state expenditures to provide law enforcement services in the municipality. The bill establishes minimum retirement funding requirements for a defunding municipality and restricts a defunding municipality's authority to increase rates and fees charged by its municipally owned utility, if applicable.

[House Bill 1938](#)

Effective: 9-1-21

House Author: Jetton et al.

Senate Sponsor: Kolkhorst et al.

House Bill 1938 amends the Occupations Code to establish a grant program under which a law enforcement agency in Texas that provides body worn cameras to its peace officers may apply to the governor's office for a grant to defray the cost of data storage for recordings created with the cameras.

[House Bill 2677](#)

Effective: 5-15-21

House Author: Bonnen et al.

Senate Sponsor: Taylor

House Bill 2677 amends the Government Code to name the existing statewide alert for missing adults younger than 65 years of age the Coordinated Law Enforcement Adult Rescue (CLEAR) alert.

[House Bill 3452](#)

Effective: 6-16-21

House Author: White

Senate Sponsor: Buckingham

House Bill 3452 amends the Code of Criminal Procedure to grant the powers of arrest, search, and seizure under state law with respect to felony offenses to special agents of the U.S. Department of Commerce's Office of Export Enforcement, the U.S. Army's Criminal Investigation Command, and the U.S. Air Force's Office of Special Investigations.

House Bill 3712**Effective:** 9-1-21**House Author:** Thompson, Ed et al.**Senate Sponsor:** West et al.

House Bill 3712 amends the Occupations Code to set out provisions relating to the training of and policies for peace officers. Among other provisions, the bill requires the basic peace officer training course to be no less than 720 hours and to include training on the prohibition against using certain neck restraints in searching or arresting a person, an officer's duty to intervene to stop or prevent another officer from using excessive force against a suspect, and an officer's duty to request emergency medical services personnel and provide first aid or treatment in certain circumstances. The bill requires the Texas Commission on Law Enforcement, in consultation with the Bill Blackwood Law Enforcement Management Institute of Texas and other interested parties, to develop and maintain a model training curriculum and model policies for law enforcement agencies and peace officers that address those topics and requires each law enforcement agency in Texas to adopt a policy on those topics.

Senate Bill 23**Effective:** 1-1-22**Senate Author:** Huffman et al.**House Sponsor:** Oliverson et al.

Senate Bill 23 amends the Local Government Code to require a county with a population of more than one million to hold an election to obtain voter approval before implementing an applicable reduction or reallocation of funding to or resources for a primary law enforcement agency, excluding a 9-1-1 call center. Among other provisions, the bill authorizes a person who believes that the county in which they reside has implemented a proposed reduction or reallocation without the required voter approval to file a complaint with the criminal justice division of the governor's office and requires the division to provide written notice of a potentially valid complaint to the county that is the subject of the complaint in order to provide the county the opportunity to correct the action that is the subject of the complaint before referring the complaint to the comptroller of public accounts. The bill requires the comptroller, on request by the division, to determine whether a county has implemented the proposed reduction or reallocation without the required voter approval. If the comptroller makes an affirmative determination, the county may not adopt a property tax rate that exceeds the county's no-new-revenue tax rate until the earlier of the date on which each reduction and reallocation that was a subject of the determination has been approved in an election or the date the comptroller issues a written determination that the county has reversed each funding reduction, adjusted for inflation, and personnel reduction or has restored all reallocated funding and resources.

Senate Bill 24**Effective:** 9-1-21**Senate Author:** Huffman et al.**House Sponsor:** Bonnen et al.

Senate Bill 24 amends the Local Government Code and Occupations Code to revise the preemployment screening procedures for law enforcement agencies in hiring law enforcement officers. Among other provisions, the bill requires the Texas Commission on Law Enforcement to establish and post online related forms and procedures and to retain records of certain preemployment confirmation forms submitted by law enforcement agencies. The bill establishes that noncompliance with certain procedures is grounds for suspension of a law enforcement agency head's license and provides immunity from civil liability for law enforcement agencies and personnel in making a person's information available to a hiring law enforcement agency.

Senate Bill 64**Effective:** 6-14-21**Senate Author:** Nelson et al.**House Sponsor:** White

Senate Bill 64 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to develop a peer support network for law enforcement officers in both rural and urban jurisdictions and to submit an annual report on the network to the governor and the legislature. The bill authorizes

Law Enforcement

TCOLE to contract with appropriate institutions of higher education to develop the network and provides for the confidentiality and prohibited disclosure of information relating to a law enforcement officer's participation in services under the network. Additionally, an officer's participation may not serve as the basis for a revocation, suspension, or denial of a license by TCOLE or be considered in any proceeding related to the officer's licensure.

[Senate Bill 69](#)

Effective: 9-1-21

Senate Author: Miles et al.

House Sponsor: White et al.

Senate Bill 69 amends the Code of Criminal Procedure to prohibit a peace officer from intentionally using a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person. The bill establishes an officer's duty to intervene to stop or prevent another officer from using excessive force in certain circumstances and requires an officer who witnesses the use of excessive force by another officer to report the incident to the witnessing officer's supervisor.

[Senate Bill 112](#)

Effective: 9-1-21

Senate Author: West

House Sponsor: Sherman, Sr. et al.

Senate Bill 112 amends the Code of Criminal Procedure to require a warrant for law enforcement to obtain the disclosure of certain location information that is held in electronic storage by providers of an electronic communications service or a remote computing service. The bill provides for the application, issuance, duration, and sealing of the warrant and for the emergency disclosure of the location information without a warrant in certain circumstances. Additionally, the bill revises provisions relating to the installation and use of mobile tracking devices by law enforcement.

[Senate Bill 198](#)

Effective: 9-1-21

Senate Author: Nelson

House Sponsor: White

Senate Bill 198 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE) to issue a certificate of weapons proficiency to a qualified retired law enforcement officer who satisfactorily demonstrates the proficiency to a qualified handgun instructor and meets other requirements. The bill requires TCOLE to maintain records of any person who holds a certificate issued in this manner.

[Senate Bill 1359](#)

Effective: 9-1-21

Senate Author: Hughes et al.

House Sponsor: White

Senate Bill 1359 amends the Government Code to require each law enforcement agency to develop and adopt a policy allowing the use of mental health leave by the peace officers employed by the agency who experience a traumatic event in the scope of that employment.

[Senate Bill 2212](#)

Effective: 9-1-21

Senate Author: West et al.

House Sponsor: Thompson, Senfronia et al.

Senate Bill 2212 amends the Code of Criminal Procedure to require a peace officer who encounters an injured person while discharging the officer's official duties to immediately and as necessary request emergency medical services (EMS) personnel to provide the person with emergency medical services and, while waiting for EMS personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skill and training. The bill provides exceptions to this requirement in certain circumstances when the officer is injured or when making the request or providing treatment would expose someone to a risk of bodily injury.

LOCAL GOVERNMENT

This chapter covers legislation generally relating to the powers and duties of counties, municipalities, and other political subdivisions. Legislation relating to special districts is in the [Special Districts](#) chapter, and legislation on a specific topic that may involve a political subdivision is in the chapter that covers that topic.

[House Bill 72](#)

Effective: 9-1-21

House Author: Reynolds et al.

Senate Sponsor: Miles

House Bill 72 amends the Local Government Code to include Fort Bend County as one of the counties whose board of park commissioners under current law may, subject to approval by the applicable commissioners court, adopt reasonable rules concerning the use of any park administered by the respective board. Fort Bend County, however, is prohibited from adopting rules relating to the use of fireworks. The bill changes the penalty for violating a rule from a Class C misdemeanor to a civil penalty of not more than \$100 per violation. An applicable county may bring suit in a district court or county court to recover a civil penalty.

[House Bill 180](#)

Effective: 6-4-21

House Author: González, Mary

Senate Sponsor: Blanco

House Bill 180 amends the Local Government Code to authorize the commissioners court of El Paso County to allow an applicable employee to voluntarily transfer vacation leave time earned by the employee to a county sick leave pool.

[House Bill 362](#)

Effective: 5-15-21

House Author: Sherman, Sr.

Senate Sponsor: West

House Bill 362 amends the Local Government Code to authorize a commissioners court to require electronic submission of bids or proposals under the County Purchasing Act if the county makes all technology necessary for that submission available to any person who submits a hard-copy bid or proposal in person.

[House Bill 604](#)

Effective: 9-1-21

House Author: Noble et al.

Senate Sponsor: Zaffirini et al.

House Bill 604 amends the Health and Safety Code to require an applicable animal shelter, releasing agency, or animal rescue organization to scan an animal as soon as practicable after the animal is placed in the custody of the shelter, agency, or organization to determine whether a microchip is implanted in the animal.

[House Bill 738](#)

Effective: See below

House Author: Paul

Senate Sponsor: Nichols

House Bill 738 amends the Local Government Code to update the International Residential Code and International Building Code that the state adopts as a municipal residential building code and as a municipal commercial building code, respectively, to the versions of the codes as they existed on May 1, 2012. The bill prohibits a municipality from adopting a local amendment to a code unless the municipality holds a public hearing on the amendment before its adoption and the municipality adopts the amendment by ordinance. The bill removes the specification that the International Building Code only applies with respect

Local Government

to buildings for which construction begins on or after January 1, 2006. The bill requires municipalities, before January 1, 2022, to establish rules and take other necessary actions to implement these and related provisions of the bill. That requirement takes effect September 1, 2021.

House Bill 738 prohibits, with certain exceptions, a municipality, county, or emergency services district from enacting an ordinance, bylaw, order, building code, or rule requiring the installation of a fire protection sprinkler system in a new or existing one- or two-family dwelling, but authorizes those entities to adopt such a type of regulation allowing a contractor to offer, for a fee, the installation of such a system in a new one- or two-family dwelling.

Except as otherwise provided, House Bill 738 takes effect January 1, 2022.

House Bill 792

Effective: 9-1-21

House Author: Burns et al.

Senate Sponsor: Birdwell

House Bill 792 amends the Local Government Code to authorize a municipality with a population of more than 10,000 to adopt an alternate work schedule for police dispatchers employed by the municipality's police department if a majority of the dispatchers vote in favor of an alternate work schedule. The bill specifies the circumstances under which a dispatcher working under the alternate schedule is entitled to overtime pay.

House Bill 840

Effective: 9-1-21

House Author: Moody

Senate Sponsor: Blanco

House Bill 840 amends the Local Government Code to set out a process for the selection of the public members of a county salary grievance committee that a county may use as an alternative to the random drawing of paper slips. The alternative process allows a commissioners court to direct the county clerk to create a computer-generated, randomized list of the names of all persons who served on a grand jury in the county during the preceding calendar year and requires the commissioners court to take certain actions at the meeting for the selection of the public members and alternates.

House Bill 871

Effective: 9-1-21

House Author: Morrison et al.

Senate Sponsor: Kolkhorst

House Bill 871 amends the Occupations Code to prohibit a municipality from charging a registration fee to a state-licensed air conditioning and refrigeration contractor for work performed in the municipality or for providing notice to the municipality that the contractor has obtained a state license. The municipality may still charge a building permit fee.

House Bill 914

Effective: 9-1-21

House Author: Hernandez

Senate Sponsor: Huffman

House Bill 914 amends the Occupations Code to provide for the authority of designated municipal employees to request the removal and storage of an unattended or illegally parked vehicle.

House Bill 1049

Effective: 9-1-21

House Author: Harless et al.

Senate Sponsor: Huffman

House Bill 1049 amends the Local Government Code to authorize a person reappointed as a deputy sheriff, reserve deputy sheriff, or reserve deputy constable to continue to perform the duties of office before retaking the official oath. The bill requires the person to retake the oath as soon as possible after being reappointed.

House Bill 1240**Effective:** Vetoed**House Author:** Coleman**Senate Sponsor:** Miles

House Bill 1240 amends the Local Government Code to reduce the penalty for failure to comply with a fire marshal's order regarding fire safety from a Class B to a Class C misdemeanor. The bill establishes that such an offense is a Class A misdemeanor if the commission of the offense results in bodily injury or death. The bill increases the penalty for the offense to a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of the offense. Among other provisions, the bill authorizes the commissioners courts of Harris County and Fort Bend County to grant to certain county employees, as described by the bill, the authority to issue a citation for such a failure to comply or for a violation of an order relating to fire or life safety issued by the commissioners court that is reasonably necessary to protect public safety and welfare.

Governor's Reason for Veto: "House Bill 1240 would wisely reduce an existing fire-safety penalty from a Class B to a Class C misdemeanor, and I share the goal of keeping Texans safe by increasing enforcement of the penalty. But House Bill 1240 goes off course in granting broad and unique authority to the county commissioners courts in just a few counties, including Harris County. Under the bill, these county commissioners courts could designate county employees who are not peace officers to issue criminal citations to citizens—a weighty duty usually reserved for the discretion of trained, accountable law-enforcement officials. And the bill's loose language could give the county commissioners courts a blank check to write new safety rules to be enforced criminally by these county employees. A more refined solution is needed."

House Bill 1428**Effective:** 9-1-21**House Author:** Huberty**Senate Sponsor:** Huffman

House Bill 1428 amends the Government Code to extend the exemption for certain collection services contracts from provisions governing contingent fee contracts for legal services to any contract for legal services entered into by a political subdivision for the collection of a delinquent obligation. For purposes of this exemption, an obligation does not include a fine or penalty that results from an action by a political subdivision under specified Water Code enforcement provisions.

House Bill 1475**Effective:** 9-1-21**House Author:** Cyrier**Senate Sponsor:** Buckingham

House Bill 1475 amends the Local Government Code to authorize a municipal board of adjustment, in exercising its authority to authorize in specific cases a variance from the terms of a zoning ordinance, to consider specified grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship.

House Bill 1925**Effective:** 9-1-21**House Author:** Capriglione et al.**Senate Sponsor:** Buckingham et al.

House Bill 1925 amends the Government Code, Local Government Code, and Penal Code to prohibit a local entity from adopting or enforcing a policy under which the entity prohibits or discourages the enforcement of any public camping ban and from prohibiting or discouraging a peace officer or prosecuting attorney who is employed by or otherwise under the entity's direction or control from enforcing a public camping ban. The bill authorizes the attorney general to bring an action to enjoin a violation of that prohibition and provides for the denial of state grant funds to the local entity.

House Bill 1925 makes it a Class C misdemeanor offense for a person to intentionally or knowingly camp in a public place without the effective consent of the officer or agency having the legal duty or authority to manage the public place, with certain exceptions. The bill requires a peace officer, before or at the time the officer issues a citation for the offense, to make a reasonable effort to advise the person

Local Government

of an alternative place where they may lawfully camp and to contact an appropriate official or nonprofit organization to provide the person with information regarding the prevention of human trafficking or any other services that would reduce the likelihood of the person continuing to camp in the public place. If the person is arrested or detained solely for that offense, the arresting or detaining officer must ensure that all of the person's personal property not designated as contraband is preserved.

House Bill 1925 provides for the authorized camping by homeless individuals on property designated for that purpose. The bill prohibits a political subdivision from designating a property to be used by homeless individuals to camp unless the Texas Department of Housing and Community Affairs (TDHCA) approves a plan to designate the property for that purpose and prohibits the TDHCA from approving such a plan if the proposed property under the plan is a public park.

[House Bill 1929](#)

Effective: 9-1-21

House Author: Wilson

Senate Sponsor: Buckingham

House Bill 1929 amends the Local Government Code to establish that annexation by a municipality of land subject to a development agreement contract does not invalidate the enforceability of the contract or infringe on the rights of a party to adjudicate a claim arising under the contract. The bill specifies that such a contract is an economic development program authorized by the legislature under the Texas Constitution, establishes that a municipality that enters into a contract waives immunity from suit for the purpose of adjudicating a claim for breach of the contract, and provides for actual damages, specific performance, or injunctive relief to be granted in an adjudication brought against a municipality for a breach.

[House Bill 2073](#)

Effective: 6-15-21

House Author: Burrows et al.

Senate Sponsor: Springer et al.

House Bill 2073 amends the Local Government Code to require the governing body of a political subdivision to develop and implement a paid quarantine leave policy for fire fighters, peace officers, detention officers, and emergency medical technicians who are employed by, appointed by, or elected for the political subdivision and ordered to quarantine or isolate due to a possible or known exposure to a communicable disease while on duty. The bill establishes requirements for a paid quarantine leave policy and prohibits a political subdivision from reducing the paid leave balance of such employees in connection with paid quarantine leave taken in accordance with a paid quarantine leave policy.

[House Bill 2430](#)

Effective: 9-1-21

House Author: Murr

Senate Sponsor: Hinojosa

House Bill 2430 amends the Government Code to authorize a county commissioners court to authorize reimbursement for the mileage expenses incurred by a temporary justice of the peace in performing the official duties of the temporary justice's appointment if the temporary justice:

- is also serving as a justice of the peace in another justice precinct in the county; and
- was appointed by the county judge to serve for the duration of the absence of a justice of the peace from the bench who is temporarily unable to perform official duties because of absence, recusal, illness, injury, or other disability.

[House Bill 2610](#)

Effective: 9-1-21

House Author: Harless

Senate Sponsor: Miles

House Bill 2610 amends the Local Government Code to require Harris County to begin inspection of an applicable building in an unincorporated area of the county for compliance with the county fire code within 10 business days after the date of receipt of the written inspection request of the building's

owner. However, the county must begin the inspection of an indoor retail fireworks site within five business days after the date of receipt.

House Bill 3415

Effective: 9-1-21

House Author: Goldman

Senate Sponsor: Hancock

Current law authorizes the county clerk of Harris County to require a person presenting a document in person for filing in the real property records of the county to present a photo identification to the clerk. House Bill 3415 amends the Local Government Code to grant that authority to a county clerk in a county with a population of 800,000 or more.

House Joint Resolution 99

For Election: 11-2-21

House Author: Canales et al.

Senate Sponsor: Nichols et al.

House Joint Resolution 99 proposes an amendment to the Texas Constitution to authorize the legislature by general law to authorize a county to issue bonds or notes to finance the development or redevelopment of an unproductive, underdeveloped, or blighted area within the county and to pledge for repayment of those bonds or notes increases in property tax revenues imposed on property in the area by the county. The resolution prohibits a county that issues bonds or notes for transportation improvements under a general law from pledging for the repayment of those bonds or notes more than 65 percent of the increases in property tax revenues each year or using proceeds from the bonds or notes to finance the construction, operation, maintenance, or acquisition of rights-of-way of a toll road.

Senate Bill 58

Effective: 6-3-21

Senate Author: Zaffirini

House Sponsor: Turner, John

Senate Bill 58 amends the Local Government Code to authorize the governing body of a governmental agency to contract for cloud computing services under the applicable provisions of the Public Property Finance Act.

Senate Bill 186

Effective: 6-7-21

Senate Author: Perry

House Sponsor: Spiller et al.

Senate Bill 186 amends the Government Code to authorize the commissioners court of a county to issue certain voter-approved bonds to restore or maintain a county courthouse.

Senate Bill 230

Effective: 5-26-21

Senate Author: Seliger et al.

House Sponsor: Ortega

Senate Bill 230 amends the Local Government Code to authorize online continuing education for county commissioners, with the approval of the commissioners court. The bill requires in-person instruction to be completed in the first 12-month period of the commissioner's first term.

Senate Bill 374

Effective: 6-14-21

Senate Author: Seliger

House Sponsor: Shine

Senate Bill 374 amends the Local Government Code to authorize a municipality that is annexing an area under specified annexation provisions to also annex with the area the right-of-way of a street, highway, alley, or other public way or of a railway line, spur, or roadbed, that is contiguous and runs parallel to the municipality's boundaries and is contiguous to the area being annexed. The municipality may annex the right-of-way only if the municipality provides applicable notice of the annexation to the right-of-way's owner and the owner does not timely object to the annexation.

Local Government

[Senate Bill 504](#)

Effective: 9-1-21

Senate Author: Miles

House Sponsor: Coleman et al.

Senate Bill 504 amends the Local Government Code to set out the circumstances under which the fire marshal of Harris County may inspect certain group homes, as defined by the bill, and to establish the conditions under which the fire marshal must order certain remedial action. A person to whom such an order is directed must comply with an order immediately, and the bill, among other enforcement provisions, creates a Class B misdemeanor offense, with specified enhancements, for the failure to comply with such an order.

Senate Bill 504, in addition to requiring the commissioners court to prescribe a reasonable fee for an inspection requested under the bill's provisions, authorizes the commissioners court to adopt any appropriate standard developed by a nationally recognized standards-making association under which the county fire marshal may enforce the bill's provisions. However, those standards do not apply in any municipality that has adopted fire protection ordinances.

[Senate Bill 1090](#)

Effective: 9-1-21

Senate Author: Buckingham

House Sponsor: Murr

Senate Bill 1090 amends the Government Code and Local Government Code to establish additional exemptions relating to Dark Sky Communities and plumbing products to the prohibition against an applicable governmental entity adopting or enforcing a regulation that prohibits or limits the use or installation of certain building products and materials in, or that establishes certain standards for a building product, material, or aesthetic method for, the alteration of a residential or commercial building. The bill establishes that provisions relating to the prohibition do not affect provisions regarding the enforcement of land use restrictions contained in plats and other instruments applicable to certain municipalities and extends the applicability of those latter provisions to a municipality with specified characteristics.

[Senate Bill 1168](#)

Effective: 6-7-21

Senate Author: Campbell

House Sponsor: Bell, Cecil

Senate Bill 1168 amends the Local Government Code to generally prohibit a municipality from imposing under a municipal ordinance a fine or fee on a person on the basis of an activity that occurs, or on the basis of the management or ownership of property located, wholly in an area that is located in the municipality's extraterritorial jurisdiction and that has been disannexed from the municipality or for which the municipality has attempted and failed to obtain consent for annexation.

[Senate Bill 1338](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Sanford

Senate Bill 1338 amends the Local Government Code to require a municipality, at the time it makes an offer to a landowner to enter into an agreement in which the landowner consents to annexation or makes an offer to an owner of land located in the municipality's extraterritorial jurisdiction to enter into a development agreement, to provide the landowner with a written disclosure that includes information specified by the bill. An agreement for which the disclosure is not provided is void.

[Senate Bill 1339](#)

Effective: 5-24-21

Senate Author: Zaffirini

House Sponsor: King, Tracy O.

Senate Bill 1339 amends the Government Code to authorize a county employee who serves as the head of the civil legal department of Webb County to request the attorney general's advice in the prosecution or defense of an action in which the State of Texas is interested, provided that the employee receives approval for the submission of the request from the county commissioners court.

Senate Bill 1357**Effective:** 6-14-21**Senate Author:** Hughes**House Sponsor:** Dean

Senate Bill 1357 amends the Local Government Code to change certain statutory deadlines applicable to the budget preparation and proposal process for a county with a population of 225,000 or less that does not operate under an alternate method of budget preparation for a county with a population of more than 125,000. The bill sets August 15 as the deadline for that budget preparation and for the filing by the county judge of a copy of the proposed budget with the county clerk. In addition, the bill changes the deadline for a public hearing on the proposed budget to the 25th day after the day the budget is filed with the county clerk but before the commissioners court adopts the county's property tax rate for the current tax year. The bill also provides for notice of the public hearing. These changes apply to a budget proposed by a commissioners court for a fiscal year beginning on or after the bill's effective date.

Senate Bill 1585**Effective:** 9-1-21**Senate Author:** Hughes**House Sponsor:** Cyrier

Senate Bill 1585 amends the Local Government Code to make the requirements for municipal designation of a property as a local historic landmark applicable also to the inclusion of a property within the boundaries of a local historic district. The bill requires a municipality that has more than one zoning, planning, or historical commission to designate one of those commissions as the entity with exclusive authority to approve the designations and inclusions.

Senate Bill 1942**Effective:** 6-14-21**Senate Author:** Gutierrez**House Sponsor:** Minjarez

Senate Bill 1942 amends the Local Government Code to require a corporation created under the Public Facility Corporation Act to remain a public facility corporation under that act. The bill specifies that a nonprofit corporation created by a housing authority under the Texas Non-Profit Corporation Act is subject to the requirements of the Public Facility Corporation Act regardless of the date the corporation is created.

Senate Bill 2188**Effective:** 9-1-21**Senate Author:** Seliger et al.**House Sponsor:** Hernandez

Senate Bill 2188 amends the Local Government Code to authorize a municipality or a county to adopt and enforce an ordinance, order, or other regulation that requires a non-state-licensed residential child detention facility providing 24-hour custody or care to unaccompanied immigrant or refugee children to provide adequate water, wastewater, or other utilities for the facility and to meet reasonable minimum standards that promote the health, safety, and welfare of facility residents. The bill requires the owner or operator of a proposed facility, before entering into a contract with a federal agency to operate as such, to provide notice of the proposed facility to the applicable municipal governing body or county commissioners court and to meet any requirements adopted by the municipality or county.

This page intentionally left blank.

MILITARY FORCES AND VETERANS

This chapter covers legislation on issues relating to the Texas Military Department, the Texas Veterans Commission, and current and former military personnel, including benefits, services, and special recognitions.

[House Bill 33](#)

Effective: 9-1-21

House Author: Dominguez et al.

Senate Sponsor: Zaffirini et al.

House Bill 33 amends the Education Code and Labor Code to require the Texas Workforce Commission (TWC) to identify and list on its website programs or courses offered by career schools or colleges leading to industry-based certifications or other workforce credentials for which skills obtained through military experience, education, and training frequently align. In determining whether to approve a career school or college that offers such a program or course, the TWC must require the school or college to provide credit to a student for those skills toward any course time required for the program or course. The bill also requires the TWC, under the college credit for heroes program, to identify, develop, and support methods to facilitate the award of course time credit to veterans and military servicemembers for military experience, education, or training obtained during military service for such programs or courses for which those skills align.

House Bill 33 amends the Government Code to require the Texas Veterans Commission to develop and administer a program to provide assistance to veterans seeking a certification or training for employment in the energy industry and to conduct an outreach campaign to encourage veteran participation in the program.

[House Bill 139](#)

Effective: 9-1-21

House Author: Buckley et al.

Senate Sponsor: Powell et al.

House Bill 139 amends the Education Code and Occupations Code to authorize the commissioner of education to establish exceptions to educator certification examination requirements for educators who are military service members, military spouses, or veterans. The bill requires the State Board for Educator Certification to propose rules providing for the expedited processing of educator certification applications for educators who are veterans or military spouses and requires a state agency that issues a license that has a residency requirement to adopt rules regarding documentation necessary for a military spouse applicant to establish residency.

[House Bill 626](#)

Effective: 9-1-21

House Author: Rosenthal et al.

Senate Sponsor: Zaffirini

House Bill 626 amends the Education Code to expand the Texas Innovative Adult Career Education (ACE) Grant Program by including as grant recipients eligible nonprofit organizations providing job training to veterans to prepare them for entering careers in high-demand and significantly higher-earning occupations.

[House Bill 911](#)

Effective: 9-1-21

House Author: Patterson et al.

Senate Sponsor: Blanco et al.

House Bill 911 amends the Transportation Code to require the Department of Public Safety to establish and maintain on its website forms and procedures by which a veteran or disabled veteran may request and submit electronically the forms and proof required for a veteran or disabled veteran designation on a personal identification certificate or driver's license.

Military Forces and Veterans

[House Bill 912](#)

Effective: 9-1-21

House Author: Cortez

Senate Sponsor: Menéndez et al.

House Bill 912 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for recipients of the Borinqueneers Congressional Gold Medal.

[House Bill 1062](#)

Effective: 9-1-21

House Author: Bell, Cecil et al.

Senate Sponsor: Taylor

House Bill 1062 amends the Government Code to make a person who is 17 years of age eligible to serve as a member of the Texas State Guard if the person is otherwise eligible and either is emancipated by marriage, court order, or other operation of law or provides to the adjutant general written consent of each appropriate parent, legal guardian, or legal representative.

[House Bill 1081](#)

Effective: 9-1-21

House Author: Kuempel et al.

Senate Sponsor: Zaffirini

House Bill 1081 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for persons awarded the Presidential Service Badge.

[House Bill 1558](#)

Effective: 9-1-21

House Author: Button et al.

Senate Sponsor: Johnson

House Bill 1558 amends the Government Code to require the system that the Texas Department of Housing and Community Affairs uses for scoring and ranking applications for a low income housing tax credit to encourage an applicant to give preference to low income veterans in leasing units if the application concerns a development that is or will be located in a county with a population of 1 million or more but less than 4 million and not more than two miles from a veterans hospital, veterans affairs medical center, or veterans affairs health care center.

[House Bill 1728](#)

Effective: 9-1-21

House Author: Smithee et al.

Senate Sponsor: Perry

House Bill 1728 amends the Parks and Wildlife Code to provide for partnerships between the Texas Parks and Wildlife Department and nonprofit entities that exclusively serve veterans to promote hunting and fishing by certain veterans by allowing them to hunt or fish on one day without holding the required license if accompanied by a representative of the nonprofit who holds the appropriate license. The bill requires the Parks and Wildlife Commission to establish criteria for the selection of nonprofit partners and guidelines for the representative or veteran engaging in the hunting or fishing activities.

[House Bill 1802](#)

Effective: 6-18-21

House Author: Dominguez et al.

Senate Sponsor: Campbell et al.

House Bill 1802 requires the Health and Human Services Commission, in collaboration with Baylor College of Medicine and in partnership with a military veterans hospital or a medical center that provides medical care to veterans, to conduct a study on the efficacy of using alternative therapies in the treatment of veterans who suffer from post-traumatic stress disorder and to submit a report on the study's results and any further recommendations to the governor, lieutenant governor, speaker of the house of representatives, and each member of the legislature. Implementation of a provision of the bill is mandatory only if a specific appropriation is made for that purpose. The bill's provisions expire September 1, 2025.

House Bill 1936

Effective: 9-1-21

House Author: Bucy et al.

Senate Sponsor: Schwertner

House Bill 1936 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for persons who serve or have served in the U.S. armed services and have earned Special Forces qualifications.

House Bill 3401

Effective: 9-1-21

House Author: Price et al.

Senate Sponsor: Blanco et al.

House Bill 3401 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for members of the U.S. armed services who have been awarded the U.S. Navy Special Warfare Insignia that include “Navy SEALs” and the insignia.

House Bill 3821

Effective: 9-1-21

House Author: Hunter

Senate Sponsor: Menéndez et al.

House Bill 3821 amends the Government Code to require the Texas Veterans Commission to employ and train mental health professionals to assist the Health and Human Services Commission in the administration of the mental health program for veterans.

House Bill 3932

Effective: 9-1-21

House Author: Bernal et al.

Senate Sponsor: Menéndez et al.

House Bill 3932 amends the Education Code to require the state’s compact commissioner for the interstate compact on educational opportunity for military children to establish the State Advisory Council on Educational Opportunity for Military Children. The advisory council replaces the Texas Education Agency as the entity responsible for providing for coordination among state agencies, public school districts, and military installations concerning the state’s participation in and compliance with the compact.

House Bill 4124

Effective: 9-1-21

House Author: Hinojosa

Senate Sponsor: Perry

House Bill 4124 amends the Education Code to authorize a special-purpose school district operated by a general academic teaching institution to prioritize the enrollment of military-connected students and to enroll as students dependents of U.S. military members who were previously enrolled in Texas but are nonresident due to a military deployment or transfer. The bill specifies that the district is entitled to foundation school program funding for those nonresident students.

Senate Bill 337

Effective: 9-1-21

Senate Author: Powell et al.

House Sponsor: Dominguez

Senate Bill 337 amends the Labor Code to require the Texas Workforce Commission to develop and administer a program under which it awards grants to nonprofit organizations that facilitate participation in apprenticeship training programs by veterans and active duty military service members who are transitioning into civilian employment. The grants may be used only to recruit or assist those veterans and service members to participate in a training program in Texas.

Senate Bill 460

Effective: 9-1-21

Senate Author: Lucio et al.

House Sponsor: Raymond

Senate Bill 460 amends the Government Code to designate the 11th day of each month as Buddy Check Day to encourage veterans to contact other veterans who may need assistance.

Military Forces and Veterans

[Senate Bill 484](#)

Effective: 9-1-21

Senate Author: Hinojosa

House Sponsor: Leach

Senate Bill 484 amends the Government Code to establish the right of a service member of the Texas military forces to retain private legal counsel and file a civil action in a district court in Texas if the service member is called to state active duty or to state training and other duty and is aggrieved by a violation of or is denied a benefit or protection guaranteed under certain state or federal laws. The bill authorizes the court to award to a service member who prevails in such an action any appropriate declaratory or equitable relief, costs of the action and reasonable attorney's fees, and other appropriate relief, including monetary damages.

[Senate Bill 623](#)

Effective: 9-1-21

Senate Author: Blanco et al.

House Sponsor: Minjarez et al.

Senate Bill 623, the Vanessa Guillén Act, amends the Code of Criminal Procedure and Government Code to require the Texas Military Department, to the extent state funds are available for the purpose, to establish a state sexual offense prevention and response program and to employ or designate a state sexual offense response coordinator to perform victim advocacy services. The bill sets out the duties of the coordinator in accepting and investigating reports of sexual assault, indecent assault, or aggravated sexual assault made by a member of the Texas military forces against another member and authorizes the coordinator to file an application for a protective order on a victim's behalf. The bill requires the coordinator or adjutant general to annually report on the program's and the department's activities relating to sexual offense prevention and response to the governor, the lieutenant governor, the speaker of the house of representatives, and the chairs of the appropriate legislative standing committees.

[Senate Bill 675](#)

Effective: 5-30-21

Senate Author: Kolkhorst et al.

House Sponsor: Gervin-Hawkins

Senate Bill 675 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to provide for special open seasons during which the taking and possession of certain migratory game birds are restricted to veterans and active duty members of the U.S. armed forces. The bill sets out provisions relating to the proof of veteran or active duty status required to participate in the special open season.

[Senate Bill 780](#)

Effective: 5-24-21

Senate Author: Hinojosa et al.

House Sponsor: Raymond

Senate Bill 780 amends the Government Code to authorize a local government to enter into an intergovernmental support agreement with a branch of the U.S. armed forces under the federal National Defense Authorization Act to provide installation-support services to a military installation located in Texas.

[Senate Bill 791](#)

Effective: 9-1-21

Senate Author: Campbell

House Sponsor: Schaefer

Senate Bill 791 amends the Transportation Code to require the Texas Department of Motor Vehicles to issue specialty license plates for persons who served on a submarine while in the U.S. Navy.

[Senate Bill 792](#)

Effective: See below

Senate Author: Campbell et al.

House Sponsor: Cortez

Senate Bill 792 amends the Transportation Code to authorize certain veterans who are entitled to disabled veteran specialty license plates and eligible for specialty license plates issued for persons with

disabilities to elect to receive disabled veteran license plates that include the international symbol of access. Among other provisions, the bill restricts certain parking privileges granted to recipients of disabled veteran license plates, including the ability to receive disabled parking placards and park for an unlimited period in a parking space or area that is designated specifically for persons with physical disabilities, to those who receive disabled veteran license plates that include the international symbol of access. Except for provisions requiring the Texas Department of Motor Vehicles to adopt rules for issuing the plates that include the international symbol of access, the bill takes effect January 1, 2022.

Senate Bill 793

Effective: 9-1-21

Senate Author: Campbell

House Sponsor: King, Phil

Senate Bill 793 amends the Government Code to provide for the establishment and award of the Texas Border Security and Support Service Ribbon to qualifying military service members who served honorably in support of operations under civilian authority to secure the Texas international border.

Senate Bill 795

Effective: 9-1-21

Senate Author: Campbell

House Sponsor: Cain

Senate Bill 795 amends the Transportation Code to authorize the governing body of the Texas Military Department to exempt a vehicle under its control and custody from inscription requirements for state-owned motor vehicles.

Senate Bill 886

Effective: 9-1-21

Senate Author: Blanco et al.

House Sponsor: Romero, Jr.

Senate Bill 886 amends the Government Code to require the Texas Veterans Commission, on a veteran's request, to evaluate the veteran's citizenship status in order to educate and direct the veteran in becoming a U.S. citizen and facilitate the veteran's naturalization process.

Senate Bill 938

Effective: See below

Senate Author: Campbell et al.

House Sponsor: Holland

Senate Bill 938 amends the Business Organizations Code and Tax Code to establish a temporary filing fee waiver and franchise tax exemption for a new veteran-owned business for an initial period of operation. The bill takes effect January 1, 2022, except that effective January 1, 2026, the bill repeals the new provisions and restores previous statutory language.

Senate Bill 1093

Effective: 5-28-21

Senate Author: Creighton et al.

House Sponsor: Metcalf et al.

Senate Bill 1093 amends the Government Code to provide an option for certain defendants to participate in a veterans treatment court program in a county adjacent to the county where the defendant works or resides in certain circumstances.

Senate Bill 1185

Effective: 9-1-21

Senate Author: Alvarado et al.

House Sponsor: Morales, Christina

Senate Bill 1185 amends the Transportation Code to designate a portion of State Highway 3 in Harris County as the Vanessa Guillen Memorial Highway.

Military Forces and Veterans

[Senate Bill 1208](#)

Effective: 9-1-21

Senate Author: Hall

House Sponsor: Slaton

Senate Bill 1208 amends the Transportation Code to designate a portion of State Highway 276 in Hunt and Rains Counties as the Staff Sergeant Shawn Henry McNabb Memorial Bridge.

[Senate Bill 1704](#)

Effective: 9-1-21

Senate Author: Blanco

House Sponsor: Moody

Senate Bill 1704 amends the Transportation Code to designate a portion of U.S. Highway 54 in El Paso County as the Korean War Veterans Memorial Highway.

OCCUPATIONAL REGULATION

This chapter covers legislation on issues relating to the regulation of certain occupations and industries. Legislation relating to occupations and industries in subject areas covered by other chapters of this publication is in those respective chapters. Legislation relating to workers' compensation and workforce development is in the [Labor and Employment](#) chapter, and legislation relating to the continuation of certain regulatory authorities is in the [Sunset Review](#) chapter.

[House Bill 757](#)

Effective: 9-1-21

House Author: Dutton

Senate Sponsor: Miles

House Bill 757 amends the Code of Criminal Procedure to prohibit an offense for which an individual received a dismissal and discharge following a period of deferred adjudication community supervision from being used as grounds for denying issuance of, suspending, or revoking a professional or occupational license or certificate if the individual is otherwise entitled to or qualified for the license or certificate, with certain exceptions.

[House Bill 2168](#)

Effective: 6-8-21

House Author: Krause et al.

Senate Sponsor: Powell

House Bill 2168 repeals the Occupations Code provision that makes it a Class C misdemeanor offense for a person to accept any form of payment other than U.S. currency or a debit card for the purchase of a ticket for a professional sports team charitable foundation raffle.

[House Bill 2533](#)

Effective: 6-15-21

House Author: Darby

Senate Sponsor: Nichols

House Bill 2533 amends the Occupations Code to exempt certain persons from provisions governing real estate appraisers, including a person employed or engaged by a federally regulated financial institution who performs a real property evaluation for use by the institution in certain transactions and a person employed or engaged by a non-bank financial institution who provides specified services concerning the value of a real property interest for use by the institution. The bill establishes that a certified or licensed appraiser is not required to comply with established professional standards to provide such services and provides for notice on certain appraisal documents when the applicable appraisal is not performed in accordance with the Uniform Standards of Professional Appraisal Practice. The bill also exempts the procurement or use of an automated valuation model from provisions governing real estate appraisers.

[House Bill 2757](#)

Effective: 6-15-21

House Author: Cyrier

Senate Sponsor: Bettencourt

House Bill 2757 amends the Occupations Code to revise the general restrictions on the time and frequency of charitable raffles and the prizes awarded from those raffles. Among other provisions, the bill restricts an organization to awarding prizes in four raffles per year, increases the maximum allowable charitable raffle prize value, repeals the prohibition against an organization selling or offering to sell tickets for multiple raffles simultaneously, and removes the provision limiting the number of charitable raffles a nonprofit wildlife conservation association or its local chapters, affiliates, wildlife cooperatives, or units may conduct to two each year.

Occupational Regulation

[House Bill 3012](#)

Effective: See below

House Author: Geren

Senate Sponsor: Nelson et al.

House Bill 3012 amends the Occupations Code to include an organization sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association among the organizations considered a professional sports team for the purposes of the Professional Sports Team Charitable Foundation Raffle Enabling Act. The bill also includes a professional sports team charitable foundation that is associated with a team with a rodeo venue in Texas among the foundations that qualify to hold a charitable raffle under that act. The bill takes effect December 1, 2021, contingent on voter approval of the constitutional amendment proposed by House Joint Resolution 143.

[House Bill 4110](#)

Effective: 9-1-21

House Author: Leach et al.

Senate Sponsor: Alvarado

House Bill 4110 amends the Occupations Code to establish additional requirements regarding the purchase of a catalytic converter for metal recycling entities and sellers, including those relating to documentation and recordkeeping. The bill establishes a state jail felony for buying a stolen catalytic converter or providing certain false or invalid information in connection with the sale of a catalytic converter and enhances the penalty for a subsequent conviction of those offenses to a third degree felony.

[House Joint Resolution 143](#)

For Election: 11-2-21

House Author: Geren

Senate Sponsor: Nelson et al.

House Joint Resolution 143 proposes an amendment to the Texas Constitution to designate an organization sanctioned by the Professional Rodeo Cowboys Association or the Women’s Professional Rodeo Association as a professional sports team for the purpose of authorizing such an organization to conduct charitable raffles at rodeo events.

[Senate Bill 297](#)

Effective: 6-7-21

Senate Author: Perry

House Sponsor: Button et al.

Senate Bill 297 postpones to September 1, 2022, the deadline for each applicant for renewal of an accountant’s license to submit a set of fingerprints to the Texas State Board of Public Accountancy or to the Department of Public Safety for the purpose of obtaining criminal history record information. The bill repeals the session law provision establishing September 1, 2021, as the original deadline.

[Senate Bill 315](#)

Effective: 5-24-21

Senate Author: Huffman et al.

House Sponsor: Hunter et al.

Senate Bill 315 amends the Labor Code to prohibit a sexually oriented business from employing or entering into a contract with an individual younger than 21 years of age for work or services and to create a Class A misdemeanor offense for violating the prohibition. The bill requires such a business to register and participate in the E-verify program and creates an offense for a business that fails to do so. The bill amends the Civil Practice and Remedies Code to make it a common nuisance for a person who maintains a sexually oriented business to enter such a prohibited contract. The bill amends the Penal Code provision regarding employment that is considered harmful to children to specify that “child,” for purposes of those provisions, means a person younger than 21 years of age.

Senate Bill 315 also amends the Alcoholic Beverage Code to prohibit an individual younger than 18 years of age from being on a premises operating as a sexually oriented business that is covered by a permit or license issued under the code and to authorize the suspension or cancellation of a permit or license for a violation of that prohibition, depending on the number of violations. The bill amends the Business &

Commerce Code to create a Class A misdemeanor offense for a sexually oriented business that allows an individual younger than 18 years of age to enter the premises of the business.

Senate Bill 766

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Leach et al.

Senate Bill 766 amends the Labor Code to prohibit a sexually oriented business from employing or entering into a contract with an individual younger than 21 years of age for work or services and to create a Class A misdemeanor offense for violating the prohibition. The bill requires such a business to register and participate in the E-verify program and creates an offense for a business that fails to do so. The bill amends the Civil Practice and Remedies Code to make it a common nuisance for a person who maintains a sexually oriented business to enter such a prohibited contract. The bill amends the Penal Code provision regarding employment that is considered harmful to children to specify that “child,” for purposes of those provisions, means a person younger than 21 years of age.

Senate Bill 766 also amends the Alcoholic Beverage Code to prohibit an individual younger than 18 years of age from being on a premises operating as a sexually oriented business that is covered by a permit or license issued under the code and to authorize the suspension or cancellation of a permit or license for a violation of that prohibition, depending on the number of violations. The bill amends the Business & Commerce Code to create a Class A misdemeanor offense for a sexually oriented business that allows an individual younger than 18 years of age to enter the premises of the business.

Senate Bill 860

Effective: 9-1-21

Senate Author: Johnson et al.

House Sponsor: Goldman

Senate Bill 860 amends the Occupations Code to exempt from the Texas Towing and Booting Act any car hauler that is used solely to transport, other than in a consent or nonconsent tow, motor vehicles as cargo in the course of a commercial transaction for transport of a damaged vehicle arranged or authorized by an insurance company and delivered to a salvage pool operator.

Senate Bill 1480

Effective: 9-1-21

Senate Author: Johnson

House Sponsor: Guillen

Senate Bill 1480 amends the Alcoholic Beverage Code, Code of Criminal Procedure, Family Code, Government Code, Health and Safety Code, and Transportation Code to provide for the licensing and regulation by the Texas Department of Licensing and Regulation (TDLR) of the providers of drug and alcohol court-ordered educational programs, defined by the bill as the alcohol educational program for minors described by the Alcoholic Beverage Code, the drug offense educational program described by the Transportation Code, and the educational and intervention programs for intoxication offenses described by the Code of Criminal Procedure.

Senate Bill 1480 establishes the powers and duties of the Texas Commission of Licensing and Regulation (TCLR), TDLR, and the executive director of TDLR with respect to administering and enforcing the bill’s provisions regarding the regulation of the court-ordered programs, including the duty to establish license eligibility requirements and criteria for the program providers and for program instructors. In addition, the bill requires TCLR to set fees to cover the costs of administering such regulation and to adopt and publish a code of ethics for license holders. The bill establishes program provider endorsements and instructor license endorsements and prohibits the respective license holder from providing or instructing a court-ordered program for which the person’s license is not endorsed.

Senate Bill 1480 sets out related provisions, among others, regarding the following: prohibited practices by all license holders; grounds for disciplinary actions; administrative penalties; audits and investigations of providers and programs; misdemeanor offenses involving the unlawful transfer or possession of a

Occupational Regulation

certificate of program completion or of a certificate number; the determination of a juvenile's residence for purposes of an alcohol awareness program; and a requirement for a judge to consider Internet access in determining whether to waive a defendant's educational program requirement. The bill also repeals the provision authorizing an alcohol awareness program, when requested, to be taught in languages other than English.

OPEN GOVERNMENT AND PRIVACY

This chapter covers legislation on issues relating to open government and public access to information held by the government including state public information law, state open meetings law, confidentiality, disclosure, and personal privacy. Legislation relating to government contracting and procurement is in the [Government Purchasing](#) chapter.

[House Bill 1082](#)

Effective: 5-19-21

House Author: King, Phil et al.

Senate Sponsor: Zaffirini

House Bill 1082 amends the Government Code and Tax Code to extend the exception from the public availability requirement of state public information law for certain personal information of a statewide elected officer or member of the legislature to any elected public officer. The bill gives all elected public officers the option to restrict public access to certain related personal information under that law and extends confidentiality protections of certain home address information in appraisal records for a statewide elected officer or member of the legislature to any elected public officer.

[House Bill 2857](#)

Effective: 9-1-21

House Author: Frullo

Senate Sponsor: Hancock

House Bill 2857 amends the Tax Code to prohibit the comptroller of public accounts, when responding to a request for taxpayer information from a requestor other than the taxpayer to whom the information relates, from providing public information regarding a taxpayer that the comptroller is auditing or intends to audit earlier than the 14th day after the date the comptroller mails the notice of intent to audit to the taxpayer. The bill removes a provision establishing a mandatory waiting period before a person who requests and receives such information from the comptroller may use the information for direct solicitation of business or employment for pecuniary gain.

[Senate Bill 56](#)

Effective: 6-14-21

Senate Author: Zaffirini

House Sponsor: Collier

Senate Bill 56 amends the Government Code and Tax Code to except from the public availability requirement of state public information law certain personal and contact information of a current or former federal public defender, deputy federal public defender, assistant federal public defender, and the spouse or child of those public defenders. The bill makes statutory provisions relating to the confidentiality of certain contact information in appraisal records applicable to those individuals.

[Senate Bill 244](#)

Effective: 9-1-21

Senate Author: Bettencourt et al.

House Sponsor: Campos

Senate Bill 244 amends the Government Code to subject the board of directors of a tax increment reinvestment zone to state open meetings law.

[Senate Bill 841](#)

Effective: 6-14-21

Senate Author: Hughes

House Sponsor: Schaefer

Senate Bill 841 amends the Government Code and Tax Code to except certain personal information of an honorably retired peace officer or security officer commissioned at a private institution of higher education from the public availability requirement of state public information law. The bill includes an honorably retired peace officer, county jailer, and U.S. Federal Protective Service police officer or inspector

Open Government and Privacy

among the individuals who may opt to have certain personal information made confidential and excepted from public disclosure. The bill extends confidentiality protections for local appraisal records of certain individuals to the records of an honorably retired county jailer or U.S. Federal Protective Service police officer or inspector.

Senate Bill 1134

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Hefner

Senate Bill 1134 amends the Election Code, Government Code, Local Government Code, Property Code, Tax Code, and Transportation Code to extend the applicability of provisions establishing confidentiality of personal identifying information in certain contexts to the following individuals:

- U.S. marshals, U.S. attorneys, and their family members;
- federal bankruptcy judges and their family members; and
- a minor child of a federal judge, state judge, or municipal court judge or an adult child who resides in the judge's home.

Senate Bill 1225

Effective: 9-1-21

Senate Author: Huffman

House Sponsor: Paddie et al.

Senate Bill 1225 amends the Government Code to limit what constitutes a catastrophe that qualifies an impacted governmental body to temporarily suspend the requirements of state public information law and to allow for the requirements to be suspended only once per catastrophe with a maximum period of suspension of 14 consecutive calendar days. Among other provisions, the bill provides for the continued production of public information when a governmental body closes its physical offices but requires staff to continue to work, including remotely.

PARKS AND WILDLIFE

This chapter covers legislation on issues relating to parks and wildlife generally, including hunting, fishing, and management of the state's fish and wildlife resources.

[House Bill 1699](#)

Effective: 5-19-21

House Author: Raney

Senate Sponsor: Buckingham et al.

House Bill 1699 amends the Parks and Wildlife Code to authorize a person, or the person's guest when accompanied by the person, to take on the person's property unbanded pen-reared pheasant or quail if that property is at least five contiguous acres and the activity is noncommercial.

[House Bill 2326](#)

Effective: 9-1-21

House Author: Frullo

Senate Sponsor: Springer

House Bill 2326 amends the Parks and Wildlife Code to expand the scope of nonindigenous snake permits by including a Burmese python and a hybrid of any kind of snake within the permit's scope. The bill enhances the penalty for a violation relating to nonindigenous snake permits from a Class C Parks and Wildlife Code misdemeanor to a Class B Parks and Wildlife Code misdemeanor if it is shown at the trial that the defendant has engaged in commercial activity without a permit and the defendant has been previously convicted of the violation.

[House Bill 3081](#)

Effective: 6-14-21

House Author: Krause et al.

Senate Sponsor: Springer et al.

House Bill 3081 amends the Parks and Wildlife Code to authorize the Parks and Wildlife Commission to develop and implement a program for the issuance of digital tags for animals, including birds, to holders of hunting licenses authorizing the taking of those animals.

[House Bill 3807](#)

Effective: 9-1-21

House Author: Hunter et al.

Senate Sponsor: Hinojosa

House Bill 3807, the Je'Sani Smith Act, amends the Natural Resources Code and Parks and Wildlife Code to require the Parks and Wildlife Department and cities and counties located or bordering on the Gulf of Mexico to provide from Memorial Day to Labor Day occupied lifeguard towers or mobile lifeguard units at structures on public beaches that protrude into the gulf and to post signs clearly describing the dangerous water conditions that may occur near the structures.

[House Bill 4436](#)

Effective: 6-4-21

House Author: Cyrier

Senate Sponsor: Perry

House Bill 4436 amends the Parks and Wildlife Code to authorize the operation of aircraft in or on a protected freshwater area but only in a manner that avoids harming or disturbing vegetation, wildlife, or wildlife habitat within the protected area, to the extent reasonably possible.

[Senate Bill 599](#)

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Krause

Senate Bill 599 amends the Parks and Wildlife Code to establish that an abandoned fishing device is litter under the Texas Litter Abatement Act and is subject to immediate removal and disposal. The bill provides for the authority of the Parks and Wildlife Commission to govern the removal and disposal of

Parks and Wildlife

the devices, grants immunity from liability and from suit to a game warden or other peace officer for that removal or disposal, and provides for the transfer of a removed device to certain institutions of higher education for use in teaching or research programs related to marine science and oceanography. The bill repeals a provision requiring notice, a court hearing, and destruction when no person is charged in connection with the seizure of an unlawful fishing device.

Senate Bill 2008

Effective: 9-1-21

Senate Author: Taylor

House Sponsor: Perez

Senate Bill 2008 amends the Government Code to establish the powers and duties of the Texas Historical Commission and the San Jacinto Museum and Battlefield Association, which was previously known as the San Jacinto Museum of History Association, with respect to certain structures and facilities of the San Jacinto Battleground State Historic Site. Among other provisions, the bill authorizes the commission to appoint two nonvoting members to the association's board and to advise the association on certain museum-related matters and makes the commission the sole beneficiary of certain association items in the event of the association's dissolution.

PROBATE AND GUARDIANSHIP

This chapter covers legislation on probate and guardianship matters.

[House Bill 1296](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton et al.

House Bill 1296 amends the Estates Code to change the method by which a guardian must be provided notice to appear if a court makes a motion to transfer the guardianship to another county from citation by personal service to certified mail. The bill specifies that certified mail, return receipt requested, is the method by which notice to appear must be provided to a guardian whose removal is requested because of the guardian's failure to maintain certification.

[House Bill 1297](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton et al.

House Bill 1297 amends the Estates Code to change service of process requirements in a will contest or will construction suit in which a public or private institution of higher education or a charitable organization is a necessary party as a distributee by transferring the duty to serve the institution or organization from the court to the party contesting the will or bringing the suit.

[House Bill 3394](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton et al.

House Bill 3394 amends the Estates Code to authorize a court, if there is probable cause to believe that a guardian is an incapacitated person, to appoint an attorney ad litem to represent the ward's interests and a court investigator or guardian ad litem to investigate whether the guardian should be removed. If the court determines it is necessary, the court may appoint the necessary physicians to examine the guardian to determine whether the guardian is an incapacitated person.

[Senate Bill 615](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Leach

Senate Bill 615 amends the Civil Practice and Remedies Code, Estates Code, and Government Code to revise provisions relating to probate and guardianship proceedings and to statutory probate courts. The bill, among other provisions, does the following:

- revises certain requirements with respect to document filings for transferred proceedings, applications for the appointment of a guardian, and notice given on the filing of an application for temporary guardianship;
- requires a temporary guardian of the person to file a final report with the court clerk at the expiration of the temporary guardianship and requires the court's approval of the report before the temporary guardian is discharged and the sureties on the guardian's bond are released from future liability;
- requires a bond executed by a judge elected or appointed to a statutory county court or an insurance policy obtained instead of such a bond to provide the same coverage to a visiting judge assigned to the court or associate judge appointed to serve the court as the bond or policy provides to the elected or appointed judge;
- authorizes the parties to a proceeding in a statutory probate court to agree to try a particular case with fewer than 12 jurors;

Probate and Guardianship

- requires the attorney general to defend a visiting judge assigned to a guardianship or probate matter;
- provides for the recording of certain foreign testamentary instruments in languages other than English; and
- sets out provisions regarding guardian background checks and training.

[Senate Bill 626](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Moody

Senate Bill 626 is an omnibus bill that amends the Civil Practice and Remedies Code, Estates Code, and Government Code to make revisions, including technical corrections and clarifications, to state law regarding guardianships, management trusts, and certain other procedures and proceedings for persons who are incapacitated, probate matters and proceedings, and other matters involving statutory county courts. The bill includes the same changes made by Senate Bill 615, Acts of the 87th Legislature, Regular Session, 2021, and also does the following:

- establishes the jurisdiction in guardianship matters of a county court at law exercising original probate jurisdiction in a county in which there is no statutory probate court;
- authorizes a person to sign a specified declaration as an alternative to taking an oath to qualify to serve as a guardian;
- removes an attorney ad litem from the list of persons a ward may have appointed to investigate a complaint about the ward's guardianship;
- revises provisions relating to the sale of a ward's property;
- sets out procedures relating to service of notice and citation on the filing of an application for creation of a management trust;
- sets the date of termination for a management trust created for a minor who is also incapacitated for a reason other than being a minor;
- clarifies that the trustee of a management trust created for a ward must provide a copy of the annual accounting of transactions in the trust to each guardian of the ward; and
- provides for the withdrawal of money by a nonresident guardian of an estate appointed by a foreign court for a nonresident creditor.

[Senate Bill 692](#)

Effective: 5-30-21

Senate Author: Zaffirini

House Sponsor: Smithee

Senate Bill 692 amends the Government Code to require a financial institution or other person to provide the guardianship abuse, fraud, and exploitation deterrence program on request with access to financial records concerning a ward or the ward's estate for purposes of conducting reviews and audits under the program. The bill authorizes the program to request the court in which the guardianship is pending to order a financial institution or other person who possesses the records to provide the records to the program. The bill authorizes the court, after notice and a hearing, to issue an order requiring the financial institution or person to provide the records to the program under the conditions the court prescribes.

[Senate Bill 1129](#)

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Neave

Senate Bill 1129 amends the Estates Code and Government Code to revise the conditions under which a court must enter an order authorizing a transfer of guardianship of a ward from one county to another and to require a county that receives such an order to accept the transfer of guardianship. The bill provides for the effect of a transfer on jurisdiction over the guardianship, previously entered judgments and orders,

proceedings commenced in the court ordering the transfer, and the civil liability of the judges of that court and the court to which the guardianship is transferred.

Senate Bill 1129 sets out procedures applicable to mediation of a contested guardianship proceeding, including a requirement for parties to a mediation regarding the appointment of a guardian for a proposed ward to evaluate alternatives to guardianship and supports and services available to the ward. The bill requires the Office of Court Administration of the Texas Judicial System (OCA) to establish a voluntary training course for individuals facilitating guardianship mediations, but implementation of this requirement by OCA is mandatory only if a specific appropriation is made for that purpose.

This page intentionally left blank.

PROPERTY INTERESTS AND HOUSING

This chapter covers legislation on issues relating to property interests, including affordable housing, eminent domain, real property transactions, the landlord-tenant relationship, liens, and property owners' associations. Legislation relating to property taxation is in the [Taxes and Tax Administration](#) chapter.

[House Bill 531](#)

Effective: 1-1-22

House Author: Walle et al.

Senate Sponsor: Huffman

House Bill 531 amends the Property Code to require the landlord of a residential rental property to provide to the tenant, at or before execution of the lease, a written notice regarding whether the property is located in a 100-year floodplain and a contingent written notice regarding whether the property has flooded at least once within the last five years. The bill provides for the termination of a lease by a tenant if the landlord does not provide these notices as required by the bill and the tenant suffers a substantial loss or damage to the tenant's personal property as a result of flooding.

[House Bill 654](#)

Effective: 9-1-21

House Author: Lucio III et al.

Senate Sponsor: Johnson et al.

House Bill 654 amends the Property Code to change the rule against perpetuities by extending the maximum duration of a noncharitable trust to 300 years, with that period beginning on the trust's effective date, which is the date the trust becomes irrevocable. This extension applies to trusts that have an effective date on or after September 1, 2021, but other trusts may vest under the new rule if the trust instrument provides that an interest in the trust vests under the rule against perpetuities applicable to trusts on the date the interest vests. The bill establishes that a settlor of a trust may not direct that a real property asset be retained or refuse that a real property asset may be sold for a period longer than 100 years.

[House Bill 900](#)

Effective: 9-1-21

House Author: Huberty

Senate Sponsor: Springer

House Bill 900 amends the Property Code to exempt a landlord from liability for damages to a tenant resulting from the execution of a writ of possession by an officer following an eviction suit.

[House Bill 1012](#)

Effective: 9-1-21

House Author: Dutton et al.

Senate Sponsor: Zaffirini

House Bill 1012 amends the Property Code to require a person applying for a writ authorizing entry to and property retrieval from the person's residence or former residence to apply to the court in which a suit relating to the marriage relationship is pending or the court having jurisdiction of a divorce or annulment action. In addition, the bill expands the types of personal items located in the applicable residence that an application for such a writ may seek to recover.

[House Bill 1153](#)

Effective: 9-1-21

House Author: Vo

Senate Sponsor: Birdwell

House Bill 1153 amends the Texas Fair Housing Act, Property Code, to revise the exemption from certain anti-discrimination provisions of the act for certain sales or rentals of a single-family house by the individual owner of the house. Accordingly, the bill does the following:

- requires the sale or rental to be accomplished without the facilities or services of any person in the business of selling or renting a dwelling;

Property Interests and Housing

- clarifies that the conditions of the exemption do not prohibit the use of attorneys, escrow agents, abstractors, title companies, and other professional assistants necessary to transfer title; and
- limits the scope of a provision restricting the use of the exemption to one transaction in a 24-month period, unless the owner was the most recent resident of the house, to apply only to sales and removes the applicability of that restriction to rentals.

[House Bill 1278](#)

Effective: 9-1-21

House Author: Campos et al.

Senate Sponsor: Bettencourt

House Bill 1278 amends the Government Code to replace the authorization for the Texas Interagency Council for the Homeless to hold public hearings on homelessness issues with a requirement that the council do so annually in at least one county located in a rural area of Texas and one county located in an urban area of Texas.

[House Bill 1514](#)

Effective: 5-18-21

House Author: Landgraf

Senate Sponsor: Zaffirini

House Bill 1514 amends the Estates Code, Insurance Code, and Property Code to revise provisions relating to the state's unclaimed property program. The bill repeals procedures for reporting, delivering, and claiming unclaimed life insurance or annuity contract proceeds and subjects such proceeds instead to the standard process applicable to other types of unclaimed property, which results in a reporting deadline change. The bill further clarifies that the standard process applies to any unclaimed property required to be reported and delivered to the comptroller of public accounts, including property associated with a prepaid funeral benefits contract that is presumed abandoned.

House Bill 1514 exempts tangible or intangible personal property that is a worthless or non-freely transferable security from provisions governing the abandonment of personal property and authorizes the comptroller to dispose of any delivered property that is not marketable or has insubstantial commercial value. The bill provides for the disposition of securities delivered to the comptroller.

House Bill 1514 requires a claim filed with the comptroller to identify the specific property being claimed and include all necessary documentation, revises the list of individuals for whom the comptroller may approve a claim, and provides for a waiver of the requirement to file a claim under certain circumstances. The bill authorizes a person who informs a potential claimant that they may be entitled to property under the program to receive reasonable attorney's fees necessary to pursue the claim and sets out certain conditions that must be met for an agreement to assist a claimant in the recovery of property to be enforceable. The bill also revises the following:

- the methods by which a court clerk may serve on the comptroller a certified copy of an order to an executor or administrator of an estate to pay certain shares of the estate to the state;
- the methods and deadline for an unclaimed property holder to provide due diligence notice to the property owner;
- the process for appealing a decision on a claim; and
- the conditions under which the comptroller may waive penalty or interest imposed on delinquent property.

[House Bill 1564](#)

Effective: 9-1-21

House Author: González, Mary

Senate Sponsor: Blanco et al.

House Bill 1564 amends the Local Government Code to authorize the El Paso County Commissioners Court to implement an expedited process to administratively determine that a platted lot is abandoned, unoccupied, and undeveloped if the lot has the following characteristics:

- the lot has remained undeveloped for 25 years or more after the date the lot was platted;
- the lot is part of a subdivision in which 50 percent or more of the lots are undeveloped or unoccupied;
- the lot is part of a subdivision in which 50 percent or more of the lots are 10 acres or less in size;
- the lot had an assessed value of less than \$1,000 as of January 1, 2021; and
- as of January 1, 2021, the lot was not valued for property taxation as land for agricultural use.

House Bill 1564, among other provisions, does the following:

- requires the county to hold a public hearing before making an administrative determination that a platted lot is abandoned, unoccupied, and undeveloped under the bill's provisions;
- provides for judicial review of the county's order of the determination;
- provides for an abandoned, unoccupied, and undeveloped lot to be placed in a receivership;
- sets out the authority and duty of the receiver; and
- provides for the sale of property under receivership.

House Bill 1659

Effective: 6-15-21

House Author: Murphy

Senate Sponsor: Creighton

The Texas Residential Property Owners Protection Act provides for the amendment of a residential subdivision's declaration by a vote of a certain percentage of property owners. House Bill 1659 amends the Property Code to make that amendment process inapplicable to an amendment that would affect a portion of a subdivision that is zoned for or that contains, or previously contained as specifically allowed under the declaration, a commercial structure, an industrial structure, an apartment complex, or a condominium.

House Bill 2064

Effective: 6-16-21

House Author: Leach

Senate Sponsor: Hughes

House Bill 2064 amends the Property Code to revise the method for determining the amount of a hospital or physician lien on a cause of action or claim of an individual who receives hospital services for injuries caused by an accident that is attributed to another person's negligence and who is admitted to the hospital not later than 72 hours after that accident.

House Bill 2110

Effective: 9-1-21

House Author: Morales, Christina

Senate Sponsor: Whitmire

House Bill 2110 amends the Business & Commerce Code to provide for the automatic transfer of a manufacturer's warranty on an air conditioning system that is a fixture of residential real property when that property is conveyed to a new owner. The bill continues the warrantor's obligation under the terms of the warranty agreement and prohibits the warrantor from charging a fee for the transfer. The transfer of the warranty does not extend the original term of the warranty agreement.

House Bill 2237

Effective: 1-1-22

House Author: Burrows et al.

Senate Sponsor: Johnson

House Bill 2237 amends the Insurance Code and Property Code to revise and update provisions relating to mechanic's, contractor's, and materialman's liens, including provisions regarding the deadlines to file affidavits to claim a lien, the limitation period for bringing suit to foreclose a lien, and deadlines for notices of certain claims. Among other related provisions, the bill does the following:

- updates the definitions of "retainage," "subcontractor," and "work"; adds a definition of "purported original contractor"; expands the definitions of "improvement," "labor," and "residence"; and revises applicable provisions to reflect the revised definitions;

Property Interests and Housing

- clarifies that a person has a lien if the person provides certain labor or services under a contract with the owner or the owner's agent, trustee, receiver, contractor, or subcontractor;
- establishes that a lien secures payment for the labor done or materials furnished for design, survey, or demolition;
- requires an original contractor or a claimant other than an original contractor claiming a lien to file an affidavit with the county clerk in the county where the improvements are located and establishes the dates by which an applicable affidavit must be filed for residential construction projects and projects other than those projects;
- revises provisions requiring the retainage of certain amounts under an original contract for the benefit of lien claimants to instead require funds to be reserved for that benefit;
- changes the date a suit must be brought to foreclose a lien and provides for that period to be extended;
- changes the date by which a claimant must be notified of a motion to remove an invalid or unenforceable lien in an applicable hearing; and
- revises provisions relating to a bond to pay liens or claims by doing the following:
 - removing the specification that the bond protects all persons with a claim related to a residential construction project;
 - revising notice requirements to perfect a claim against such a bond; and
 - establishing that a claimant that meets the notice requirements need not file an affidavit claiming a mechanic's lien in order to perfect its claim under the bond.

House Bill 2730

Effective: 1-1-22

House Author: Deshotel et al.

Senate Sponsor: Kolkhorst

House Bill 2730 amends the Property Code to revise provisions relating to eminent domain. The bill requires an initial bona fide offer made by an entity with eminent domain authority to include specified items. The bill sets out provisions relating to required terms for an instrument of conveyance for a pipeline right-of-way easement or an electric transmission line right-of-way easement that is included with an acquisition offer by a private entity, including provisions relating to the negotiation for and agreement to other terms and conditions, and the negotiation for and agreement to the amendment, alteration, or omission of required terms, by a private entity or property owner and a requirement that a private entity notify the property owner that the property owner may negotiate for specified general terms to be included in an instrument of conveyance. The bill revises provisions relating to the appointment of special commissioners in an eminent domain case to, among other things, set an appointment deadline and provide for the appointment of alternate special commissioners.

House Bill 2730 amends the Government Code to require the landowner's bill of rights statement prepared by the attorney general regarding eminent domain to notify a property owner that the property owner has the right to file a written complaint with the Texas Real Estate Commission (TREC) regarding alleged misconduct by a registered easement or right-of-way agent acting on behalf of the entity exercising eminent domain authority. Among other provisions relating to the landowner's bill of rights statement, the bill requires the statement to include an addendum of the terms required for an instrument of conveyance, and the terms a property owner may negotiate, as provided by the bill regarding a pipeline right-of-way easement or an electric transmission line right-of-way easement.

House Bill 2730 amends The Real Estate License Act, Occupations Code, to, among other things, do the following with regard to a certificate of registration for an easement or right-of-way agent:

- require the TREC by rule to approve coursework that an applicant must successfully complete to be eligible for the issuance or renewal of a certificate;

- authorize the TREC to issue a probationary certificate; and
- authorize the TREC to suspend or revoke a certificate if the certificate holder directly or indirectly accepts a financial incentive to make an initial offer that the certificate holder knows or should know is lower than the adequate compensation required under the Texas Constitution.

House Bill 2803

Effective: Vetoed

House Author: Thompson, Senfronia et al.

Senate Sponsor: Huffman

House Bill 2803 amends the Property Code to establish that the landlord of a multiunit commercial property is in breach of a lease with a tenant if the tenant reasonably believes that another tenant in the same multiunit commercial property is engaging in an unlawful activity as defined by the bill, the complaining tenant takes specified steps to report the activity, and the landlord does not file a forcible detainer suit against the offending tenant by a certain deadline. If the landlord is in breach of the tenant's lease on such grounds, the tenant may terminate their rights and obligations under the lease, vacate the leased premises, and avoid liability for future rent and any applicable sums due under the lease. For purposes of these provisions, "unlawful activity" means certain prostitution offenses, trafficking of persons, or operating, maintaining, or advertising a massage establishment that is not compliant with applicable state law or local ordinances relating to the licensing or regulation of massage establishments.

House Bill 2803 establishes that a commercial tenant's right of possession terminates and the landlord has a right to repossess the leased premises if the tenant is using or allowing the use of those premises to operate, maintain, or advertise a massage establishment that is not compliant with applicable state law or local ordinances relating to the licensing or regulation of massage establishments.

Governor's Reason for Veto: "House Bill 2803 seeks to prevent human trafficking, an aim I whole-heartedly share and applaud the author and sponsor for advancing. I have fought against human trafficking throughout my service as Attorney General and Governor. But House Bill 2803 goes about it in the wrong way, pitting tenants against other tenants and landlords, and drawing in basic licensing rules that are unrelated to trafficking. Texas law already allows a landlord to seek forcible eviction upon a reasonable belief that a tenant is engaging in prostitution or human trafficking on the premises. Under House Bill 2803, however, one tenant could have another tenant dragged into court just by making an accusation to the landlord, of something as mundane as sloppy recordkeeping by a massage establishment. That is no basis for governmental interference with a private contract between the landlord and the finger-pointing tenant. And the landlord is caught in the middle, practically forced to file against an allegedly offending tenant to avoid the severe, artificial consequences from inaction. The bill would be ripe for abuse by a disgruntled tenant looking for a way to break the lease or harass the neighbors.

The unforeseen negative consequences of this bill could be substantial, with no potential remedy until some future legislative session would be able to fix the flaws in the statute. But even then, there is never any certainty that a proposed bill would pass. The better strategy is to prepare a more narrowly tailored bill to achieve the end sought while avoiding the potential adverse consequences."

House Bill 2879

Effective: 9-1-21

House Author: Landgraf

Senate Sponsor: Seliger

Current law requires a holder of a worker's lien who is not a franchised dealer and who retains possession of a repaired motor vehicle due to unpaid repair charges to give notice to the vehicle's owner and each lienholder recorded on the certificate of title and to file a copy of that notice with the county tax assessor-collector's office not later than the 30th day after the date on which the charges accrue. House Bill 2879 amends the Property Code to establish the 30th day before the date of a proposed sale or disposition of the vehicle as an alternative deadline for filing the notice with the assessor-collector's office if the vehicle has a gross vehicle weight rating equal to or greater than 16,000 pounds. The bill requires the notice to include the proposed date of sale or disposition of the vehicle, if applicable.

Property Interests and Housing

[House Bill 2893](#)

Effective: 9-1-21

House Author: Herrero

Senate Sponsor: Hinojosa

House Bill 2893 amends the Government Code to require the Texas Department of Housing and Community Affairs to establish a colonia self-help center in Nueces County and to increase the minimum number of members of the Colonia Resident Advisory Committee.

[House Bill 3115](#)

Effective: 9-1-21

House Author: Shine

Senate Sponsor: Buckingham

House Bill 3115 amends the Family Code and Property Code to set the time period in which a bona fide purchaser or mortgagee for value may rely conclusively on an affidavit filed by a judgment debtor attesting to the fact that a property is their homestead for purposes of releasing a judgment lien on the property at 90 days, beginning on the 31st day after the date the judgment debtor files a related certificate of mailing attesting that they sent the required notice of the affidavit's filing to the judgment creditor. The bill establishes the 30th day after the date the certificate was filed as the deadline by which a judgment creditor must file a contradicting affidavit in order for the debtor's affidavit to no longer serve as release of record of the judgment lien.

[House Bill 3571](#)

Effective: 6-15-21

House Author: Bonnen et al.

Senate Sponsor: Springer

House Bill 3571 amends the Property Code to prohibit a property owners' association from adopting or enforcing a restrictive covenant that prevents a property owner from building or installing security measures, including but not limited to a security camera, motion detector, or perimeter fence. However, a property owners' association may still prohibit the installation of a security camera by a property owner in a place other than the owner's private property and regulate the type of fencing that a property owner may install. The bill's provisions do not apply to a condominium or a master mixed-use property owners' association.

[House Bill 4107](#)

Effective: 9-1-21

House Author: Burrows

Senate Sponsor: Kolkhorst et al.

House Bill 4107 amends the Natural Resources Code to require a common carrier pipeline or its employees, contractors, agents, or assigns, before entering property for the purpose of making a preliminary survey to be used in the exercise of the power of eminent domain, to provide the property owner with written notice of the carrier's intent to enter the property and an indemnification provision in the property owner's favor with respect to damages, if any, resulting from the survey. The bill subjects entry to property for which such notice is provided to specified conditions.

[House Bill 4374](#)

Effective: 9-1-21

House Author: Cyrier

Senate Sponsor: Zaffirini

House Bill 4374 amends the Property Code to authorize the commissioners court of Bastrop County or Caldwell County to adopt an order requiring an executory contract for the conveyance of land used or to be used as a residence located in the respective county to be subject to statutory provisions governing executory contracts for the conveyance of certain residential property.

[Senate Bill 30](#)

Effective: 9-1-21

Senate Author: West et al.

House Sponsor: Leach et al.

Senate Bill 30, the Senator Royce West Act, amends the Local Government Code and Property Code to establish a process for the removal of a discriminatory provision from a recorded conveyance instrument. Among other provisions, the bill authorizes certain affected property owners to file a motion requesting

removal of the discriminatory provision with the clerk of an applicable court. The court will rule on whether the conveyance instrument contains a discriminatory provision to be removed and may do so solely based on a review of the conveyance instrument and without hearing any testimonial evidence. The bill provides for the court's finding of fact and conclusion of law to be filed in the county's real property records.

Senate Bill 157

Effective: 9-1-21

Senate Author: Perry et al.

House Sponsor: Craddick

Senate Bill 157 amends the Government Code to require certain less populous public school districts, municipalities, counties, and special districts to file an annual report for the maintenance of the comptroller of public accounts' eminent domain database only if the entity's relevant information has changed from the previously filed information. The bill provides for the confirmation by the entity of the previously filed information if the entity's information has not changed.

Senate Bill 318

Effective: 9-1-21

Senate Author: Huffman

House Sponsor: Turner, Chris

Senate Bill 318 amends the Uniform Condominium Act, Property Code, to set out requirements relating to access to condominium unit owners' association books and records and procedures for a unit owner or their authorized representative to request to inspect or obtain copies of those books and records. The bill requires an association board to adopt a records production and copying policy regarding charges for compiling, producing, and reproducing information that is requested and exempts certain information from inspection or release. The bill requires an association composed of eight or more units to adopt and comply with a document retention policy that includes specified minimum retention requirements. The bill establishes a process through which a member who is denied access to or copies of association books or records may obtain relief in an action brought in a justice court.

Senate Bill 403

Effective: 9-1-21

Senate Author: Johnson

House Sponsor: Gervin-Hawkins

Senate Bill 403 amends the Government Code to authorize the owner of a housing development that received a low income housing tax credit and is subject to a right of first refusal period to sell the development during the first 60 days of that period to a public housing authority or a public facility corporation created by a public housing authority if the authority or corporation owns the fee title to the development owner's leasehold estate.

Senate Bill 581

Effective: 5-31-21

Senate Author: Bettencourt et al.

House Sponsor: Schofield

Current law prohibits a property owners' association from enforcing or adopting a restrictive covenant that prohibits the display of a religious item on the entry to an owner's or resident's dwelling, with certain exceptions. Senate Bill 581 amends the Property Code to expand the scope of that law by prohibiting the enforcement or adoption of a provision in a dedicatory instrument, including a restrictive covenant, that prohibits the display of a religious item anywhere on an owner's or resident's property or dwelling. The bill also revises the exceptions to the prohibition and repeals a provision authorizing a property owners' association to remove religious items displayed in violation of a restrictive covenant.

Senate Bill 721

Effective: 9-1-21

Senate Author: Schwertner et al.

House Sponsor: Leman

Senate Bill 721 amends the Property Code to require an entity seeking to acquire real property through the use of eminent domain, not later than the third business day before the date of a special commissioner's hearing, to disclose to the property owner any and all current and existing appraisal reports produced or

Property Interests and Housing

acquired by the entity relating specifically to the owner's property and used in determining the entity's opinion of value, if an appraisal report is to be used at the hearing.

[Senate Bill 726](#)

Effective: 9-1-21

Senate Author: Schwertner et al.

House Sponsor: Leman

Senate Bill 726 amends the Property Code to increase from two to three the minimum number of prescribed actions whose completion constitutes actual progress for purposes of determining a person's right to repurchase real property from a condemning entity. The bill revises the list of and the conduct that constitutes the prescribed actions and authorizes a navigation district or port authority, or a water district implementing a project included in the state water plan adopted by the Texas Water Development Board, to establish actual progress by completing two specified actions.

[Senate Bill 885](#)

Effective: 9-1-21

Senate Author: Hughes

House Sponsor: Landgraf

Senate Bill 885 amends the Civil Practice and Remedies Code and Property Code to establish that, after the fourth anniversary of the date a quitclaim deed for real property is recorded in the deed records of the applicable county, the deed does not affect the question of the good faith of a subsequent purchaser or creditor and does not constitute notice to a subsequent purchaser or creditor of any unrecorded conveyance of, transfer of, or encumbrance on the property. The bill also establishes that a quitclaim deed may not be the basis of an adverse possession claim under the five-year statute of limitations that applies to an adverse possessor who cultivates, uses, or enjoys the property, pays applicable taxes on the property, and claims the property under a duly registered deed.

[Senate Bill 1181](#)

Effective: 9-1-21

Senate Author: Creighton

House Sponsor: Metcalf

Senate Bill 1181 amends the Property Code and Occupations Code to authorize a self-service storage facility that takes possession of a motor vehicle, trailer, semitrailer, motorboat, vessel, or outboard motor for the enforcement of a lien to transfer possession of the property and have the property towed to a vehicle storage facility for disposition by that facility under certain conditions. The storage facility's lien on the property is extinguished when it is towed from the facility. The bill exempts the storage facility from liability to a tenant for any damage to the property that occurs during the tow or after the property is towed from the facility. The bill provides for the acceptance and disposal of property by the vehicle storage facility.

[Senate Bill 1588](#)

Effective: See below

Senate Author: Hughes et al.

House Sponsor: Turner, Chris et al.

Senate Bill 1588 amends the Property Code to revise the powers and duties of a property owners' association. Among other provisions, the bill restricts an association's authority to regulate the display of religious items anywhere on an owner's or resident's property or dwelling, the installation of a swimming pool enclosure, or the building or installation of security measures. The bill prohibits an association from collecting a regular assessment if the dedicatory instrument authorizing the collection is not filed in the public records as required by law.

Senate Bill 1588 caps the resale certificate fees charged by an association, changes the deadline to deliver a resale certificate after the second request by an owner, and raises the cap on the monetary amount that may be awarded to the owner if that deadline is missed. The bill requires an association that has at least 60 lots or that has contracted with a management company to make current versions of its

dedicatory instruments available online. The bill revises requirements relating to management certificates and, effective December 1, 2021, provides for electronic filing of such certificates with the Texas Real Estate Commission.

Senate Bill 1588 disqualifies certain individuals from serving on an architectural review authority for an association consisting of more than 40 lots and sets out procedures for the appeal of such an authority's decision denying an application or request by an owner for the construction of improvements in the subdivision. The bill revises notice requirements for open association board meetings, requires all budget changes to be voted on in an open meeting regardless of whether the budget increases, and requires an association that proposes to contract for services that will cost more than \$50,000 to solicit bids or proposals using a bid process.

Senate Bill 1588 requires an association to give written notice to an owner before reporting any delinquency to a credit reporting service, prohibits the reporting of delinquent fines, fees, or assessments that are the subject of a pending dispute, and requires an association reporting an owner's delinquent payment history to first provide to the owner a report of all delinquent charges owed and an opportunity to enter into a payment plan. The association may not charge an owner a fee for reporting delinquent charges to a credit reporting service. The bill increases the number of days an association must give an owner to cure a delinquency.

With respect to a hearing to resolve an owner's violation, Senate Bill 1588 eliminates the option for the hearing to be held before a board-appointed committee instead of the board itself, requires an association to provide the owner with the information the association intends to introduce at the hearing, entitles the owner to an automatic postponement of the hearing if the information is not timely provided, and establishes that, during the hearing, the association board presents its case first and then the owner is entitled to present their case. The bill authorizes an association to request certain information to be submitted to the association regarding a lease or rental applicant. The bill authorizes a property owner to bring an action for a violation of the Texas Residential Property Owners Protection Act against an association in an applicable justice court.

Except as otherwise provided, the bill takes effect September 1, 2021.

Senate Bill 1679

Effective: 9-1-21

Senate Author: Alvarado

House Sponsor: Johnson, Jarvis et al.

Senate Bill 1679 amends the Local Government Code to repeal and replace provisions relating to the Houston Land Bank. Among other provisions, the bill provides for the land bank's authority to acquire, manage, and dispose of vacant, abandoned, deteriorated, or foreclosed properties and to convert those properties to productive uses, including affordable housing, workforce housing, public service housing, mixed-income housing, community-based economic development, food desert solutions, parks and recreation, and flood reduction and storm resiliency. The bill also creates a joint interim committee to study land banks.

Senate Bill 1783

Effective: 9-1-21

Senate Author: Creighton

House Sponsor: Turner, Chris

Senate Bill 1783 amends the Property Code to explicitly authorize a landlord to offer a tenant whose residential lease requires a security deposit the option to pay a fee in lieu of the deposit that may be used to purchase insurance coverage for damages and charges for which the tenant is legally liable under the lease or as a result of breaching the lease. The bill sets out requirements and restrictions relating to the fee and insurance.

Property Interests and Housing

[Senate Bill 2046](#)

Effective: 9-1-21

Senate Author: Menéndez

House Sponsor: Gervin-Hawkins

Senate Bill 2046 amends the Government Code to prohibit the Texas Department of Housing and Community Affairs (TDHCA) from including in a compliance assessment report for a project application seeking financial assistance administered through the TDHCA multifamily housing programs any instance of noncompliance associated with a project of the applicant or an affiliate of the applicant if the applicant or affiliate has submitted documentation demonstrating that the responsibility for project compliance was delegated to another participant in the project.

PUBLIC EDUCATION

This chapter covers legislation on issues relating to the state’s public school system, including the following: school district and charter school operations; students and teachers and other school employees; school finance, accountability, and safety; and curricula and extracurricular programs.

House Bill 25 (3rd C.S.)

Effective: 1-18-22

House Author: Swanson et al.

Senate Sponsor: Perry et al.

House Bill 25 amends the Education Code to prohibit an interscholastic athletic team sponsored or authorized by a public school district or open-enrollment charter school from allowing a student to compete in a district- or school-sponsored interscholastic athletic competition designated for the biological sex opposite to the student’s biological sex. Among other provisions, the bill sets out specifications regarding the documentation of a student’s biological sex and provides an exception to allow female students to compete in a competition that is designated for male students under certain circumstances.

House Bill 159

Effective: 9-1-21

House Author: González, Mary et al.

Senate Sponsor: Lucio et al.

House Bill 159 amends the Education Code to revise training requirements for an educator certificate to include requirements that a candidate demonstrate basic knowledge relating to disability categories under the federal Individuals with Disabilities Education Act and conditions that may be considered a disability under the federal Rehabilitation Act of 1973 and demonstrate competence in certain proactive instructional planning techniques and inclusive instructional practices. The bill extends certification-related training requirements with regard to instruction on dyslexia, mental health, substance abuse, and youth suicide to all educator certificates and clarifies certain qualifications for principal certification.

House Bill 159 requires an educator preparation program, as a condition of the program’s approval or renewal, to incorporate proactive instructional planning techniques using a qualifying framework and to integrate inclusive practices and evidence-based instruction and intervention strategies. The bill requires field-based experience required for teacher certification candidates, including internships and certain flexible options, to involve interaction with a diverse student population that includes students with disabilities to the greatest extent practicable. The bill adds language to clarify that certain standards and requirements in the context of educator preparation programs refer to all students, including students with disabilities.

House Bill 159 requires public school district staff development training to incorporate proactive instructional planning techniques using a qualifying framework and to integrate inclusive and evidence-based instructional practices for all students.

House Bill 189

Effective: 6-4-21

House Author: Canales

Senate Sponsor: Lucio

House Bill 189 amends the Education Code to extend statutory provisions relating to a severance payment for a public school district superintendent to apply to an administrator serving as educational leader and chief executive officer of an open-enrollment charter school. The applicable provisions require the charter school’s governing body to report the terms of the payment to the commissioner of education and require the commissioner to reduce the charter school’s foundation school program funds by any amount by which the payment exceeds a specified cap.

Public Education

[House Bill 547](#)

Effective: 9-1-21

House Author: Frank et al.

Senate Sponsor: Paxton et al.

House Bill 547 amends the Education Code to authorize a public school to provide the opportunity to participate in a University Interscholastic League activity to a home-schooled student in the same manner as that opportunity is provided to an enrolled student, subject to relevant policies and residency criteria. Among other provisions, the bill establishes parental responsibility for oversight of academic standards and related reporting with regard to a home-schooled student's eligibility to participate and establishes an associated standardized testing requirement. The bill subjects a participating home-schooled student to the same immunization requirements and related exceptions as a public school student.

[House Bill 572](#)

Effective: 6-14-21

House Author: Dutton

Senate Sponsor: Lucio et al.

House Bill 572 amends the Education Code to classify a student who is under 26 years of age and is enrolled in a dropout recovery school as a "student at risk of dropping out of school" for purposes of a public school district's provision of compensatory, intensive, and accelerated instruction.

House Bill 572 also requires the Texas Education Agency (TEA) to conduct a study on the implementation of competency-based educational programs by public schools and to report the results to the legislature. Implementation by TEA of the bill's provisions relating to the study is mandatory only if a specific appropriation is made for that purpose.

[House Bill 690](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Zaffirini

House Bill 690 amends the Education Code to require the State Board of Education (SBOE) to require an independent school district trustee to complete training on school safety. The bill requires the SBOE to develop the training curriculum and materials in coordination with the Texas School Safety Center.

[House Bill 699](#)

Effective: 6-7-21

House Author: Rosenthal et al.

Senate Sponsor: Zaffirini

House Bill 699 amends the Education Code to require a public school district, upon the provision of appropriate certification from a licensed physician, to excuse a student absence resulting from a serious or life-threatening illness or related treatment that makes the student's attendance infeasible. The bill prohibits the consideration of the absence in relation to minimum attendance requirements for class credit or a final grade. The bill prohibits the referral to truancy court of a student whose truancy is determined to be the result of severe or life-threatening illness or related treatment.

[House Bill 725](#)

Effective: 6-4-21

House Author: Patterson et al.

Senate Sponsor: Zaffirini et al.

House Bill 725 amends the Education Code to make a child who is at least three years of age, resides in Texas, and is or ever has been in foster care in another state or territory eligible for a free prekindergarten class offered by a public school district.

[House Bill 750](#)

Effective: 9-1-21

House Author: Burns

Senate Sponsor: Perry

House Bill 750 amends the Education Code to require an independent school district to post on its website, if any, the district employment policy and the full text of any regulations referenced in the policy. The bill requires a district to make any forms referenced in the policy available on an intranet website accessible to its employees or at a designated administrative office, as applicable.

House Bill 773**Effective:** 5-28-21**House Author:** VanDeaver et al.**Senate Sponsor:** Powell

House Bill 773 amends the Education Code to create, for purposes of the public school accountability system, an indicator in the student achievement domain for high school campuses and districts that include those campuses to account for students who successfully completed a program of study in career and technical education.

House Bill 785**Effective:** 6-4-21**House Author:** Allen et al.**Senate Sponsor:** Zaffirini

House Bill 785 amends the Education Code to set out certain provisions relating to behavioral management for students enrolled in special education. The bill requires such a student's individualized education program committee at least annually to review a student's behavior improvement plan or behavioral intervention plan, if applicable. The bill requires a public school district that takes disciplinary action that constitutes a change in placement regarding an applicable student to seek parental consent to do the following:

- conduct a functional behavioral assessment or review the student's previous assessment and any associated behavior improvement plan or behavioral intervention plan, as applicable; and
- develop or revise a behavior improvement plan or behavioral intervention plan for the student as necessary.

House Bill 785 provides for statewide standard procedures for the use of restraint and time-out for a student receiving special education services, including requiring a district to provide certain parental notification of each use of restraint, to include documentation of such notifications in the student's records, and to document each use of time-out prompted by a behavior specified in the student's behavior improvement plan or behavioral intervention plan, if applicable.

House Bill 999**Effective:** 5-31-21**House Author:** Bernal et al.**Senate Sponsor:** Menéndez et al.

House Bill 999 amends the Education Code to authorize any student who was in 12th grade during the 2020-2021 school year to be awarded a high school diploma on the basis of a review by an individual graduation committee, regardless of whether the student has failed to meet certain end-of-course test performance requirements. The committee, in making its determination, is not required to consider criteria relating to end-of-course test performance that would otherwise apply. The bill's provisions expire September 1, 2022.

House Bill 1080**Effective:** 6-4-21**House Author:** Patterson et al.**Senate Sponsor:** Nelson et al.

House Bill 1080 amends the Education Code to prohibit University Interscholastic League (UIL) rules from excluding a public school district or open-enrollment charter school student from eligibility to participate in a UIL activity based solely on the student's receipt of outpatient mental health services from a mental health facility. The bill prohibits district or charter school policies from restricting participation in UIL activities based solely on a student's receipt of such services or the student's absence during instructional time while receiving such services.

House Bill 1133**Effective:** 6-4-21**House Author:** Clardy**Senate Sponsor:** Hughes et al.

House Bill 1133 amends the Education Code to authorize the commissioners court of a county with a population of more than 40,000 but less than 55,000 and for which a county equalization tax was adopted and continues in effect to order an election on the question of revoking that tax.

Public Education

House Bill 1147

Effective: 9-1-21

House Author: Huberty et al.

Senate Sponsor: Taylor et al.

House Bill 1147 amends the Education Code to include an annual graduate's enlistment in the Texas National Guard during a certain time period among the outcomes demonstrating military readiness for purposes of the college, career, or military readiness outcomes bonus under the foundation school program. The bill extends the indicator in the student achievement domain of the public school system accountability system that accounts for students who enlist in the U.S. armed forces to include students who enlist in the Texas National Guard.

House Bill 1252

Effective: 9-1-22

House Author: Moody et al.

Senate Sponsor: Hall et al.

House Bill 1252 amends the Education Code to prohibit the commissioner of education and the Texas Education Agency from adopting or enforcing a rule that establishes a shorter period than the maximum timeline designated under federal law for filing a due process complaint alleging a violation of state or federal special education laws and requesting a due process hearing.

House Bill 1525

Effective: See below

House Author: Huberty et al.

Senate Sponsor: Taylor et al.

House Bill 1525 amends the Education Code and Government Code to revise aspects of the public school finance system and to provide for certain temporary funding allocations, among other provisions. Regarding the local share of funding, the bill revises the property value basis for calculating the maximum compressed tax rate, clarifies the 10 percent deviation rule, and requires the commissioner of education to reduce state aid or adjust the limit on a public school district's local revenue level to offset any revenue generated by a district's tax effort that does not comply with applicable law. The bill provides for the enforcement of the prohibition on levying a district maintenance tax at a rate intended to create a surplus for purposes of paying debt service. The bill excludes foundation school program (FSP) funding allocated to a district from the available school fund from being used to offset the district's recapture amount but permits the use of the district's other Tier 1 and Tier 2 funding for such an offset. The bill revises the basis on which certain consolidated districts are entitled to incentive aid.

House Bill 1525 makes the following revisions to specific FSP allotments and incentives:

- reestablishes a gifted and talented student allotment;
- revises the methods of calculating the career and technology education allotment and the fast growth allotment;
- makes students who are homeless explicitly eligible for the compensatory education allotment and expands the authorized uses of allotment funds;
- includes earning an associate degree within a certain period as a qualifying outcome for purposes of the college, career, or military readiness outcomes bonus;
- regarding the teacher incentive allotment:
 - entitles the Texas School for the Deaf and the Texas School for the Blind and Visually Impaired to the allotment; and
 - classifies compensation funded by the allotment as salary and wages for purposes of the Teacher Retirement System of Texas, including for applicable persons who retired before the bill's effective date;
- expands the authorized uses of the school safety allotment, removes authorization for a district to offset its entitlement to that allotment against recapture, and requires a related commissioner report;

- revises eligibility for the additional days incentive;
- limits a district-specific average daily attendance adjustment granted after a calamity to one school year; and
- effective June 16, 2021, includes costs associated with distance learning among the authorized uses of the instructional materials and technology allotment.

The bill caps the annual total distributed under the formula transition grant at \$400 million.

House Bill 1525, effective June 16, 2021, sets out public transparency requirements relating to meetings of a local school health advisory council and requirements relating to the adoption of a human sexuality instruction curriculum.

House Bill 1525 establishes the Texas Commission on Special Education Funding to develop and make recommendations regarding methods of financing special education. The bill requires certain temporary adjustments to open-enrollment charter school funding as necessary to comply with maintenance of support requirements under the federal Individuals with Disabilities Education Act. The bill extends the autism grant program and the dyslexia grant program to September 1, 2023, and revises components of both programs.

House Bill 1525 revises provisions relating to state funding for certain student tests. The bill requires additional PEIMS reporting relating to certain students who fail to attend school or are enrolled in certain educational programs after dropping out of school. Effective September 1, 2023, the bill sets out requirements relating to the protection of covered student information by a national assessment provider and by an applicable operator of a website, online service or application, or mobile application used for school purposes.

House Bill 1525 provides for the establishment of a tutoring program in which instruction is provided by members of a nonprofit teacher organization and other qualified persons. The bill postpones certain deadlines relating to required attendance at a teacher literacy achievement academy and entitles regional education service centers to certain state aid for staff salary increases. The bill entitles applicable district employees to the preservation of certain state-funded salary increases, subject to certain exceptions.

House Bill 1525 provides for a one-time reimbursement for costs associated with winter storm Uri and an adjustment to the financial accountability rating system to account for the impact of the COVID-19 pandemic. The bill includes a temporary provision requiring a district to accept and spend certain private donations designated to fund supplemental education staff positions.

House Bill 1525 provides for the use and distribution of state discretionary funds under the federal Coronavirus Response and Relief Supplemental Appropriations Act for certain specified purposes. The bill includes temporary provisions requiring the commissioner to increase a district's or charter school's FSP entitlement as necessary to ensure compliance with federal maintenance of effort and equity requirements related to funding under that act.

Except as otherwise provided, the bill takes effect September 1, 2021.

House Bill 1603

Effective: 6-7-21

House Author: Huberty et al.

Senate Sponsor: Seliger et al.

House Bill 1603 amends the Education Code to extend the use of individual graduation committees and other alternative methods of satisfying public high school graduation requirements by removing and repealing certain expiration dates, including expiration dates for the following:

- provisions establishing the individual graduation committee review process;
- provisions authorizing the substitution of certain Texas Success Initiative diagnostic test scores for satisfactory end-of-course test performance in Algebra I and English II; and
- provisions extending the use of individual graduation committees and other alternative graduation qualification procedures to open-enrollment charter schools.

Public Education

The bill authorizes a special accreditation investigation by the commissioner of education when 10 percent or more of the students graduating in a particular school year from a particular high school campus are awarded a diploma based on an individual graduation committee review.

[House Bill 1788](#)

Effective: 9-1-21

House Author: Hefner

Senate Sponsor: Hughes et al.

House Bill 1788 amends the Education Code to grant a public school district, open-enrollment charter school, private school, and any security personnel employed by a district, charter school, or private school immunity from liability for any damages resulting from any reasonable action taken by the security personnel to maintain the safety of the school campus, including action relating to the possession or use of a firearm. The bill also grants a district, charter school, or private school immunity from liability for any damages resulting from any reasonable action taken by a district or school employee who has written permission from the district's board of trustees or the school's governing body to carry a firearm on campus.

[House Bill 2256](#)

Effective: 9-1-21

House Author: Guerra et al.

Senate Sponsor: Creighton et al.

House Bill 2256 amends the Education Code to require the State Board for Educator Certification to establish a bilingual special education certificate for teachers qualified to instruct students of limited English proficiency with disabilities. The bill sets out eligibility criteria for the certificate.

[House Bill 2287](#)

Effective: 9-1-21

House Author: Thompson, Senfronia et al.

Senate Sponsor: Powell et al.

House Bill 2287 amends the Education Code to expand the data collection duties of the Collaborative Task Force on Public School Mental Health Services to include specified information, authorizes the task force to consult with relevant experts and stakeholders, and authorizes the task force to enter into agreements with relevant entities as needed to execute its duties. The bill authorizes the task force, or the Texas Education Agency (TEA) on behalf of the task force, to request data from or consult with certain entities that possess information relevant to the task force's duties. The bill provides for the protection of personally identifying information and other confidential information relating to students in the context of those data requests. The bill requires TEA, the Health and Human Services Commission, and each regional education service center to provide certain reports and other information to the task force during a limited period ending December 1, 2025.

[House Bill 2519](#)

Effective: 9-1-21

House Author: Darby et al.

Senate Sponsor: Zaffirini

House Bill 2519 amends the Education Code to require at least two of the State Board for Educator Certification (SBEC) voting members who are public school teachers, administrators, or counselors to be from small or mid-sized districts, as defined for purposes of foundation school program allotments.

House Bill 2519 requires the SBEC to promptly notify a certified educator of any suspension of the educator's certificate or permit, including certain related information, unless the suspension is by an agreed order. The bill requires a district to promptly notify a teacher employed under a term contract of a complaint by the district to the SBEC regarding the teacher's resignation under certain circumstances and prescribes certain contents of the notice. The bill provides for SBEC consideration of mitigating factors and alternatives to sanctions with respect to such a district complaint. The bill creates a 15-day grace period following the deadline for timely filing a written resignation within which a teacher may resign without being subject to certificate suspension or revocation.

House Bill 2681**Effective:** 6-15-21**House Author:** Wilson et al.**Senate Sponsor:** Buckingham

House Bill 2681 amends the Education Code to extend the grade levels at which a public school district may offer certain elective courses involving academic study of the Bible from grade nine and above to grade six and above. The bill updates certification requirements for a teacher of such a course to reflect the change in grade levels. Implementation of a provision of the bill by the State Board of Education is mandatory only if a specific appropriation is made for that purpose.

House Bill 2721**Effective:** 6-16-21**House Author:** Lucio III et al.**Senate Sponsor:** Lucio

House Bill 2721 amends the Education Code to require a student who is enrolled in a public school district or who participates in a University Interscholastic League (UIL) competition to be prohibited from participation in any future extracurricular activity sponsored or sanctioned by the district or the UIL if the student engages in certain conduct involving the assault of an official of the activity in retaliation for or as a result of the person's actions taken in that official capacity. The bill authorizes the UIL to permit such a student to participate in future UIL activity on the student's request, after a certain waiting period and subject to other specified conditions.

House Bill 3261**Effective:** 6-18-21**House Author:** Huberty**Senate Sponsor:** Taylor

House Bill 3261 amends the Education Code to revise provisions requiring the Texas Education Agency to develop and implement a transition plan for electronic administration of certain statewide standardized tests by removing the associated expiration date and limiting the tests to which the transition plan applies. The applicable tests must be administered electronically beginning with the 2022-2023 school year unless otherwise provided by commissioner rule. The bill authorizes the commissioner of education to establish a temporary matching grant program for purposes of funding the necessary infrastructure for public school districts and open-enrollment charter schools to administer tests electronically in accordance with the transition plan.

House Bill 3261 authorizes the use of the instructional materials and technology allotment to purchase services, equipment, and technology infrastructure necessary to ensure Internet connectivity and adequate bandwidth and to pay for training personnel in the electronic administration of tests. The bill, among other provisions, revises the state process for determining the total amount of the biennial disbursement from the available school fund to fund the allotment, caps the proportion of that amount that may be attributable to instructional materials costs under State Board of Education requests for production, and establishes considerations on which a district's technological equipment purchases must be based. The bill revises certain requirements relating to the scheduling and question format of applicable statewide standardized tests.

House Bill 3456**Effective:** 6-14-21**House Author:** White**Senate Sponsor:** Eckhardt et al.

House Bill 3456 amends the Education Code to clarify that any money received by or appropriated for the operation of the following entities is considered part of the foundation school program and not subject to budget reduction requests:

- the Windham School District;
- the Texas School for the Blind and Visually Impaired;
- the Texas School for the Deaf;

Public Education

- the charter holder of an adult high school diploma and industry certification charter school; and
- a local juvenile probation department operating a juvenile justice alternative education program.

[House Bill 3489](#)

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Taylor

House Bill 3489 amends the Education Code to require the Texas Education Agency, in consultation with the Health and Human Services Commission, to develop and distribute model health and safety guidelines for the effective integration of digital devices in public schools. The bill sets out requirements for the content of the guidelines and provisions relating to their local adoption and implementation, if applicable. The bill requires each public school district and open-enrollment charter school to adopt a local policy for the effective integration of digital devices.

[House Bill 3597](#)

Effective: 6-18-21

House Author: Metcalf

Senate Sponsor: Paxton

House Bill 3597 amends the Education Code and Government Code to revise the period after which a public school district that fails to timely report its safety and security audit results to the Texas School Safety Center is required to conduct a public hearing on that failure. The bill, among other provisions, replaces a requirement for a public school district to provide the center, on request, with specified information about any relevant memorandum of understanding or mutual aid agreement with a requirement to provide a copy of the memorandum or agreement. The bill entitles the center to obtain the criminal history record information of a person who is registering with the center as a provider of certain consulting services.

[House Bill 3610](#)

Effective: 9-1-21

House Author: Gervin-Hawkins et al.

Senate Sponsor: Springer et al.

House Bill 3610 amends the Education Code to classify an open-enrollment charter school as a political subdivision for purposes of the property tax exemption for public property and, with respect to certain property, state law establishing the scope of a political subdivision's right of action.

House Bill 3610 amends the Tax Code to exempt the portion of certain real property leased to an independent school district, community college district, or open-enrollment charter school from property taxation.

[House Bill 3643](#)

Effective: 6-15-21

House Author: King, Ken et al.

Senate Sponsor: Taylor

House Bill 3643 amends the Education Code to establish the Texas Commission on Virtual Education to develop recommendations relating to the delivery of and funding for virtual education under the foundation school program, including alternative methods of funding and instructional delivery. The bill requires the commission to report its recommendations to the governor and the legislature once before the commission is abolished on January 1, 2023. Implementation of a provision of the bill is mandatory only if a specific appropriation is made for that purpose.

[House Bill 3979](#)

Effective: 9-1-21

House Author: Toth et al.

Senate Sponsor: Creighton et al.

House Bill 3979 amends the Education Code to require the State Board of Education, in adopting state social studies curriculum standards, to include specified essential knowledge and skills that develop each student's civic knowledge. The bill prohibits compelling a teacher for any social studies course in the required curriculum to discuss a particular current event or widely debated and currently controversial issue of public policy or social affairs but requires a teacher who chooses to do so to strive to explore the

topic from diverse and contending perspectives without giving deference to any one perspective. The bill sets out additional prohibitions relating to social studies curriculum and instruction, including the following:

- prohibits a public school district, open-enrollment charter school, or teacher from requiring, making part of a course, or awarding a grade or course credit for a student’s engagement in certain activities relating to lobbying or policy advocacy;
- prohibits an employee of a district, charter school, or state agency from requiring or making part of a course certain concepts relating to race and sex;
- prohibits requiring an employee of those entities to engage in training, orientation, or therapy that presents any form of race or sex stereotyping or blame on the basis of race or sex; and
- prohibits those entities from accepting private funding for applicable curriculum, teacher training, or professional development.

The bill provides for certain protections for applicable student speech. The bill’s provisions apply beginning with the 2021-2022 school year, except that required changes to state curriculum standards apply beginning with the 2022-2023 school year.

House Bill 4509

Effective: 6-18-21

House Author: Bonnen et al.

Senate Sponsor: Taylor et al.

House Bill 4509 amends the Education Code to require the State Board of Education (SBOE) and each public school district to require the teaching of informed American patriotism, as defined by the bill, in the adoption of instructional materials for kindergarten through grade 12. The bill requires the SBOE, in adopting state curriculum standards, to adopt essential knowledge and skills that develop each student’s civic knowledge and sets out certain concepts and specific United States founding documents to be addressed by those standards. The bill updates the stated objectives of public education to reflect educators’ responsibility to cultivate in students an informed American patriotism and lead students in a close study of the founding documents of the United States and Texas.

House Bill 4545

Effective: 6-16-21

House Author: Dutton

Senate Sponsor: Taylor et al.

House Bill 4545 amends the Education Code to remove student performance on certain statewide standardized tests, including performance on second and third attempts under certain circumstances, as a condition of grade promotion. The bill redesignates grade placement committees as accelerated learning committees and revises provisions relating to accelerated instruction. Among other provisions, the bill requires a public school district, for a student who fails to perform satisfactorily on an applicable test, to provide accelerated instruction to the student as well as either providing supplemental instruction, contingent on specified funding, or meeting certain conditions with regard to the qualifications of the student’s assigned classroom teacher.

House Bill 4545 establishes the strong foundations grant program for campuses or programs serving prekindergarten through grade five students to implement a qualifying rigorous school approach that includes specified components. Grant funds may be used to pay for accelerated instruction required by the bill, among other authorized purposes. The bill authorizes the commissioner of education to impose the grant program’s requirements on an applicable campus as a campus-level accountability intervention.

House Bill 4545 sets out criteria for supplemental instruction funded by the grant program, the federal Coronavirus Response and Relief Supplemental Appropriations Act, or the federal American Rescue Plan Act of 2021.

Senate Bill 3 (2nd C.S.)

Effective: 12-2-21

Senate Author: Hughes et al.

House Sponsor: Huberty et al.

Senate Bill 3 amends the Education Code to require the State Board of Education, in adopting state curriculum standards for kindergarten through grade 12 social studies, to include specified essential knowledge and skills that develop each student's civic knowledge. The bill requires the commissioner of education to establish civics training programs for teachers and administrators with the assistance of a civics training program advisory board created by the bill. The bill requires each public school district and open-enrollment charter school to ensure that applicable educators attend such a program but authorizes the commissioner to delay implementation of this requirement until not later than the 2025-2026 school year, subject to certain conditions.

Senate Bill 3 prohibits compelling a teacher in any course, subject, or grade level to discuss a widely debated and controversial issue of public policy or social affairs but requires a teacher who chooses to do so to explore the issue objectively and in a manner free from political bias. The bill prohibits a district, charter school, or teacher from requiring, making part of a course, or awarding a grade or course credit for a student's engagement in certain activities relating to lobbying or policy advocacy. The bill prohibits an employee of a district, charter school, or state agency from requiring or making part of a course inculcation in specified concepts relating to race and sex and from training or instructing staff, teachers, or administrators to the same effect.

Senate Bill 3 sets out related restrictions on the adoption and funding of curriculum and the implementation of instruction and provides for parental access to a learning management system or online learning portal, if applicable. The bill repeals and replaces certain provisions of House Bill 3979, Acts of the 87th Legislature, Regular Session, 2021.

Senate Bill 9 (2nd C.S.)

Effective: 12-2-21

Senate Author: Huffman et al.

House Sponsor: Dutton et al.

Senate Bill 9 amends the Education Code to require a local school health advisory council to recommend appropriate grade levels and curriculum for instruction regarding child abuse, family violence, dating violence, and sex trafficking, provided that the recommendations do not conflict with state curriculum standards. The bill provides for the manner in which a public school district must make all curriculum materials used in or proposed for the instruction available to parents and to the public, as applicable. The bill requires a district board of trustees to adopt a policy establishing the adoption process for the curriculum materials and sets out related requirements. The bill requires a district to provide certain written parental notification of the district's decision regarding the provision of the instruction and makes prior parental consent a condition of the instruction.

Senate Bill 9 requires a district's dating violence policy to include specified information and requires the district to make certain dating violence resources and educational materials available to students.

Senate Bill 15 (2nd C.S.)

Effective: 9-9-21

Senate Author: Taylor et al.

House Sponsor: Bell, Keith et al.

Senate Bill 15 amends the Education Code to authorize a public school district or open-enrollment charter school to provide off-campus electronic courses or an off-campus or hybrid instructional program and to authorize, subject to certain conditions, the continued operation of a full-time virtual program that was operated during the 2020-2021 school year. The bill provides for the inclusion of students enrolled in such courses and programs in the district's or charter school's average daily attendance count for state funding purposes.

Senate Bill 15 authorizes a district or charter school that meets a specified performance rating threshold to operate a local remote learning program. The bill sets out requirements for the program and for program courses, including requirements relating to the following:

- the inclusion of certain grade levels and subjects;
- the format of instruction;
- student eligibility, including an enrollment cap and provision for additional local criteria;
- student assessment, including the administration of statewide standardized tests;
- the removal of a student from virtual instruction;
- attendance monitoring and calculation of average daily attendance;
- restrictions on teacher assignments to the program;
- performance evaluation of a full-time program for accountability purposes; and
- other accountability-related district and campus reporting requirements.

Senate Bill 15 provides for the satisfaction of internship requirements for educator certification through a local remote learning program or the state virtual school network and requires the commissioner of education to establish an asynchronous progression funding method for certain special-purpose districts. The bill's provisions expire September 1, 2023.

Senate Bill 89

Effective: 6-7-21

Senate Author: Menéndez et al.

House Sponsor: González, Mary

Senate Bill 89 amends the Education Code to require a public school district, for each child enrolled in the district's special education program during the 2019-2020 or 2020-2021 school year, to include a supplement in the written statement of the child's individualized education program (IEP) containing information on the following as applicable during those school years: the completion of the child's full individual and initial evaluation report, the development of the child's initial IEP, the provision of special services, and the appropriateness of compensatory education services.

Senate Bill 123

Effective: 9-1-21

Senate Author: Johnson et al.

House Sponsor: Turner, John

Senate Bill 123 amends the Education Code to require the State Board of Education to integrate self-management skills, interpersonal skills, and responsible decision-making skills into applicable state curriculum standards adopted for kindergarten through grade 12. The bill includes those skills among the contents of the character education program that each public school district and open-enrollment charter school is required to adopt.

Senate Bill 168

Effective: 6-14-21

Senate Author: Blanco et al.

House Sponsor: Ordaz Perez et al.

Senate Bill 168 amends the Education Code to set out certain requirements for a public school district or open-enrollment charter school preparing to conduct an active threat exercise, including the following:

- adequate notification of participants and parents, including whether a live simulation of a shooting incident is included;
- announcement of the exercise to students and faculty before the exercise starts;
- notification of first responder organizations that would likely respond in the event of a false report or alarm;
- creation of a safe zone around the exercise area to exclude weapons, subject to certain exceptions;
- ensuring that the content of the exercise is age appropriate and developmentally appropriate and meets certain other standards; and
- tracking of data regarding the efficacy and impact of the exercise and submission of that data to the Texas School Safety Center.

The bill requires the commissioner of education to adopt rules providing best practices for conducting emergency school drills and exercises.

Senate Bill 179

Effective: 9-1-21

Senate Author: Lucio et al.

House Sponsor: Huberty et al.

Senate Bill 179 amends the Education Code to require each public school district to adopt, and each of a district's schools to implement, a policy requiring a school counselor to spend at least 80 percent of the counselor's total work time on duties that are components of the school's comprehensive school counseling program. The bill prohibits a district from including a provision in a counselor's employment contract that conflicts with the policy or that has the effect of authorizing a principal or superintendent to require a counselor to generally perform duties not primarily related to a counseling function. The bill creates certain alternate policy requirements for a district whose district or school staffing needs constitute grounds for a counselor to spend less than the prescribed portion of work time on applicable duties. The bill provides for an annual compliance assessment.

Senate Bill 204

Effective: 6-14-21

Senate Author: Schwertner et al.

House Sponsor: Huberty

Senate Bill 204 amends the Education Code to authorize a county school board or public school district board to establish and operate a public school transportation system outside the district if enrolled students reside outside the district, the district meets certain performance rating and accountability score criteria, and the district has an active policy prohibiting the screening of nonresident transfer students based on academic performance, disciplinary history, or attendance record. The district must make information regarding its compliance with these requirements publicly available on its website.

Senate Bill 226

Effective: 9-1-21

Senate Author: Paxton

House Sponsor: Lozano

Senate Bill 226 amends the Education Code to include instruction in virtual learning and virtual instruction as part of the required instruction in digital learning prescribed by minimum academic qualifications for certain educator certification. The required instruction must cover best practices in developing a virtual learning curriculum and in assessing students receiving virtual instruction, based on academic progress.

Senate Bill 279

Effective: 6-14-21

Senate Author: Hinojosa et al.

House Sponsor: Bucy et al.

Senate Bill 279 amends the Education Code to require each student identification card issued by a public school to a student in grade six or higher or issued by a public institution of higher education to have printed on the card the contact information for the National Suicide Prevention Lifeline and the Crisis Text Line. The bill authorizes the inclusion of contact information for appropriate local police, health, and suicide prevention entities, as applicable.

Senate Bill 289

Effective: 6-14-21

Senate Author: Seliger

House Sponsor: VanDeaver

Senate Bill 289 amends the Education Code to authorize a student's excused absence to obtain a driver's license or learner license, subject to verification by the student's public school district and provided that the district does not excuse the student for more than one day for each purpose during the student's period of high school enrollment.

Senate Bill 338

Effective: 6-7-21

Senate Author: Powell

House Sponsor: Lucio III et al.

Senate Bill 338 amends the Government Code to add one representative of the Texas Association of School Boards and one representative of the Texas Association of School Administrators to the membership

of the Texas Facilities Commission review committee for the uniform general conditions of state building construction contracts. The bill amends the Education Code to authorize a public school district, after reviewing those conditions, to adopt uniform general conditions for all district building construction contracts.

Senate Bill 346

Effective: 5-24-21

Senate Author: Paxton et al.

House Sponsor: Dutton

Senate Bill 346 amends the Education Code to extend eligibility to participate in the Jobs and Education for Texans (JET) grant program to an open-enrollment charter school that has entered into a partnership with a public junior college, public technical institute, or public state college for the purpose of promoting career and technical education or offering dual credit courses to the charter school's students.

Senate Bill 348

Effective: 6-14-21

Senate Author: Kolkhorst et al.

House Sponsor: Jetton

Senate Bill 348 amends the Education Code to establish a parent's entitlement to observe virtual instruction and review instructional materials and teaching aids while the parent's child is participating in virtual or remote learning to the same extent those parental entitlements apply to in-person instruction.

Senate Bill 369

Effective: 6-14-21

Senate Author: Kolkhorst

House Sponsor: Allison

Senate Bill 369 amends the Education Code to extend to an open-enrollment charter school certain reporting requirements associated with the requirement for a public school student to submit a financial aid application as a condition of high school graduation. The bill clarifies documentation procedures relating to the right of the student or the person standing in parental relation to the student to decline to complete and submit the application.

Senate Bill 462

Effective: 9-1-21

Senate Author: Lucio et al.

House Sponsor: Allen

Senate Bill 462 amends the Education Code to authorize reimbursement from the foundation school program transportation allotment for a public school district located wholly or partly in a disaster area, as declared by the governor or the U.S. president, for the cost of transporting a meal or instructional materials to a student's residence or to another location for pick up by the student.

Senate Bill 481

Effective: 6-16-21

Senate Author: Kolkhorst et al.

House Sponsor: Schofield

Senate Bill 481 amends the Education Code to authorize a student enrolled in a public school district that provides parental notice of its intent to offer only virtual instruction for more than one grading period during a school year to transfer, for that school year, to another district that offers in-person instruction and accepts the student's transfer. Such a student may not be charged tuition and is included in the average daily attendance of the district in which the student attends school.

Senate Bill 560

Effective: 6-16-21

Senate Author: Lucio et al.

House Sponsor: Guerra et al.

Senate Bill 560 amends the Education Code to require the Texas Education Agency (TEA) to develop a strategic plan for the improvement and expansion of high-quality bilingual education. The plan must set tangible goals and establish timelines for specified related objectives. The bill sets out other provisions relating to the plan and requires TEA to submit the plan to the governor, lieutenant governor, speaker

Public Education

of the house of representatives, and members of appropriate legislative committees not later than December 1, 2022.

[Senate Bill 746](#)

Effective: 6-14-21

Senate Author: Miles

House Sponsor: Dutton

Senate Bill 746 amends the Education Code to require the parent of a student enrolled in a public school district to provide initial or updated contact information in writing to the district, as applicable, within a specified period.

[Senate Bill 776](#)

Effective: 9-1-21

Senate Author: Lucio et al.

House Sponsor: Dominguez et al.

Senate Bill 776 amends the Education Code to require the University Interscholastic League (UIL) to establish and maintain an inclusive sports program for students with intellectual disabilities at participating public middle schools, junior high schools, and high schools. The bill requires the UIL to consider and incorporate certain guidance, information, and input in adopting rules for the program and requires the rules to establish eligibility requirements, identify relevant best practices, and require the incorporation of activities that promote certain qualities and outcomes. The UIL must, to the greatest extent possible, require program participants to be subject to the same rules and requirements as participants in other UIL athletic programs and require team sports provided through the program to be organized similarly to those programs.

[Senate Bill 797](#)

Effective: 6-16-21

Senate Author: Hughes

House Sponsor: Oliverson et al.

Senate Bill 797 amends the Education Code to require a public elementary or secondary school or a public institution of higher education to display in a conspicuous place in each school or institution building a durable poster or framed copy of the national motto, "In God We Trust," if the poster or framed copy meets certain format specifications and is donated for display or purchased from private donations.

[Senate Bill 801](#)

Effective: 9-1-21

Senate Author: Kolkhorst

House Sponsor: Leman

Senate Bill 801 amends the Education Code to require the Texas Education Agency (TEA) to develop an agriculture education program for elementary school students in coordination with the Department of Agriculture and nonprofit organizations with expertise in agriculture education. The bill requires TEA to develop a list of approved agriculture education programs that may be used as part of the elementary school curriculum and are available at no cost.

[Senate Bill 879](#)

Effective: 5-24-21

Senate Author: Lucio

House Sponsor: Dutton

Senate Bill 879 amends the Education Code to revise the criteria that qualify a public school district, an open-enrollment charter school, or a district or charter school campus for designation as a dropout recovery school for public school system accountability purposes. The bill changes the student population criterion applicable to a district, charter school, or campus serving grades 9 through 12 to require at least 60 percent of the enrolled students to be 16 years of age or older. The bill establishes that a district, charter school, or campus that does not meet that student population criterion may, alternatively, apply for and receive the designation according to commissioner of education rule. For a charter school or charter school campus, the bill's change to the student population criterion also applies to dropout recovery school designation for purposes of evaluation for charter renewal.

Senate Bill 1063**Effective:** 6-8-21**Senate Author:** Alvarado et al.**House Sponsor:** King, Ken

Senate Bill 1063 amends the Education Code to revise the foundation high school program curriculum requirements in social studies to provide, as an alternative to one-half credit in economics, the option to complete one-half credit in personal financial literacy and economics, of which one-third of instruction time is allocated to economics and two-thirds to personal financial literacy. The bill requires the Texas Education Agency to develop a list of free, open-source, and publicly available curricula that may be used to provide the course and to seek, accept, and spend any federal or private grant funds and gifts that are available for that purpose.

Senate Bill 1095**Effective:** 6-14-21**Senate Author:** Creighton et al.**House Sponsor:** Dutton

Senate Bill 1095 amends the Education Code to require a public school district to annually notify the parent of each student enrolled in grade nine or above of the availability of subsidies for advanced placement (AP) test or international baccalaureate (IB) examination fees, the availability of career and technology education or other work-based education programs, and the qualifications for enrolling in those programs or in other programs in the district offering college credit.

Senate Bill 1109**Effective:** Vetoed**Senate Author:** West et al.**House Sponsor:** Anchia

Senate Bill 1109 amends the Education Code to require the State Board of Education to adopt rules requiring students to receive instruction on the prevention of child abuse, family violence, and dating violence at least once in middle or junior high school and at least twice in high school. The bill sets out information required to be included in the instruction, revises the required contents of a public school district's dating violence policy, and requires a district, to the extent possible, to make available to students certain educational materials and resources relating to dating violence.

Governor's Reason for Veto: "Senate Bill 1109 would require every school district to provide instruction to middle school and high school students regarding the prevention of child abuse, family violence, and dating violence. These are important subjects and I respect the Senate author's good intentions, but the bill fails to recognize the right of parents to opt their children out of the instruction. I have vetoed similar legislation before on this ground, because we must safeguard parental rights regarding this type of instruction. I look forward to working with the Legislature on a narrower approach."

Senate Bill 1191**Effective:** 9-1-21**Senate Author:** Seliger**House Sponsor:** VanDeaver

Senate Bill 1191 amends the Occupations Code to clarify that the term "school resource officer," for purposes of licensing and other requirements for a visiting school resource officer, does not include a peace officer who provides law enforcement at a public school or public school event only for extracurricular activities.

Senate Bill 1232**Effective:** See below**Senate Author:** Taylor**House Sponsor:** Bonnen

Senate Bill 1232 amends the Education Code, Government Code, and Natural Resources Code to provide for the creation of the Texas Permanent School Fund Corporation to serve as the sole entity responsible for management of the Permanent School Fund (PSF), which is currently a joint responsibility of both the State Board of Education (SBOE) and the School Land Board. The bill's provisions take effect September 1, 2021, except that the bill's provisions relating to the School Land Board's management of

Public Education

the PSF take effect December 31, 2022, contingent on the SBOE incorporating the Texas Permanent School Fund Corporation on or before that date.

[Senate Bill 1267](#)

Effective: 6-18-21

Senate Author: West

House Sponsor: Lozano

Senate Bill 1267 amends the Education Code to require the State Board for Educator Certification to publish a clearinghouse of information regarding continuing education and training requirements for educators and other school personnel and to establish a clearinghouse advisory group. The bill requires a public school district or open-enrollment charter school to adopt a professional development policy based on an annual review of the clearinghouse. The bill revises, updates, and consolidates various educator training provisions, including continuing education and staff development requirements, related record-keeping and reporting requirements, and provisions relating to the following specific areas of educator training, among others:

- educating diverse student populations;
- reading instruction academies and mathematics instruction academies for teachers;
- certain mental and behavioral health topics;
- training in the administration of certain statewide standardized tests;
- the UIL safety training program; and
- prevention and recognition of sexual abuse, sex trafficking, and other maltreatment of children.

[Senate Bill 1277](#)

Effective: 5-30-21

Senate Author: West et al.

House Sponsor: Turner, John

Senate Bill 1277 amends the Education Code to require any agreement between a public school district and a public institution of higher education to provide a dual credit program to designate at least one district or institution employee as responsible for providing academic advising to a student who enrolls in a dual credit course before the student begins the course.

[Senate Bill 1351](#)

Effective: 9-1-21

Senate Author: Miles

House Sponsor: Allen et al.

Senate Bill 1351 amends the Education Code to authorize a public school district or open-enrollment charter school to allow a campus to donate food to a nonprofit organization through a person directly and officially affiliated with the campus or through a parent of an enrolled student, whether or not the person or parent is an official of the nonprofit. The bill revises certain provisions regarding the type of food that may be donated by the campus.

[Senate Bill 1356](#)

Effective: 6-16-21

Senate Author: Hughes et al.

House Sponsor: Dutton

Senate Bill 1356 amends the Education Code and Government Code to make an active or retired teacher eligible to participate in a public school district or open-enrollment charter school tutoring program for students in kindergarten through grade 12, provided that the participant is not included in the registry of persons not eligible for employment by a public school. The bill provides for the participation of a nonprofit teacher organization in the program, subject to commissioner approval, for purposes of access to registry information and the dissemination of certain information, including application procedures, to the organization's members. The bill, among other provisions, provides for the local oversight of the program and authorizes the provision of program tutoring for compensation, on a volunteer basis, or both and online, in person, or both. The bill prohibits the Teacher Retirement System of Texas (TRS) from

withholding a monthly benefit payment of a retiree employed as a program tutor and requires TRS to provide certain program information to its members.

Senate Bill 1365

Effective: 9-1-21

Senate Author: Bettencourt et al.

House Sponsor: Huberty et al.

Senate Bill 1365 amends the Education Code to revise provisions relating to the public school accountability system and associated interventions and sanctions and to clarify certain powers of the commissioner of education and of certain commissioner appointees.

Senate Bill 1365 revises provisions relating to special investigations, formerly known as “special accreditation investigations.” The bill authorizes the commissioner to defer or decline to take certain actions, as applicable, in connection with such an investigation, contingent on the completion of a third-party review, a corrective action plan, or both. The bill sets out investigation procedures with regard to preliminary Texas Education Agency (TEA) findings, restrictions on the disclosure of associated materials, an intermediate informal review requirement, and the commissioner’s subpoena powers. The bill authorizes a public school district board to request a hearing to contest the result of a special investigation if the final TEA report recommends the appointment of a board of managers, alternative management of a campus, or closure of the district or a district campus and sets out provisions relating to the hearing, the commissioner’s final determination, and judicial appeal of that determination.

Senate Bill 1365 creates a district or campus overall performance rating of “Not Rated” that may be assigned under the accountability system in certain circumstances. The bill clarifies the meaning and consequences of certain overall performance ratings, including the relationship between a D rating and an unacceptable performance rating, and the effect on such ratings of a district’s, campus’s, or open-enrollment charter school’s recent performance history. The bill sets out related transition provisions, establishes temporary alternative methods and standards for evaluating performance for the 2020-2021 school year for certain campuses, and sets out temporary provisions for COVID-19 recovery accountability for the 2021-2022 school year.

Senate Bill 1365 requires a district, charter school, or campus that is assigned a rating of D and meets other performance rating criteria to develop and implement a local improvement plan, subject to plan requirements to be established by commissioner rule. The bill revises provisions relating to the implementation of a campus turnaround plan and changes to five years the period of continued unacceptable campus performance ratings that triggers the required closure of a campus or the appointment of a board of managers to govern the applicable district. The bill clarifies the powers of a board of managers with respect to a district under applicable interventions or sanctions and revises provisions relating to a district’s or charter school’s challenge or appeal, as applicable, of an intervention or sanction or another accountability-related commissioner decision.

Senate Bill 1365 prohibits a district’s use of Tier 2 foundation school program funds, local school funds, or undesignated state funds for any action or proceeding against the state arising out of a final and unappealable decision, order, or determination, with certain exceptions. The bill expands the conduct constituting the Class C misdemeanor offense of failure to comply with school budget requirements to include a district trustee’s vote to approve certain prohibited expenditures.

Senate Bill 1590

Effective: 6-18-21

Senate Author: Bettencourt

House Sponsor: VanDeaver

Senate Bill 1590 amends the Education Code to require rules regarding any field-based experience or internship required for educator certification to provide for candidate observation options involving at least three in-person observations or at least two in-person observations and two virtual observations equivalent in rigor to in-person observations.

[Senate Bill 1615](#)

Effective: See below

Senate Author: Bettencourt et al.

House Sponsor: VanDeaver et al.

Senate Bill 1615 amends the Education Code to rename the adult high school diploma and industry certification charter school program as the adult high school charter school program and to expand the scope of the program from a sole charter granted to a single nonprofit entity charter holder to a regulatory framework for similar charters that may be granted to additional entities. The bill limits the number of adult high school charters that may be granted within a specified initial period and creates an initial enrollment limit for newly chartered programs.

Senate Bill 1615 revises the requirements for an adult education program's instructional model and for associated training and services. The bill, in addition to revising specifications for the program's accountability framework, requires the commissioner of education to adopt a separate accountability framework for an adult education program located in a correctional facility and provides for transitional performance measures for both frameworks. The bill authorizes the revocation of a charter for certain repeated failures to meet performance standards and revises applicable provisions relating to charter eligibility and expansion amendments, appropriate secondary exit-level testing, and program accountability. The bill raises the age at which a program student becomes ineligible for foundation school program (FSP) funding from 26 to 50 years of age.

Effective September 1, 2021, Senate Bill 1615 provides for transitional FSP funding for students in an applicable adult education program, including by removing a certain age distinction. Effective September 1, 2023, the bill establishes program-specific methods for calculating relevant FSP funding components, including average daily attendance; the compensatory education allotment; the college, career, or military readiness outcomes bonus; and an additional allotment based on weighted student outcomes. Except as otherwise provided, the bill takes effect May 31, 2021. Implementation of a provision of the bill by the Texas Education Agency is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 1696](#)

Effective: 9-1-21

Senate Author: Paxton

House Sponsor: Wilson

Senate Bill 1696 amends the Education Code to require the Texas Education Agency (TEA) to establish and maintain a system to coordinate the anonymous sharing of information concerning cybersecurity incidents between participating schools and the state. The bill sets out requirements for the system, which may be administered by a third-party contractor. The bill, with regard to a requirement for a district to report certain cybersecurity incidents to TEA, extends that requirement to an open-enrollment charter school, designates the district or charter school as the entity responsible to report, and makes the entity administering the system an alternative recipient of the report, if applicable.

[Senate Bill 1697](#)

Effective: 6-16-21

Senate Author: Paxton

House Sponsor: King, Ken et al.

Senate Bill 1697 amends the Education Code to establish parental options to elect for a student, as applicable, to repeat a grade level in the first through eighth grades, retake an applicable high school course, or repeat prekindergarten or kindergarten or enroll at either level in the year following a year in which the student would have been eligible to enroll. These options, as they relate to repetition of a grade level in the fourth through eighth grades or retaking a high school course, apply only to students who repeat courses from the previous year during the 2021-2022 school year or who otherwise enroll during the 2021-2022 school year.

Senate Bill 1697 requires a school district or charter school that disagrees with a parent's exercise of such an option to convene a retention committee for certain discussion and review of the student's academic information. A student may not be retained or retake a course on the basis of parental choice if the parent does not meet with the retention committee, but the district or charter school must abide

by a parent’s decision made after the parent has participated in the committee meeting, if applicable. The bill, among other provisions, sets out certain limitations on the repetition of high school courses and provides for the transfer of parental rights to a qualifying student who is 18 years of age or older. The bill’s provisions establishing the parental options and related procedures apply to a home-rule school district, a campus or campus program charter, and an open-enrollment charter school as well as to a public school district.

Senate Bill 1697 requires the commissioner of education to adopt rules allowing a repeated grade or course to qualify for average daily attendance and authorizes the commissioner, based on a required Texas Education Agency study, to exclude students retained under the bill’s provisions from being classified as at risk of dropping out of school for purposes of compensatory, intensive, or accelerated instruction.

[Senate Bill 1716](#)

Effective: 6-18-21

Senate Author: Taylor et al.

House Sponsor: Bonnen et al.

Senate Bill 1716 amends the Education Code to require the Texas Education Agency (TEA) to establish and administer a supplemental special education services and instructional materials program. The bill provides for a maximum per-student grant of \$1,500 to purchase such services and materials from TEA-approved providers or vendors, as applicable, and requires the commissioner of education to set aside a maximum of \$30 million from appropriations for each state fiscal year to fund the program. The bill requires TEA to designate one or more regional education service centers to administer the program and sets out provisions relating to student eligibility, the assignment of online grant accounts, and TEA approval of providers and vendors.

Senate Bill 1716 requires a student’s admission, review, and dismissal committee to develop the student’s individualized education program without consideration of any supplemental special education services that may be provided under the program and to provide certain program information to the student’s parent. Implementation of a provision of the bill by TEA is mandatory only if a specific appropriation is made for that purpose. The bill’s provisions expire September 1, 2024.

[Senate Bill 1955](#)

Effective: 6-8-21

Senate Author: Taylor

House Sponsor: Burrows

Senate Bill 1955 amends the Education Code to exempt a learning pod and any group, building, or facility associated with or used by a learning pod from certain local regulations, including those that apply to a public school district campus or child-care facility, as applicable. The bill prohibits a district or other local governmental entity from taking certain actions relating to a learning pod, including applicable site inspections, certain discriminatory or punitive measures against participants, and the imposition of registration or reporting requirements.

[Senate Bill 2050](#)

Effective: 6-18-21

Senate Author: Menéndez et al.

House Sponsor: Allison et al.

Senate Bill 2050 amends the Education Code to require the Texas Education Agency to adopt minimum standards for a public school district policy on bullying, including cyberbullying, and sets out criteria for the standards. The bill requires a district policy to comply with the standards and to prevent and mediate certain bullying incidents between students. The bill provides for annual PEIMS reporting of the number of bullying incidents reported at each district and open-enrollment charter school campus.

[Senate Bill 2066](#)

Effective: 9-1-21

Senate Author: Menéndez et al.

House Sponsor: Dutton

Senate Bill 2066 amends the Education Code to replace the term “student of limited English proficiency” with the term “emergent bilingual student” in state law governing public education.

Public Education

Senate Bill 2081

Effective: 9-1-21

Senate Author: Menéndez et al.

House Sponsor: Talarico

Senate Bill 2081 amends the Education Code to prohibit a public school district, a private entity operating a district's prekindergarten program, and a private provider of services or equipment for a district program from enrolling more than 22 students in a prekindergarten class. This class size limit does not apply to an open-enrollment charter school or to a campus or campus program charter.

Senate Bill 2158

Effective: 9-1-21

Senate Author: Campbell et al.

House Sponsor: Frank

Senate Bill 2158 amends the Education Code to require the Texas Education Agency (TEA) to provide to all public school districts and open-enrollment charter schools certain fingerprint and DNA identification kits to be distributed on request to the parent or legal custodian of any kindergarten, elementary, or middle school student. The parent or custodian may submit the kit to law enforcement to help locate and return a missing or trafficked child. Implementation of these provisions of the bill by TEA is mandatory only if a specific appropriation is made for that purpose.

PUBLIC RETIREMENT SYSTEMS

This chapter covers legislation on state and local public retirement systems, including the Employees Retirement System of Texas and the Teacher Retirement System of Texas (TRS). Legislation relating to the review of the TRS board of trustees under the Texas Sunset Act is in the [Sunset Review](#) chapter.

[House Bill 917](#)

Effective: 9-1-21

House Author: Hernandez et al.

Senate Sponsor: Lucio

House Bill 917 amends the Government Code to give the members and retirees of the Employees Retirement System of Texas (ERS) the option to nominate and elect a retiree as one of the three elected ERS board members.

[House Bill 2022](#)

Effective: 6-15-21

House Author: Darby et al.

Senate Sponsor: Huffman et al.

House Bill 2022 amends the Insurance Code to require the Teacher Retirement System of Texas (TRS) to provide one opportunity to reenroll in TRS-Care for an otherwise eligible TRS retiree who is Medicare eligible; whose initial enrollment was voluntarily terminated on or after January 1, 2017, and on or before December 31, 2019; and who opts to reenroll on or before December 31, 2023. These provisions expire September 1, 2024.

[House Bill 2171](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton et al.

House Bill 2171 amends the Local Government Code to entitle a person who retires on or after January 1, 2022, from employment as a firefighter or emergency medical services provider by an emergency services district (ESD) located wholly or partly in a county with a population of 150,000 or more and who is eligible to receive retirement benefits from the ESD to purchase continued health benefits coverage for the person and the person's dependents through the ESD unless the person is eligible for group health benefits coverage through another employer.

[House Bill 3207](#)

Effective: Vetoed

House Author: Herrero et al.

Senate Sponsor: Menéndez et al.

House Bill 3207 amends the Government Code to prohibit the Teacher Retirement System of Texas from withholding a monthly benefit payment from a retiree due to a resumption of service if the retiree is employed in a Texas public educational institution in a position in an area subject to a disaster declaration under the Texas Disaster Act of 1975 while the declaration is in effect.

Governor's Reason for Veto: "The Teacher Retirement System of Texas relies on a sophisticated set of rules to ensure that current and former teachers' pension funds are protected, and a key component of that is an "Employment After Retirement" policy that triggers penalties if a retired school employee returns to service in violation of the rules. House Bill 3207 would dismantle that careful architecture, eliminating penalties for violations in any area subject to any disaster declaration. The desire to help both retirees and school children is laudable, but the bill lacks the necessary safeguards. Not every disaster merits the same response, and disaster declarations often must remain in place for an extended period of time in order to ensure the availability of federal assistance long after immediate personnel needs have been met. In order to protect the pension fund, the exception contemplated by House Bill 3207 needs to be tailored to actual needs."

Public Retirement Systems

[House Bill 3375](#)

Effective: 9-1-21

House Author: Davis

Senate Sponsor: Johnson

House Bill 3375 amends the Revised Statutes to authorize the board of trustees of the Dallas Police and Fire Pension System to allow any person receiving an annuity from an annuitized DROP account to assign the distribution to a third party under certain conditions and to obtain a lump-sum distribution from the person's account in the event of a financial hardship that was not reasonably foreseeable.

[House Bill 3898](#)

Effective: 9-1-21

House Author: Anchia

Senate Sponsor: Huffman et al.

House Bill 3898 amends the Government Code to revise provisions providing for the development of a funding policy for a public retirement system. The bill, among other provisions, expands the scope of an independent evaluation of a system's investment practices and revises provisions regarding the frequency of an evaluation. The bill sets out requirements relating to the submission and filing of an evaluation report. The bill also provides for the revision of a system's funding policy and for the development, adoption, and revision of the funding policy for a system that is not a statewide retirement system. The bill sets out requirements for a funding soundness restoration plan and the conditions under which a system must formulate or revise a plan, based on an actuarial valuation of the system's funding period. The bill similarly revises provisions relating to unitary retirement systems for certain municipalities.

House Bill 3898 amends the Texas Local Fire Fighters Retirement Act, Vernon's Texas Civil Statutes, to make applicable to a retirement system established under that act the bill's provisions relating to funding policies for a public retirement system and to the funding soundness restoration plan of certain public retirement systems.

[House Bill 4068](#)

Effective: 9-1-21

House Author: Parker

Senate Sponsor: West

House Bill 4068 amends the Government Code to authorize employees of the Dallas Police and Fire Pension System to participate in the Texas Municipal Retirement System.

[House Bill 4368](#)

Effective: 9-1-21

House Author: Rodriguez et al.

Senate Sponsor: Buckingham

House Bill 4368 amends Vernon's Texas Civil Statutes to revise certain provisions relating to the Austin Police Retirement System, to set out provisions establishing each member of the retirement system as either a group A member or a group B member, and to specify the conditions under which a member is in group A or group B. Among other provisions, the bill does the following:

- revises the composition of the police retirement board and the eligibility criteria for certain board members;
- requires the police retirement board, at least once every five years, to have the system's actuary conduct an experience study and also provides for an initial and subsequent risk sharing valuation study that is also prepared by the system's actuary;
- changes the amount of the monthly life annuity payment to which a member is entitled on retirement;
- changes the member notice requirement regarding the requirement under federal law to retire on attainment of the applicable age and begin receiving a monthly retirement benefit;
- revises certain provisions establishing the creditable service on which a disability retirement benefit is based and also repeals a provision relating to the manner in which the actuarial equivalent for optional forms of annuity payment for disability retirement is computed;

- revises provisions relating to member contributions to the retirement system and relating to the city's contribution rate; and
- provides for an increased member contribution and for additional city contributions for proportionate retirement program participation.

Senate Bill 7 (2nd C.S.)**Effective:** 9-9-21**Senate Author:** Huffman et al.**House Sponsor:** Rogers et al.

Senate Bill 7 provides for an additional, 13th check for retired educators and other eligible annuitants of the Teacher Retirement System of Texas (TRS). The bill requires TRS, subject to availability of funds, to make a one-time supplemental payment of a retirement or death benefit to an eligible annuitant, payable not later than January 2022 and, to the extent practicable, on a date or dates that coincide with each eligible annuitant's regular annuity payment. The bill sets the amount of the supplemental payment at an amount equal to the lesser of \$2,400 or the gross amount of the regular annuity payment to which the eligible annuitant is otherwise entitled for the calendar month immediately prior to the calendar month in which TRS issues the supplemental payment.

Senate Bill 202**Effective:** 6-14-21**Senate Author:** Schwertner**House Sponsor:** Anchia

Senate Bill 202 amends the Government Code to establish that an employer who reports the employment of a retiree to the Teacher Retirement System of Texas (TRS) is ultimately responsible for payment of the employer contributions to TRS and to the TRS-Care trust fund for that retiree, if applicable. The employer may not directly or indirectly pass that cost on to the retiree through any means designed to recover the cost.

Senate Bill 288**Effective:** 9-1-21**Senate Author:** Seliger et al.**House Sponsor:** Wu et al.

Senate Bill 288 amends the Government Code to establish that a retiree who retired with a service retirement annuity under the Teacher Retirement System of Texas (TRS) and resumes service is subject to the state law excluding a retiree from being entitled to service or disability retirement benefit payments only if TRS first issues certain notices specified by the bill to the retiree.

Senate Bill 288 provides a temporary exception prohibiting TRS from withholding a monthly benefit payment from a retiree who returns to service if the retiree is employed in a position in a Texas public educational institution, other than an institution of higher education, performing duties related to the mitigation of student learning loss attributable to the COVID-19 pandemic. The bill, with respect to that temporary exception, also establishes that contributions to TRS and to the Texas Public School Employees Group Insurance Program trust fund are not required to be paid by a reporting employer for such a retiree who retired from TRS on or after September 1, 2005.

Senate Bill 321**Effective:** 9-1-21**Senate Author:** Huffman et al.**House Sponsor:** Bonnen et al.

Senate Bill 321 amends the Government Code and Insurance Code to provide for the establishment and implementation of a new Employees Retirement System of Texas (ERS) cash balance benefit retirement plan for members who are hired or take office on or after September 1, 2022. The bill establishes contribution requirements for the new plan, sets out eligibility requirements for a cash balance benefit, and provides for annual gain sharing among plan members. The bill continues for the new cash balance plan the requirement for law enforcement and custodial officers to contribute an additional two percent of their earnings into a supplemental retirement fund. The bill makes a cash balance group member eligible

Public Retirement Systems

to participate in the proportionate retirement program and makes an individual who receives or is eligible to receive an annuity under the cash balance benefit plan and who has at least 10 years of eligible service credit eligible to participate in the state employees group benefits program.

Senate Bill 321 codifies in law the current 9.5 percent state contribution rate for the existing defined benefit plan for current ERS members and requires the state to make an actuarially determined payment each fiscal year in the amount necessary to amortize all ERS unfunded actuarial liabilities by not later than fiscal year 2054, which is in addition to the state's regular contributions. Implementation of a provision of the bill by ERS is mandatory only if a specific appropriation is made for that purpose.

[Senate Bill 483](#)

Effective: 9-1-21

Senate Author: Schwertner et al.

House Sponsor: Parker

Senate Bill 483 amends the Government Code to require the governing bodies of the Employees Retirement System of Texas and the Teacher Retirement System of Texas to provide a biennial report that details and compares the assumed rate of return and the annualized actual time-weighted rate of return achieved by the respective retirement system for the most recent 1-year, 5-year, 10-year, and 20-year fiscal periods. The report may be combined with any other report required by law and must be submitted to the governor, lieutenant governor, and each member of the legislature not later than December 31 of each even-numbered year.

[Senate Bill 1071](#)

Effective: 9-1-21

Senate Author: Hinojosa et al.

House Sponsor: Anchia

Senate Bill 1071 amends the Government Code to change the amount of the increased occupational disability retirement annuity for a retiring member or retiree of the Employees Retirement System of Texas (ERS) who is a law enforcement or custodial officer and who presents evidence satisfactory to ERS that the officer's occupational disability makes the officer incapable of substantial gainful activity solely because of the disability and is considered a total disability under federal social security law.

[Senate Bill 1105](#)

Effective: 9-1-21

Senate Author: Hughes et al.

House Sponsor: Anchia

Senate Bill 1105 amends the Government Code to permit a retiree of the Texas Municipal Retirement System (TMRS) who returns to work for the same municipality with at least a one-year break in service to continue to receive the retiree's previously earned monthly retirement benefit and to establish that the requirement for TMRS to discontinue and suspend monthly annuity payments based on such a resumption of employment is applicable only to a person who becomes an employee of the person's reemploying municipality at any time during the 12 consecutive months after the effective date of the person's last retirement from the reemploying municipality.

Senate Bill 1105, among other provisions, clarifies that a person's reemploying municipality is the municipality for which the person most recently performed creditable service before the person's retirement with respect to the person's particular individual account; revises the additional service retirement benefit allowable to a TMRS retiree who resumes employment with the same employer; and clarifies which additional benefit option is payable as a standard service retirement benefit or an equivalent optional benefit.

Senate Bill 1105 provides for a lump-sum payment of suspended annuity payments for a person who resumed employment before September 1, 2021, and for the resumption of monthly annuity payments for a person who resumed employment with the person's reemploying municipality before that date. The bill also makes certain clarifying changes to provisions relating to the resumption of service with a different employer by a TMRS retiree.

Senate Bill 1444

Effective: 9-1-21

Senate Author: Taylor et al.

House Sponsor: Bonnen

Senate Bill 1444 amends the Insurance Code to authorize an entity participating in the uniform group coverage program for active school employees, effective September 1, 2022, to elect to discontinue the entity's participation in the program by providing written notice to the Teacher Retirement System of Texas (TRS) by a certain date. The entity making such an election may not elect to participate in the program until the fifth anniversary of the effective date of the entity's election to discontinue participation and may not again elect to discontinue participation after resuming participation until the fifth anniversary of the effective date of election to resume participation.

Senate Bill 1444 provides that, effective September 1, 2022, an entity that elects to participate in the program must provide written notice to TRS not later than December 31 of the year preceding the first day of the plan year in which the election will be effective. An entity may not elect to discontinue participation until the fifth anniversary of the effective date of the entity's election to participate. A participating entity may not offer or make available to the entity's employees or their dependents group health coverage not provided under the program.

Senate Bill 1444 requires each regional education service center to establish a regional school district health coverage advisory committee to conduct a study assessing health care needs of and health coverage options currently available to employees of public school districts served by that service center and assessing alternative health coverage options that may be available. The bill requires each committee to submit a written report on the study to the governor, the lieutenant governor, the speaker of the house of representatives, each standing committee of the senate or house having primary jurisdiction over public education or public retirement systems, the commissioner of the Texas Education Agency, and the executive director of TRS.

This page intentionally left blank.

PUBLIC SAFETY

This chapter covers legislation relating to public safety, including the following: the duties and functions of the Department of Public Safety; the regulation of handguns, firearms, and other weapons; and school marshals. Legislation relating to law enforcement agencies and peace officers is in the [Law Enforcement](#) chapter. Legislation on crime victims and criminal offenses, penalties, and procedures is in the [Criminal Justice](#) chapter, and legislation on juvenile offenders and proceedings is in the [Juvenile Justice](#) chapter. Legislation on disasters and emergencies is in the [Emergency Response](#) chapter, and legislation on driver's licenses is in the [Transportation](#) chapter.

[House Bill 29](#)

Effective: 9-1-21

House Author: Swanson et al.

Senate Sponsor: Hughes et al.

House Bill 29 amends the Government Code and Local Government Code to authorize an applicable state agency or political subdivision to provide self-service weapon lockers or other secure weapon storage operated at all times by a designated employee for the temporary secure storage of any weapon prohibited in certain public buildings or portions of those buildings. The bill sets out requirements for the designated employee with respect to weapon intake and provides for the manner in which a person may reclaim a stored weapon. The bill authorizes an applicable agency or political subdivision to collect a maximum \$5 fee for the use of a self-service weapon locker or other temporary secure weapon storage and establishes procedures for handling unclaimed and forfeited weapons.

[House Bill 103](#)

Effective: 9-1-21

House Author: Landgraf et al.

Senate Sponsor: Zaffirini et al.

House Bill 103, the Leilah Hernandez Act, amends the Government Code to establish the Texas Active Shooter Alert System to be activated on report of an active shooter. The bill requires the Department of Public Safety (DPS) to develop and implement the alert system with the cooperation of the Texas Department of Transportation (TxDOT), the governor's office, and other appropriate law enforcement agencies and designates the public safety director of DPS as the statewide coordinator of the alert system. The bill provides for the recruitment of public and private entity participants and the activation and termination of the alert system by DPS and sets out related requirements for local law enforcement agencies and state agencies, including a conditional requirement for TxDOT to establish a plan for providing relevant active shooter information to the public through an existing system of dynamic message signs. The bill exempts DPS and local law enforcement agencies from liability for failure to activate the alert system.

[House Bill 781](#)

Effective: 9-1-21

House Author: Sanford et al.

Senate Sponsor: Paxton

House Bill 781 amends the Education Code to prohibit any written regulations regarding a public junior college school marshal's authority to carry or possess a handgun on campus premises from requiring a school marshal to store the handgun in a locked container while on duty.

[House Bill 786](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Perry

House Bill 786 amends the Occupations Code to require the training and continuing education for telecommunicators to include CPR training that meets specified criteria. The bill removes the requirement that telecommunicator continuing education courses be approved by the Texas Commission on Law Enforcement.

House Bill 918

Effective: 9-1-21

House Author: Leman et al.

Senate Sponsor: Hughes

House Bill 918 amends the Government Code to make individuals who are at least 18 years of age but not yet 21 years of age eligible for a handgun license if they are protected under certain court orders issued with respect to family violence, stalking, compelling prostitution, or certain sexual or trafficking offenses and meet all other license requirements except the minimum age required under federal law to purchase a handgun. The bill provides for a protective order designation on a handgun license issued to these individuals and sets out provisions relating to license application and expiration as well as requirements for the license holder when carrying a handgun.

House Bill 957

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Springer et al.

House Bill 957 amends the Government Code and Penal Code to remove a firearm silencer from the list of weapons whose intentional or knowing possession, manufacture, transport, repair, or sale constitutes an offense. The bill establishes that a firearm suppressor that is manufactured in and remains in Texas is not subject to federal law or federal regulation and that a basic material from which a firearm suppressor is manufactured in Texas is not a firearm suppressor and is not subject to federal regulation as if it were. Among other provisions, the bill prohibits the enforcement of a federal statute, order, rule, or regulation that does not exist under state law and that purports to regulate a firearm suppressor and prohibits an entity that violates that prohibition from receiving state grant funds. The bill authorizes any citizen in the jurisdiction of an entity allegedly violating that prohibition to file a complaint with the attorney general offering evidence to support the allegation and authorizes the attorney general, on determining the complaint is valid, to file a petition for a writ of mandamus or apply for other appropriate equitable relief to compel the entity's compliance.

House Bill 1069

Effective: 9-1-21

House Author: Harris et al.

Senate Sponsor: Birdwell et al.

House Bill 1069 amends the Civil Practice and Remedies Code, Government Code, Local Government Code, and Penal Code to set out provisions relating to the carrying of a handgun by certain first responders employed or supervised by or providing services for certain municipalities and counties that have not adopted The Fire and Police Employee Relations Act. The bill requires the Department of Public Safety (DPS) to establish minimum standards for training and continuing education courses for applicable first responders who are handgun license holders and to issue a corresponding certificate upon their completion of the course. The bill provides for the authority of the first responders to carry a concealed or holstered handgun while on duty and to store a handgun on the premises of or in a vehicle owned or leased by the municipality or county. The bill requires the first responders to maintain liability insurance coverage for carrying a handgun that is not an essential part of their duties while on duty and sets out provisions relating to when the handgun may be discharged, the limited liability of municipalities and counties arising from that discharge, and handgun storage in locations where handgun carry is prohibited.

House Bill 1069 establishes a defense to prosecution for trespass by a handgun license holder with a handgun for these DPS-certified first responders who were engaged in the actual discharge of their duties while carrying the handgun and exempts them from certain unlawful weapon carry offenses under certain circumstances.

House Bill 1407

Effective: 9-1-21

House Author: Schaefer et al.

Senate Sponsor: Hughes et al.

House Bill 1407 amends the Penal Code to create an exception to the application of the offense of unlawful carrying of a handgun by a handgun license holder who intentionally displays the handgun in

plain view of another in a public place that the handgun was in a holster while the handgun and license holder were in a motor vehicle.

House Bill 1920

Effective: 9-1-21

House Author: Capriglione et al.

Senate Sponsor: Springer

House Bill 1920 amends the Penal Code to expand what constitutes a secured area of an airport, and to clarify which areas are not considered as such, for purposes of the offense of possessing a weapon in a secured area of an airport. The bill establishes as a defense to prosecution for that offense that the actor was authorized by a federal agency or the airport operator to possess a firearm in a secured area.

House Bill 1927

Effective: 9-1-21

House Author: Schaefer et al.

Senate Sponsor: Schwertner et al.

House Bill 1927, the Firearm Carry Act of 2021, amends the Code of Criminal Procedure, Education Code, Government Code, Health and Safety Code, Human Resources Code, Labor Code, Local Government Code, and Penal Code to make it legal for any person 21 years of age or older to carry a handgun, either openly in a holster or concealed, in a manner consistent with state and federal law without first obtaining a handgun license, provided they are not otherwise prohibited from possessing a firearm and have not been convicted of certain specific offenses within the preceding five years. The bill maintains prohibitions against carrying a weapon on certain premises and further maintains restrictions on the authority to carry a handgun on certain other premises, including college campuses, which is reserved as a privilege only of license holders.

Among other provisions, the bill requires the Department of Public Safety to develop and post on its website a course on firearm safety and handling that is accessible to the public free of charge and makes a person who has been arrested, charged, and convicted of an offense involving the unlawful carrying of a handgun on another's property before September 1, 2021, eligible to have all records and files relating to the arrest expunged. The bill revises penalties for certain conduct involving a handgun, including by increasing the penalty for unlawful possession by an individual who is prohibited from possessing a firearm on the basis of a felony or Class A misdemeanor family violence conviction or an applicable protective order, and establishes a defense to prosecution for carrying a weapon in a place where weapons are prohibited for a person carrying a handgun who promptly departs from a location after being notified that carrying a weapon at that location is prohibited.

House Bill 2112

Effective: 9-1-21

House Author: Metcalf et al.

Senate Sponsor: Springer et al.

House Bill 2112 amends the Penal Code to remove specifications regarding the manner in which a handgun must be holstered when carried by a handgun license holder.

House Bill 2622

Effective: 9-1-21

House Author: Holland et al.

Senate Sponsor: Hall et al.

House Bill 2622, the Second Amendment Sanctuary State Act, amends the Penal Code to prohibit a state agency, a political subdivision, a law enforcement officer, or any other person employed by a state agency or political subdivision from contracting with or in any other manner providing assistance to a federal agency or official with respect to the enforcement of certain federal statutes, orders, rules, or regulations regulating firearms, firearm accessories, or firearm ammunition that do not exist under state law. Among other provisions, the bill prohibits a political subdivision that enters into a contract or that, by adopted rule, order, ordinance, or policy, or by consistent actions, requires or assists with the enforcement of such a federal statute, order, rule, or regulation from receiving state funds. The bill authorizes an individual who offers evidence to support an allegation that the political subdivision in which they reside has taken such

Public Safety

an action to file a complaint with the attorney general and authorizes the attorney general, on determining the complaint is valid, to file a petition for a writ of mandamus or to apply for other appropriate equitable relief to compel compliance.

[House Bill 2675](#)

Effective: 9-1-21

House Author: Guillen et al.

Senate Sponsor: Birdwell

House Bill 2675 amends the Government Code to require the Department of Public Safety (DPS) to develop a procedure for individuals who are at increased risk of becoming victims of violence to qualify for an at-risk designation on a handgun license and obtain a license on an expedited basis. The bill sets out provisions relating to eligibility and application for the designation and to the duties of DPS in expediting applications and issuing the licenses with the designation.

[House Bill 3721](#)

Effective: 9-1-21

House Author: Ellzey et al.

Senate Sponsor: Kolkhorst et al.

House Bill 3721 amends the Alcoholic Beverage Code, Business & Commerce Code, Civil Practice and Remedies Code, Government Code, Health and Safety Code, and Occupations Code to require certain human trafficking signs and notices to include the contact information for reporting suspicious activity to the Department of Public Safety.

[House Bill 4346](#)

Effective: 9-1-21

House Author: Leman et al.

Senate Sponsor: Springer

House Bill 4346 amends the Property Code to prohibit an instrument granting an access easement from restricting or prohibiting an easement holder or their guest from possessing, carrying, or transporting a firearm or an alcoholic beverage over the servient estate while using the easement for its purpose. The bill also prohibits the owner of a servient estate from enforcing such a restrictive covenant in an instrument. The bill's provisions do not apply to a right-of-way easement for a utility.

[Senate Bill 20](#)

Effective: 9-1-21

Senate Author: Campbell et al.

House Sponsor: Hefner

Senate Bill 20 amends the Occupations Code and Penal Code to prohibit a hotel from adopting a policy that prohibits a hotel guest from carrying or storing a firearm or firearm ammunition in the guest's hotel room or vehicle or en route to or from those locations, unless the possession of such on hotel property is prohibited by state or federal law. The bill authorizes a hotel to adopt a policy requiring a firearm or ammunition to be carried in a certain manner in a hotel common area and specifies the circumstances under which carrying such on hotel property constitutes a defense to prosecution for criminal trespass offenses.

[Senate Bill 476](#)

Effective: 9-1-21

Senate Author: Nelson et al.

House Sponsor: Stucky

Senate Bill 476 amends the Local Government Code to require the commissioners court of each county to establish an adult sexual assault response team and to appoint the team members. The bill provides for a written protocol addressing the coordinated response for adult survivors and sets out certain required and discretionary actions of a response team. Among other provisions, the bill sets out a response team reporting requirement, a provision regarding confidentiality of certain information and records, and an authorization for two or more contiguous counties, each with a population of 250,000 or less, to partner to form a multicounty adult sexual assault response team.

Senate Bill 550**Effective:** 9-1-21**Senate Author:** Springer et al.**House Sponsor:** Spiller

Senate Bill 550 amends the Penal Code to remove specifications regarding the manner in which a handgun must be holstered when carried by a handgun license holder.

Senate Bill 741**Effective:** 9-1-21**Senate Author:** Birdwell**House Sponsor:** Sanford

Senate Bill 741 amends the Education Code to revise provisions relating to the carrying and storage of a handgun by a school marshal. Among other provisions, the bill provides express authority for any school marshal appointed by the board of trustees of a public school district, the governing body of an open-enrollment charter school or private school, or the governing board of a public junior college to carry a concealed handgun on the applicable physical premises and on the school marshal's person, regardless of the marshal's primary duties and subject to certain written regulations adopted by the applicable governing body.

Senate Bill 785**Effective:** 9-1-21**Senate Author:** Creighton**House Sponsor:** Hefner

Senate Bill 785 amends the Occupations Code to change the date on which an original or renewed school marshal license expires from the license holder's first birthday occurring after the second anniversary of the issuance or expiration date to August 31 following that second anniversary.

Senate Bill 922**Effective:** 9-1-21**Senate Author:** Seliger et al.**House Sponsor:** Patterson

Senate Bill 922 amends the Government Code to require the Department of Public Safety (DPS) to include in contracts for fingerprinting services provisions requiring public notice and a temporary mobile unit to provide the services in the event of a permanent closure of a fingerprinting location and provisions allowing DPS to contract with a second vendor should the initial vendor not fulfill its duties. The bill requires DPS to annually review and report on the services provided by the vendor under the contract and provide the report to the governor and the legislature.

Senate Bill 2222**Effective:** 6-18-21**Senate Author:** Nelson et al.**House Sponsor:** White et al.

Senate Bill 2222 amends the Government Code to require the Department of Public Safety to equip all motor vehicles used by Texas Highway Patrol officers in discharging their official duties with bullet-resistant windshields, but only if a specific appropriation is made for that purpose.

This page intentionally left blank.

REDISTRICTING

This chapter covers legislation on redrawing the districts for members of the Texas House of Representatives, Texas Senate, U.S. House of Representatives, and the State Board of Education.

[House Bill 1 \(3rd C.S.\)](#)

Effective: 1-18-22

House Author: Hunter

Senate Sponsor: Huffman

House Bill 1 redraws the 150 single-member districts from which the members of the Texas House of Representatives are elected. The redrawn districts apply beginning with the primary and general elections in 2022 for members of the 88th Legislature.

[Senate Bill 4 \(3rd C.S.\)](#)

Effective: 1-18-22

Senate Author: Huffman

House Sponsor: Hunter

Senate Bill 4 redraws the 31 single-member districts from which the members of the Texas Senate are elected. The redrawn districts apply beginning with the primary and general elections in 2022 for members of the 88th Legislature.

[Senate Bill 6 \(3rd C.S.\)](#)

Effective: 1-18-22

Senate Author: Huffman

House Sponsor: Hunter

Senate Bill 6 draws the 38 single-member districts from which the Texas members of the U.S. House of Representatives are elected. The new districts apply beginning with the primary and general elections in 2022 for members of the 118th Congress.

[Senate Bill 7 \(3rd C.S.\)](#)

Effective: 10-25-21

Senate Author: Huffman

House Sponsor: Hunter

Senate Bill 7 redraws the 15 single-member districts from which the members of the State Board of Education are elected. The redrawn districts apply beginning with the primary and general elections in 2022 for members of the board in 2023.

This page intentionally left blank.

SPECIAL DISTRICTS

This chapter covers legislation relating to special districts, including hospital districts and navigation districts. The chapter also covers economic development districts, such as improvement and management districts, and water districts, including water control and improvement districts and municipal utility districts. While general law grants districts general powers and duties, a district's enabling legislation and subsequent amendments to that legislation may grant additional powers and duties specific to that district.

[House Bill 977](#)

Effective: 9-1-21

House Author: Metcalf et al.

Senate Sponsor: Creighton

House Bill 977 amends the Special District Local Laws Code to change the filing deadline for a petition for a place on the ballot for the Montgomery County Hospital District board of directors to the applicable filing deadline imposed by the Election Code for a candidate for an office of a political subdivision other than a city or county.

[House Bill 1154](#)

Effective: 9-1-21

House Author: Jetton et al.

Senate Sponsor: Kolkhorst

House Bill 1154 amends the Government Code and Water Code to set out provisions regarding the requirements for meetings held and websites developed by certain special purpose districts. The bill requires certain special purpose districts, as described by the bill, to post or cause to be posted on a website the financial and operating information of the district, as prescribed by the bill. Among other provisions, the bill provides the following:

- the posting requirement is not applicable to a municipality, county, junior college district, independent school district, groundwater conservation district, river authority, or political subdivision with statewide jurisdiction but is applicable to a county assistance district;
- quarterly meetings of the board of a rural area district, as defined by the bill, must be conducted at a specified location as described by the bill;
- certain water districts that do not maintain a website must include certain information, as prescribed by the bill, on a customer's water bill; and
- the Special Purpose District Public Information Database must include the address of the respective website or websites for each district in the database that does not maintain a website.

[House Bill 1338](#)

Effective: 6-7-21

House Author: Coleman

Senate Sponsor: Miles

House Bill 1338 amends the Health and Safety Code to extend the deadline for the Harris County Hospital District to administer and operate the Harris County Hospital District Health Care Provider Participation Program from December 31, 2021, to December 31, 2023, and to increase the limit on the aggregate amount of the mandatory payments that are based on aggregate paying provider net patient revenue from four percent to six percent of that revenue.

[House Bill 1410](#)

Effective: 6-14-21

House Author: Murphy et al.

Senate Sponsor: Creighton

House Bill 1410 amends the Water Code to authorize the outstanding principal amount of obligations that are supported by property taxes and issued by certain water districts for the purpose of financing a recreational facility to exceed an amount equal to one percent but not three percent of the value of the taxable property in the district or, if supported by contract taxes, the value of the taxable property in the districts making payments under the contract, under certain conditions. The bill removes prohibitions

Special Districts

against the outstanding principal amount of obligations issued to finance parks and recreational facilities exceeding certain amounts. The bill revises the purposes to which the issuance of municipal utility district bonds may be restricted by a city's consent to the inclusion of land in a district.

House Bill 1456

Effective: 6-15-21

House Author: Herrero

Senate Sponsor: Hinojosa

House Bill 1456 repeals the Health and Safety Code provision that sets December 31, 2021, as the expiration date for the Nueces County Hospital District's health care provider participation program.

House Bill 1543

Effective: 9-1-21

House Author: Parker

Senate Sponsor: Creighton

House Bill 1543 amends the Local Government Code and Property Code to revise certain procedural requirements for public improvement districts and transfers of property located in such districts. The bill removes requirements to publish newspaper notice of a resolution authorizing such a district, provides for the resolution and the district's service plan to be filed with the appropriate county clerks, and limits the methods by which a service plan may be approved, amended, or updated.

House Bill 1543 also revises requirements regarding the notice of obligation to pay assessments that is provided to a purchaser of property located in a public improvement district. The bill, among other provisions, extends those requirements to any sale or conveyance of real property instead of just certain residential property sales, changes the notice content, and requires the notice to be given before the execution of a binding contract of purchase and sale, signed by the purchaser, and recorded in the county deed records at closing. The bill authorizes the purchaser to institute a suit for certain damages if the notice of obligation requirements are not fulfilled.

House Bill 1554

Effective: 6-15-21

House Author: Rogers et al.

Senate Sponsor: Buckingham

House Bill 1554 amends the Local Government Code to authorize a municipal development district to use money in its development project fund to pay the costs of planning, acquiring, establishing, developing, constructing, or renovating a development project located outside the district under certain circumstances.

House Bill 1606

Effective: 6-4-21

House Author: Talarico

Senate Sponsor: Schwertner

House Bill 1606 amends the law to establish that the Upper Brushy Creek Water Control and Improvement District is not required to comply with municipal regulations regarding the construction, maintenance, rehabilitation, or removal of dams.

House Bill 1618

Effective: 9-1-21

House Author: Leman

Senate Sponsor: Kolkhorst

House Bill 1618 amends the Health and Safety Code to require a petition for the creation of a hospital district by voter approval to be signed by at least three percent of the registered voters of the applicable territory if that amount is greater than 100 such voters.

House Bill 2083

Effective: 9-1-21

House Author: Darby et al.

Senate Sponsor: Perry

House Bill 2083 amends the Special District Local Laws Code to authorize the Upper Colorado River Authority's board of directors to employ a general manager to serve as the authority's chief executive officer.

House Bill 2094**Effective:** 9-1-21**House Author:** Martinez**Senate Sponsor:** Hinojosa

House Bill 2094 authorizes the Hidalgo County Drainage District Number 1 to remove certain real or personal property placed on land owned by the district or land subject to an easement held by the district, regardless of when the property was put in place and without the consent of the property's owner.

House Bill 2235**Effective:** 6-14-21**House Author:** Wilson**Senate Sponsor:** Schwertner

House Bill 2235 amends the Special District Local Laws Code to provide for the creation of the 7S Ranch Municipal Utility District in Williamson County.

House Bill 2382**Effective:** 6-15-21**House Author:** Moody**Senate Sponsor:** Blanco

House Bill 2382 amends the Health and Safety Code to authorize the El Paso County Hospital District to contract with a broker to sell a tract of real property that is owned by the district. The district may not contract with a broker who is related within the third degree of consanguinity to a member of the board of hospital managers of the district or a public official who serves on the El Paso County Commissioners Court. The bill also repeals a provision establishing certain term limits for a member of the board.

House Bill 2390**Effective:** 5-28-21**House Author:** Paul**Senate Sponsor:** Taylor

House Bill 2390 amends the law to authorize a development corporation created by the Gulf Coast Authority to finance projects authorized under the Development Corporation Act located inside or outside of Texas and qualified improvements as defined by the Property Assessed Clean Energy Act located inside or outside of Texas in the same manner and to the same extent as a municipality or county may do so under that act.

House Bill 2494**Effective:** 9-1-21**House Author:** Metcalf**Senate Sponsor:** Nichols

House Bill 2494 amends the Health and Safety Code to change the manner of election of emergency services commissioners from single-member districts to at-large for an emergency services district located wholly in Orange County.

House Bill 2835**Effective:** 6-14-21**House Author:** King, Phil**Senate Sponsor:** Springer

House Bill 2835 amends the Special District Local Laws Code to set out provisions relating to the powers and duties of the Morningstar Ranch Municipal Utility District No. 1.

House Bill 2847**Effective:** 6-7-21**House Author:** Geren**Senate Sponsor:** Powell

House Bill 2847 amends the Health and Safety Code to authorize the Tarrant County Hospital District or a nonprofit corporation formed by the district to sell or license technology or intellectual property that is owned by or licensed to the district or corporation. The bill includes, among other provisions related to this authority, a provision exempting from public disclosure under state public information law certain information relating to the development of the technology or intellectual property that is prepared or compiled by or for the district or the nonprofit corporation.

Special Districts

[House Bill 2951](#)

Effective: 6-16-21

House Author: Jetton

Senate Sponsor: Kolkhorst

House Bill 2951 amends the Water Code to establish that a vacancy on an elected board of directors of a levee improvement district is filled in accordance with the statutory procedure applicable to certain water districts and to require a director appointed to fill a vacancy on an appointed board to be a person qualified for election as a district director.

[House Bill 3135](#)

Effective: Vetoed

House Author: Cole

Senate Sponsor: Eckhardt

House Bill 3135 amends the Special District Local Laws Code to revise provisions governing the SH130 Municipal Management District No. 1. Among other changes, the bill provides for county consent for the district to issue bonds, adopt a sales and use tax, and impose a hotel occupancy tax and authorizes the district to define areas or designate district property to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole. The bill exempts the district from certain restrictions on the annexation of a defined area and from a prohibition against imposing impact fees, assessments, or taxes on certain residential property.

Governor's Reason for Veto: "House Bill 3135 would levy special assessments on residential properties and allow the City of Austin to subsequently annex the very improvements paid for by these property owners. The effect of this bill would be to impose additional costs on property owners for specific improvements, only to see the City annex the improved area without bearing any of the cost. I signed property-tax reform two years ago to keep local governments from spending outside their means. House Bill 3135 evades the intent of those reforms and is unacceptable."

[House Bill 3140](#)

Effective: 6-16-21

House Author: Bell, Cecil et al.

Senate Sponsor: Kolkhorst

House Bill 3140 amends the Special District Local Laws Code to provide for the creation of the Harris-Waller Counties Municipal Utility District No. 7.

[House Bill 3436](#)

Effective: 6-15-21

House Author: Bell, Cecil

Senate Sponsor: Kolkhorst

House Bill 3436 amends the Special District Local Laws Code to provide for the creation of the Waller County Municipal Utility District No. 40.

[House Bill 3530](#)

Effective: 4-1-23

House Author: Moody

Senate Sponsor: Johnson

House Bill 3530, a continuation of the legislature's ongoing statutory revision program, nonsubstantively codifies a number of session law special districts into the Special District Local Laws Code. The codified districts include one levee improvement district, one municipal utility district, two river authorities, and one water control and improvement district.

[House Bill 4356](#)

Effective: 6-14-21

House Author: Ashby

Senate Sponsor: Nichols

House Bill 4356 amends the Local Government Code to make a person who resides in the Grapeland Independent School District eligible to serve as a director of the Grapeland Municipal Development District.

House Bill 4454**Effective:** 6-14-21**House Author:** Guillen et al.**Senate Sponsor:** Lucio

House Bill 4454 amends the Special District Local Laws Code to change the general powers and duties of the Willacy County Drainage District No. 2 from those of a fresh water supply district to those of a drainage district.

House Bill 4577**Effective:** 6-4-21**House Author:** Deshotel**Senate Sponsor:** Creighton

House Bill 4577 amends the Special District Local Laws Code to exempt the Chambers County Improvement District No. 1 from a statutory provision that prohibits the board of directors of a district from calling a bond election unless a written petition has been filed with the board requesting an election signed by the owners of a majority of the assessed value of the property subject to assessment or taxation by the district. Such a petition is not required for the board of directors of the district to levy a tax, assessment, or impact fee to finance improvement projects and services. In addition, the bill repeals certain limitations on the amount of bonds payable from a property tax imposed over the entire district that the district may issue, including a provision that caps that amount at the greater of \$50 million or 10 percent of the assessed value of the taxable property in the entire district.

House Bill 4578**Effective:** 6-15-21**House Author:** Rogers**Senate Sponsor:** Springer

House Bill 4578 amends the Special District Local Laws Code to provide for the creation of the Lakeview Point Municipal Utility District of Palo Pinto County.

House Bill 4579**Effective:** 9-1-21**House Author:** Burrows**Senate Sponsor:** Perry

House Bill 4579 amends the Special District Local Laws Code to revise certain provisions governing the Lubbock Reese Redevelopment Authority and to expand the original purpose of the authority in order to encourage both the development of new industry by private businesses and the financing of applicable redevelopment projects. Accordingly, the bill expands the powers the authority may exercise on approval by and in coordination with the governor, among them the power to participate as a member or partner of a limited liability company, limited liability partnership, or other entity organized to finance a project designated as a redevelopment project. The bill sets out additional provisions with respect to the following matters:

- the designation by the authority of a redevelopment project;
- the authority's establishment and operation of an inland port and related port facilities;
- the authority's implementation of a transportation project to provide access to base property;
- the authority to charge a fee for certain services as listed in the bill;
- the authority's revised bonding authority;
- the authority's revised tax exemption with respect to certain commercial aircraft; authority property, income, and operations; and a leasehold or other possessory interest granted by the authority for a redevelopment project;
- the authority's board and committee hearings held by telecommunication device; and
- the authority's exemption from Government Code provisions relating to public and private facilities and infrastructure and contracting and delivery procedures for construction projects, applicable to a qualifying real estate project as defined by the bill.

Special Districts

Moreover, the bill specifies that the board of directors of the authority, rather than the governing body of the City of Lubbock, determines the cap on the amount of money the authority may borrow to acquire, improve, or operate a facility on base property.

[House Bill 4580](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton

House Bill 4580 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 202.

[House Bill 4584](#)

Effective: 6-18-21

House Author: Ellzey

Senate Sponsor: Birdwell

House Bill 4584 amends the Special District Local Laws Code to create the Sterrett Road Municipal Management District in Ellis County.

[House Bill 4585](#)

Effective: 6-4-21

House Author: Goodwin

Senate Sponsor: Buckingham

House Bill 4585 amends the Special District Local Laws Code to establish that the Travis County Water Control and Improvement District No. 17 is governed by a board of five directors who are elected on the uniform election date in November of an even-numbered year and serve staggered four-year terms.

[House Bill 4588](#)

Effective: 6-15-21

House Author: Jetton

Senate Sponsor: Kolkhorst

House Bill 4588 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 251.

[House Bill 4589](#)

Effective: 6-15-21

House Author: Sanford

Senate Sponsor: Springer

House Bill 4589 amends the Special District Local Laws Code to provide for the creation of the LC Municipal Utility District No. 1 of Collin County.

[House Bill 4590](#)

Effective: 9-1-21

House Author: Sanford

Senate Sponsor: Springer

House Bill 4590 amends the Special District Local Laws Code to create the TRR 243 Municipal Management District in Collin County.

[House Bill 4591](#)

Effective: 6-15-21

House Author: Sanford

Senate Sponsor: Springer

House Bill 4591 amends the Special District Local Laws Code to provide for the creation of the Blue Meadow Municipal Utility District No. 1 of Collin County.

[House Bill 4592](#)

Effective: 6-15-21

House Author: Oliverson

Senate Sponsor: Kolkhorst

House Bill 4592 amends the Special District Local Laws Code to provide for the creation of the Harris County Water Control and Improvement District No. 164.

House Bill 4594**Effective:** 6-15-21**House Author:** Oliverson**Senate Sponsor:** Kolkhorst

House Bill 4594 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 576.

House Bill 4604**Effective:** 9-1-21**House Author:** Dutton**Senate Sponsor:** Whitmire

House Bill 4604 amends the Special District Local Laws Code to authorize the board of the Barrett Management District to impose and collect assessments. The bill conditions the board's authority to finance a service or an improvement project on the approval of the service or improvement by 60 percent of the votes cast in an election held for that purpose. The bill repeals petition requirements for financing services and improvements in the district.

House Bill 4605**Effective:** 6-18-21**House Author:** Bailes**Senate Sponsor:** Schwertner

House Bill 4605 amends the Special District Local Laws Code to create the New Waverly Municipal Management District No. 1.

House Bill 4606**Effective:** 6-15-21**House Author:** Vasut**Senate Sponsor:** Taylor

House Bill 4606 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Water Control and Improvement District No. 10.

House Bill 4609**Effective:** 9-1-21**House Author:** Wilson**Senate Sponsor:** Schwertner

House Bill 4609 amends the Special District Local Laws Code to provide for the creation of the Williamson County Municipal Utility District No. 40.

House Bill 4610**Effective:** 9-1-21**House Author:** Wilson**Senate Sponsor:** Schwertner

House Bill 4610 amends the Special District Local Laws Code to authorize the CLL Municipal Utility District No. 1 and a district created by the division of that district to be divided more than once.

House Bill 4611**Effective:** 6-15-21**House Author:** Metcalf**Senate Sponsor:** Creighton

House Bill 4611 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 206.

House Bill 4612**Effective:** 9-1-21**House Author:** Vasut**Senate Sponsor:** Taylor

House Bill 4612 amends the Special District Local Laws Code to create the Brazoria County Management District No. 2.

Special Districts

[House Bill 4614](#)

Effective: 9-1-21

House Author: Thompson, Ed

Senate Sponsor: Taylor

House Bill 4614 amends the law to clarify the Brazoria Drainage District Number Four's authority to impose a maintenance tax.

[House Bill 4615](#)

Effective: 6-15-21

House Author: Gates

Senate Sponsor: Kolkhorst

House Bill 4615 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 249.

[House Bill 4616](#)

Effective: 6-15-21

House Author: Gates

Senate Sponsor: Kolkhorst

House Bill 4616 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 246.

[House Bill 4617](#)

Effective: 9-1-21

House Author: Bell, Keith et al.

Senate Sponsor: Hall

House Bill 4617 amends the Special District Local Laws Code to establish that the High Point Special Utility District of Kaufman and Rockwall Counties is governed by a board of seven directors and to authorize the board by rule to provide for the election of some or all of the directors from single-member districts.

[House Bill 4621](#)

Effective: 6-18-21

House Author: Herrero

Senate Sponsor: Hinojosa

House Bill 4621 amends the law to do the following with regard to the Nueces County Drainage and Conservation District Number 2:

- establish that the district is governed by a board of three commissioners who serve staggered four-year terms;
- authorize the board to expand the number of commissioners from three to five;
- increase from \$500 to \$1,600 the maximum monthly compensation for a commissioner; and
- specify that such compensation does not include the value of benefits provided to a commissioner.

[House Bill 4626](#)

Effective: 6-15-21

House Author: Sanford

Senate Sponsor: Springer

House Bill 4626 amends the Special District Local Laws Code to provide for the creation of the Mesquaque Ranch Municipal Utility District of Collin County.

[House Bill 4627](#)

Effective: See below

House Author: Sanford

Senate Sponsor: Springer

House Bill 4627 amends the Special District Local Laws Code to provide for the creation of the following districts:

- Fort Bend County Municipal Utility District No. 232;
- Uptown Municipal Utility District No. 1 of Collin County;
- Austin County Municipal Utility District No. 1;
- effective March 31, 2022, High Pointe Ranch Municipal Utility District No. 1 of Denton County;
- Northwest Denton County Municipal Utility District No. 1;
- East Collin County Municipal Utility District No. 1;

- effective October 1, 2021, Mustang Ranch Municipal Utility District No. 1 of Denton County;
- Clear Sky Municipal Utility District of Denton County;
- Mustang Ridge Municipal Utility District in Travis County; and
- Clear Sky Municipal Utility District No. 1 of Cooke County.

Except as otherwise provided, the bill takes effect September 1, 2021.

House Bill 4628

Effective: 6-18-21

House Author: King, Phil

Senate Sponsor: Powell

House Bill 4628 amends the Special District Local Laws Code to create the Veale Ranch Municipal Management District No. 1 in Tarrant and Parker Counties.

House Bill 4634

Effective: 6-15-21

House Author: Stephenson

Senate Sponsor: Kolkhorst

House Bill 4634 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 250.

House Bill 4635

Effective: 6-15-21

House Author: Bell, Cecil

Senate Sponsor: Kolkhorst

House Bill 4635 amends the Special District Local Laws Code to provide for the creation of the Waller County Municipal Utility District No. 38.

House Bill 4638

Effective: 1-1-22

House Author: Bucy

Senate Sponsor: Schwertner

House Bill 4638 amends the Special District Local Laws Code to create the Leander Municipal Management District No. 1 and the New Waverly Municipal Management District No. 1.

House Bill 4641

Effective: 6-15-21

House Author: Metcalf

Senate Sponsor: Creighton

House Bill 4641 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 209.

House Bill 4642

Effective: 6-15-21

House Author: Stephenson

Senate Sponsor: Kolkhorst

House Bill 4642 amends the Special District Local Laws Code to provide for the creation of the Fort Bend County Municipal Utility District No. 253.

House Bill 4645

Effective: 9-1-21

House Author: Crier

Senate Sponsor: Eckhardt

House Bill 4645 amends the Special District Local Laws Code to provide for the creation of the Wildwood Municipal Utility District in Bastrop County.

House Bill 4646

Effective: 9-1-21

House Author: Rodriguez

Senate Sponsor: Zaffirini

House Bill 4646 amends the Special District Local Laws Code to provide for the creation of the Creedmoor Municipal Utility District in Travis County.

Special Districts

[House Bill 4649](#)

Effective: 6-15-21

House Author: Metcalf

Senate Sponsor: Creighton

House Bill 4649 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 198.

[House Bill 4650](#)

Effective: 6-15-21

House Author: Rodriguez

Senate Sponsor: Zaffirini

House Bill 4650 amends the Special District Local Laws Code to provide for the creation of the East Central Travis County Conservation and Reclamation District No. 1.

[House Bill 4651](#)

Effective: 9-1-21

House Author: Toth

Senate Sponsor: Creighton

House Bill 4651 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 203.

[House Bill 4652](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton

House Bill 4652 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 208.

[House Bill 4654](#)

Effective: 6-15-21

House Author: Metcalf

Senate Sponsor: Creighton

House Bill 4654 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 210.

[House Bill 4658](#)

Effective: 6-15-21

House Author: Bailes

Senate Sponsor: Schwertner

House Bill 4658 amends the Special District Local Laws Code to provide for the creation of the Huntsville Municipal Utility District No. 1 of Walker County, Texas.

[House Bill 4659](#)

Effective: 6-15-21

House Author: Bonnen

Senate Sponsor: Taylor

House Bill 4659 amends the Special District Local Laws Code to revise provisions governing the City of Kemah Municipal Management District No. 1. Among other provisions, the bill repeals the prohibition against the district providing retail water or sewer services and revises the district's authority to issue bonds and impose taxes.

[House Bill 4662](#)

Effective: 6-15-21

House Author: Thompson, Ed

Senate Sponsor: Taylor

House Bill 4662 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 86.

[House Bill 4663](#)

Effective: 9-1-21

House Author: Martinez et al.

Senate Sponsor: Hinojosa

House Bill 4663 authorizes the Hidalgo County Drainage District Number 1 to sell reclaimed water at wholesale and sell reclaimed water on a retail basis to the extent that the sale does not conflict with a certificate of convenience and necessity. The bill authorizes the following:

- the district to enter into public-private partnership agreements to fund infrastructure improvements needed to sell reclaimed water to consumers;
- district revenue bonds to be secured as described by a board resolution by a pledge of certain revenue; and
- district revenue bonds not payable wholly or partly from property taxes to be issued without an election.

House Bill 4665**Effective:** 6-15-21**House Author:** Sanford**Senate Sponsor:** Springer

House Bill 4665 amends the Special District Local Laws Code to provide for the creation of the Raintree Municipal Utility District No. 1 of Collin County.

House Bill 4666**Effective:** 9-1-21**House Author:** Anderson**Senate Sponsor:** Birdwell

House Bill 4666 amends the Special District Local Laws Code to create the Lorena Municipal Management District No. 1.

House Bill 4668**Effective:** 6-14-21**House Author:** Murr**Senate Sponsor:** Gutierrez

House Bill 4668 amends the Special District Local Laws Code to provide for the creation of the Medina County Water Control and Improvement District No. 4.

House Bill 4669**Effective:** 6-18-21**House Author:** Cain**Senate Sponsor:** Creighton

House Bill 4669 excludes a specified parcel of land from the Harris County Water Control and Improvement District No. 70.

Senate Bill 390**Effective:** 5-24-21**Senate Author:** Eckhardt et al.**House Sponsor:** Howard

Senate Bill 390 amends the Special District Local Laws Code to postpone the statutory deadline for the dissolution of the Save Historic Munny District by its board of directors to not later than May 31, 2023.

Senate Bill 479**Effective:** 5-15-21**Senate Author:** Hughes**House Sponsor:** VanDeaver

Senate Bill 479 amends the Special District Local Laws Code to explicitly authorize the TexAmericas Center to exercise the power to, for a fee, provide services or operate facilities inside or outside the boundaries of the center and the state to promote, enhance, develop, or assist a person in the creation of a new business, industry, or commercial activity in the center's boundaries. The bill authorizes the center to issue, sell, and deliver obligations and execute credit agreements and authorizes the center to delegate its authority in connection with the issuance of bonds in the same manner as an issuer of obligations for certain public improvements. Moreover, the bill authorizes the center to exercise the powers given to a defense base development authority.

Senate Bill 600**Effective:** 9-1-21**Senate Author:** Perry et al.**House Sponsor:** King, Tracy O.

Senate Bill 600 amends the Water Code to require certain river authorities to periodically provide to the Texas Commission on Environmental Quality (TCEQ) information regarding the operation and

Special Districts

maintenance of dams under the authorities' respective control. The bill requires TCEQ, subject to federal and state confidentiality laws, to create and maintain a website that contains the collected information.

[Senate Bill 604](#)

Effective: 9-1-21

Senate Author: Bettencourt et al.

House Sponsor: Capriglione

Senate Bill 604 amends the Local Government Code to prohibit a municipal management district, if a petition for the district's dissolution is filed with its board of directors as prescribed by law, from issuing bonds secured by assessments after the date the board confirms that the applicable petition is valid and complete. The bill sets out additional related provisions, including provisions regarding the wind up of district operations, a requirement to repay or defease the bonded indebtedness, and a requirement that the district remain in existence solely for the purpose of discharging its outstanding bonded indebtedness secured by assessments.

[Senate Bill 630](#)

Effective: 6-14-21

Senate Author: Hinojosa

House Sponsor: Muñoz, Jr.

Senate Bill 630 amends the Special District Local Laws Code to do the following with regard to the Agua Special Utility District:

- shorten the time frame in which a director must complete the director education program;
- specify the uniform election date in November of each even-numbered year as the date for the election of directors;
- require the district's board of directors to adopt procedures for the removal of a director that are designed to provide due process to the director;
- add as grounds for removal of a director the missing of one-half or more of the regularly scheduled meetings during the preceding 12 months;
- prohibit a director or district employee from being employed by, participating in the management of, or having a substantial interest in a business entity or other organization, other than a governmental entity, that receives money from the district; and
- require a meeting at which the board or the general manager discusses the district's annual budget to be held inside the district.

[Senate Bill 632](#)

Effective: 4-30-21

Senate Author: Buckingham et al.

House Sponsor: Buckley et al.

Senate Bill 632 amends the Special District Local Laws Code to authorize the Lower Colorado River Authority (LCRA) to provide fiber capacity or facilities on reasonable and nondiscriminatory terms and conditions to facilitate broadband service connectivity. Among other provisions, the bill prohibits LCRA from providing broadband service to a retail customer and limits the authority of LCRA to agree to lease fiber capacity or facilities to a municipality to facilitate broadband service connectivity, other than for communications regarding utility operations.

[Senate Bill 635](#)

Effective: 5-15-21

Senate Author: Lucio

House Sponsor: Lucio III

Senate Bill 635 amends the Special District Local Laws Code to clarify the powers, duties, and administration of the Port of Harlingen Authority. Among other provisions, the bill provides for the imposition of a maintenance and operation property tax by the authority.

[Senate Bill 804](#)

Effective: 6-14-21

Senate Author: Menéndez

House Sponsor: Cortez

Senate Bill 804 amends the Local Government Code to clarify what constitutes sufficient property owner consent for a governing body of a municipality to include an additional hotel in an existing tourism

public improvement district. A newly constructed hotel may only be added to the district if the hotel property owner consents to its inclusion.

Senate Bill 1117

Effective: 6-14-21

Senate Author: Kolkhorst

House Sponsor: Gates

Senate Bill 1117 amends the Special District Local Laws Code to increase from 15 to 17 the number of directors of the Fort Bend Subsidence District by adding a director who is appointed by the mayor of Fulshear and a director who is jointly appointed to represent the district at large by the mayors of Fort Bend County municipalities.

Senate Bill 1160

Effective: 6-16-21

Senate Author: Taylor et al.

House Sponsor: Paul et al.

Senate Bill 1160 amends the Special District Local Laws Code to create the Gulf Coast Protection District in Chambers, Galveston, Harris, Jefferson, and Orange Counties.

Senate Bill 1165

Effective: 6-7-21

Senate Author: West

House Sponsor: Anchia

Senate Bill 1165 amends the Health and Safety Code to postpone to September 1, 2030, the date on or after which the number of members of the board of hospital managers of the Dallas County Hospital District is reduced in accordance with applicable state law.

Senate Bill 1167

Effective: 6-14-21

Senate Author: Campbell

House Sponsor: King, Tracy O.

Senate Bill 1167 amends the Special District Local Laws Code to redefine the territory of the Anthem Municipal Utility District and authorize the district to rely on a previously held election for the approval to issue bonds payable in whole or in part from taxes after this redefinition.

Senate Bill 1212

Effective: 9-1-21

Senate Author: Seliger

House Sponsor: King, Ken

Senate Bill 1212 amends the Special District Local Laws Code to decrease from seven to five the number of members of the Booker Hospital District's board of directors.

Senate Bill 1355

Effective: 5-24-21

Senate Author: Taylor

House Sponsor: Thompson, Ed

Senate Bill 1355 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 83.

Senate Bill 1441

Effective: 9-1-21

Senate Author: Campbell et al.

House Sponsor: Lopez

Senate Bill 1441 amends the law to authorize a municipally owned utility owned by the City of San Antonio, in addition to permitted withdrawals from the Edwards Aquifer and without a permit, to withdraw groundwater from the aquifer to supply water to a military installation subject to certain conditions, including compliance with applicable Edwards Aquifer Authority rules.

Senate Bill 1642

Effective: 6-8-21

Senate Author: Creighton et al.

House Sponsor: Canales

Senate Bill 1642 amends the Water Code to provide for the authority of a navigation district to respond to an emergency incident that occurs in the district's territory and to acquire, maintain, and operate

Special Districts

facilities and equipment for the purposes of protecting life and property by detecting and responding to those emergencies. The bill provides for the authority of a navigation district to contract with a broker to lease a tract of land in the same manner as the commissioners court of a county.

Among other provisions, Senate Bill 1642 changes the entity required to prescribe fees and charges to be collected for the use of certain district property, sets standards for the fees and charges, and provides for the enforcement of an adopted schedule of rates, fees, charges, rules, and ordinances as an implied contract. The bill revises the notice requirements for a navigation and canal commission that proposes to borrow money and mortgage and encumber any part or all of its properties, facilities, franchises, revenue, and income and changes the circumstances required for granting of a franchise in a navigation district.

[Senate Bill 1643](#)

Effective: 5-24-21

Senate Author: Creighton et al.

House Sponsor: Deshotel

Senate Bill 1643 amends the Special District Local Laws Code to expand the territory of the Port of Beaumont Navigation District of Jefferson County, Texas, to include a special purpose area of the district. The bill prohibits the district from imposing a tax in the special purpose area and provides for the reporting of certain cargo and vessel movements in the special purpose area.

[Senate Bill 1774](#)

Effective: 5-26-21

Senate Author: Alvarado et al.

House Sponsor: Canales

Senate Bill 1774 amends the Water Code to authorize certain navigation districts to sell property for purposes of funding projects under the federal Water Resources Development Acts to deepen and widen their respective channels. Among other provisions, the bill exempts the conveyance of the property from certain notice and bidding requirements, restricts the use of money received from the sale in excess of the sum of the reasonable market value of the property, and prohibits the sale of the property to an entity that presents an undue security or safety risk to the state.

[Senate Bill 1949](#)

Effective: 6-18-21

Senate Author: Hancock

House Sponsor: Meza

Senate Bill 1949 amends the Special District Local Laws Code to revise the eligibility criteria for service as a director of the Dallas County Flood Control District No. 1.

[Senate Bill 1986](#)

Effective: 5-24-21

Senate Author: Creighton et al.

House Sponsor: Deshotel

Senate Bill 1986 amends the law to expand the territory of the Port of Port Arthur Navigation District of Jefferson County, Texas, to include a special purpose area of the district. The bill prohibits the district from imposing a tax in the special purpose area and provides for the reporting of certain cargo and vessel movements in the special purpose area.

[Senate Bill 1987](#)

Effective: 5-24-21

Senate Author: Buckingham

House Sponsor: Shine

Senate Bill 1987 amends the Special District Local Laws Code to provide for the creation of the River Farm Municipal Utility District No. 1 of Bell County.

[Senate Bill 1990](#)

Effective: 6-16-21

Senate Author: Miles

House Sponsor: Thierry

Senate Bill 1990 amends the Transportation Code to authorize the governing bodies of the City of Houston and of the counties that created the Gulf Coast Rail District to provide that the district may

provide advanced transportation by specifying in the concurrent order or ordinance creating the district that the district may provide those services.

Senate Bill 2145

Effective: 5-24-21

Senate Author: Taylor

House Sponsor: Thompson, Ed

Senate Bill 2145 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 79.

Senate Bill 2146

Effective: 5-24-21

Senate Author: Taylor

House Sponsor: Vasut

Senate Bill 2146 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 80.

Senate Bill 2147

Effective: 5-24-21

Senate Author: Taylor

House Sponsor: Vasut

Senate Bill 2147 amends the Special District Local Laws Code to provide for the creation of the Brazoria County Municipal Utility District No. 82.

Senate Bill 2162

Effective: 5-30-21

Senate Author: Creighton

House Sponsor: Perez

Senate Bill 2162 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 578.

Senate Bill 2163

Effective: 9-1-21

Senate Author: Creighton

House Sponsor: Bell, Cecil

Senate Bill 2163 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 199.

Senate Bill 2164

Effective: 5-30-21

Senate Author: Creighton

House Sponsor: Bell, Cecil

Senate Bill 2164 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 201.

Senate Bill 2166

Effective: 6-16-21

Senate Author: Miles

House Sponsor: Allen

Senate Bill 2166 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 580.

Senate Bill 2171

Effective: 5-24-21

Senate Author: Creighton

House Sponsor: Swanson

Senate Bill 2171 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 579.

Senate Bill 2172

Effective: 5-24-21

Senate Author: Creighton

House Sponsor: Bell, Cecil

Senate Bill 2172 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 200.

Special Districts

[Senate Bill 2173](#)

Effective: 5-30-21

Senate Author: Creighton

House Sponsor: Metcalf

Senate Bill 2173 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 207.

[Senate Bill 2174](#)

Effective: 5-24-21

Senate Author: Creighton

House Sponsor: Toth

Senate Bill 2174 amends the Special District Local Laws Code to provide for the division of the Montgomery County Municipal Utility District No. 152.

[Senate Bill 2175](#)

Effective: 5-24-21

Senate Author: Creighton et al.

House Sponsor: Deshotel

Senate Bill 2175 amends the Special District Local Laws Code to designate a specific tract of land and water as a special purpose area of the Orange County Navigation and Port District of Orange County, Texas. The bill provides for the reporting of certain cargo and vessel movements in the special purpose area.

[Senate Bill 2180](#)

Effective: 5-24-21

Senate Author: Bettencourt

House Sponsor: Oliverson

Senate Bill 2180 amends the Special District Local Laws Code to provide for the creation of the Harris County Municipal Utility District No. 581.

[Senate Bill 2182](#)

Effective: 5-24-21

Senate Author: Creighton

House Sponsor: Toth

Senate Bill 2182 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Water Control and Improvement District No. 205.

[Senate Bill 2183](#)

Effective: 6-7-21

Senate Author: Campbell

House Sponsor: King, Tracy O.

Senate Bill 2183 amends the law to change the Driftwood Conservation District's boundaries.

[Senate Bill 2185](#)

Effective: 9-1-21

Senate Author: Hinojosa

House Sponsor: Canales

Senate Bill 2185 amends the Water Code to establish restrictions on the requirements and fees that a water district located wholly or partly in Hidalgo, Cameron, or Willacy County may impose on a retail public utility that proposes to construct a water or sewer pipeline or associated infrastructure in the district's service area.

Senate Bill 2185 also sets out requirements for the Hidalgo County Water Improvement District No. 3 related to the district's general manager, education for district directors, and the conduct of district elections. The bill prohibits certain conduct by the district's directors and employees and requires the district to establish a searchable expenditure database.

[Senate Bill 2193](#)

Effective: 6-16-21

Senate Author: Buckingham

House Sponsor: King, Tracy O.

Senate Bill 2193 amends the Special District Local Laws Code to provide for the creation of the Matthews Ranch Water Control and Improvement District No. 1 of Blanco County.

Senate Bill 2197

Effective: 5-24-21

Senate Author: Creighton

House Sponsor: Metcalf

Senate Bill 2197 amends the Special District Local Laws Code to provide for the creation of the Montgomery County Municipal Utility District No. 183.

Senate Bill 2205

Effective: 5-24-21

Senate Author: Springer

House Sponsor: King, Phil

Senate Bill 2205 amends the Special District Local Laws Code to provide for the creation of the Hillcrest North Municipal Utility District of Wise County.

Senate Bill 2207

Effective: 5-30-21

Senate Author: Springer

House Sponsor: Smith

Senate Bill 2207 amends the Special District Local Laws Code to provide for the creation of the Grayson County Municipal Utility District No. 8.

Senate Bill 2208

Effective: 5-24-21

Senate Author: Springer

House Sponsor: Stucky

Senate Bill 2208 amends the Special District Local Laws Code to provide for the creation of the Rocky Top Ranch Municipal Utility District of Denton County.

Senate Bill 2216

Effective: 5-30-21

Senate Author: Creighton

House Sponsor: Metcalf

Senate Bill 2216 amends the Special District Local Laws Code to revise the governing provisions of the East Montgomery County Municipal Utility District No. 14.

Senate Bill 2217

Effective: 5-24-21

Senate Author: Creighton

House Sponsor: Metcalf

Senate Bill 2217 amends the Special District Local Laws Code to revise the governing provisions of the East Montgomery County Municipal Utility District No. 13.

Senate Bill 2219

Effective: 5-30-21

Senate Author: Springer

House Sponsor: Smith

Senate Bill 2219 amends the Special District Local Laws Code to provide for the creation of the Heritage Ranch Municipal Utility District No. 1 of Grayson County.

This page intentionally left blank.

STATE GOVERNMENT

This chapter covers legislation regarding state government generally, including legislation relating to state entities, technology, and the maintenance and transfer of public lands. Legislation relating to state purchasing and certain prohibited state investments is in the [Government Purchasing](#) chapter, legislation relating to open government is in the [Open Government and Privacy](#) chapter, and legislation relating to the sunset review of state agencies is in the [Sunset Review](#) chapter.

[House Bill 374](#)

Effective: 6-4-21

House Author: Smith et al.

Senate Sponsor: Springer

House Bill 374 amends the Natural Resources Code to postpone from not later than July 30, 2021, to not later than July 30, 2023, the deadline by which the Red River Boundary Commission is required to issue its final report to applicable entities and to postpone from December 31, 2021, to December 31, 2023, the date that the commission's governing provisions expire.

[House Bill 1057](#)

Effective: 9-1-21

House Author: Oliverson et al.

Senate Sponsor: Creighton et al.

House Bill 1057 amends the Government Code to designate November 7 as Victims of Communism Day in memory of the lives lost and those who suffered under communist regimes.

[House Bill 1118](#)

Effective: 5-18-21

House Author: Capriglione

Senate Sponsor: Paxton et al.

House Bill 1118 amends the Government Code to revise provisions relating to state agency and local government compliance with cybersecurity training requirements. The bill limits the local government employees to which the training requirements apply to those who use a computer to perform at least 25 percent of their required duties and makes the training requirements applicable also to elected and appointed local government officials on that same basis. The bill repeals the authorization for a local government to offer its own cybersecurity training program, thus requiring that all cybersecurity training be provided through the Department of Information Resources, and authorizes a local government to deny access to its computer system or database to employees or officials who do not comply with the cybersecurity training requirements.

House Bill 1118 requires a local government to submit a written certification of its compliance with cybersecurity training requirements with its application for an applicable governmental planning grant. The bill makes a local government that has been awarded such a grant and is determined to not be in compliance responsible for repaying the amount of the grant award and bars the local government from receiving another grant for two years. The bill requires each applicable state agency strategic plan of operation to include a written certification of the agency's compliance with training requirements.

[House Bill 1322](#)

Effective: 9-1-23

House Author: Shaheen et al.

Senate Sponsor: Zaffirini et al.

House Bill 1322 amends the Government Code to require a state agency that files notice of a proposed rule with the secretary of state under the Administrative Procedure Act to publish on its website a summary of the proposed rule written in plain language in both English and Spanish.

State Government

[House Bill 2025](#)

Effective: 6-15-21

House Author: Hunter

Senate Sponsor: Huffman

House Bill 2025 amends the Government Code to continue to apply the 2010 federal census numbers to statutory population brackets until 2023. Among other provisions, the bill requires a governmental entity to recognize and act on a published federal decennial census report or count on the later of September 1 of the year after the calendar year during which the census was taken or the first day of the first calendar month occurring after the 150th day after the publication date.

[House Bill 2063](#)

Effective: 9-1-21

House Author: Ordaz Perez et al.

Senate Sponsor: Schwertner

House Bill 2063 amends the Government Code to establish a state employee family leave program to provide eligible state employees more flexibility in bonding with and caring for children during a child's first year following birth, adoption, or foster placement and in caring for a seriously ill family member or the employee themselves. The bill requires the governing body of a state agency, through the establishment of a program, to allow an agency employee to voluntarily transfer sick or vacation leave to a family leave pool. The bill makes eligible to use time in a family leave pool an employee who has exhausted their eligible compensatory, discretionary, sick, and vacation leave for a qualifying purpose and caps the amount of time an employee may withdraw from the pool at the lesser of one-third of the total time in the pool or 90 days.

[House Bill 2497](#)

Effective: 9-1-21

House Author: Parker et al.

Senate Sponsor: Creighton et al.

House Bill 2497 amends the Government Code and Transportation Code to establish the 1836 Project as an advisory committee to promote patriotic education and increase awareness of the Texas values that continue to stimulate boundless prosperity across Texas. Among other provisions, the bill requires the Texas Education Agency (TEA) to provide funding and administrative support for the 1836 Project and requires the project to promote awareness among Texas residents of certain topics related to the history of prosperity and democratic freedom in Texas; advise the governor on the core principles of the founding of Texas and how those principles further enrich the lives of its residents; facilitate the development and implementation of the Gubernatorial 1836 Award to recognize relevant student knowledge; advise executive branch state agencies with regard to their efforts to ensure patriotic education is provided to the public at certain places important to the Texas War for Independence and the founding of Texas; and facilitate, advise on, and promote other activities to support public knowledge of and patriotic education on the Texas War for Independence and founding of Texas.

House Bill 2497 requires the 1836 Project to provide a pamphlet to the Texas Department of Public Safety (DPS) that explains the significance of policy decisions made by the State of Texas that promote liberty and freedom for businesses and families and requires DPS to provide the pamphlet to persons who receive a driver's license and to make the pamphlet available to the public on the DPS website. The bill requires the 1836 Project to prepare and produce a written report that contains, among other items, the project's findings and recommendations and any legislative proposals and requires TEA to make that report and any other report produced by the project available to the public on the TEA website. The 1836 Project is abolished and the related bill provisions expire September 1, 2036. Implementation of a provision of the bill by TEA and DPS is mandatory only if a specific appropriation is made for that purpose.

[House Bill 2660](#)

Effective: 5-15-21

House Author: Leman

Senate Sponsor: Kolkhorst

House Bill 2660 amends the Government Code to transfer the jurisdiction of the Star of the Republic Museum's artifacts, structure, and land from Blinn College District to the Texas Historical Commission.

House Bill 2728**Effective:** 9-1-21**House Author:** Martinez Fischer et al.**Senate Sponsor:** Johnson

House Bill 2728 amends the Government Code to designate January 27 as International Holocaust Remembrance Day to commemorate the anniversary of the liberation of Auschwitz-Birkenau and to honor the millions of victims of the Holocaust.

House Bill 3257**Effective:** 9-1-21**House Author:** King, Phil et al.**Senate Sponsor:** Alvarado et al.

House Bill 3257 repeals Government Code provisions relating to the Texas Holocaust and Genocide Commission and amends that code and the Education Code to create instead the Texas Holocaust, Genocide, and Antisemitism Advisory Commission under the direction of the Texas Historical Commission. The bill provides for the composition, administration, and operations of the advisory commission and sets out its powers and duties, including studying antisemitism in Texas and submitting a related report, providing advice and assistance to schools and institutions of higher education on combating antisemitism and implementing related courses of study and awareness programs, and other duties relating to providing information and coordinating memorial and commemorative events and awareness efforts. The bill provides for the funding of the advisory commission and subjects the advisory commission to sunset review and to audit and evaluation by the Texas Historical Commission or another appropriate state agency. All contracts and agreements of the former Texas Holocaust and Genocide Commission are continued in effect as contracts and agreements of the Texas Historical Commission.

House Bill 3388**Effective:** 6-18-21**House Author:** Thompson, Ed**Senate Sponsor:** Hancock

House Bill 3388 amends the Government Code to except a state agency with a fleet of more than 2,500 vehicles from existing quarterly vehicle fleet reporting requirements. The bill requires such an agency instead to establish and maintain a vehicle reporting system to assist the agency in the management of its vehicle fleet and to annually submit applicable information to the office of vehicle fleet management within the office of the comptroller of public accounts regarding the agency's vehicle fleet for the previous state fiscal year.

House Bill 3388 authorizes the Texas Department of Transportation to provide aircraft transportation to a destination under the State Aircraft Pooling Act to state officers and employees who are traveling on official business, to persons in the care or custody of those state officers or employees, and to persons whose transportation furthers official state business if the time required to use a commercial carrier interferes with passenger obligations or a representative of the Department of Public Safety determines that security concerns for a passenger warrant the use of a state aircraft.

House Bill 3481**Effective:** 9-1-21**House Author:** Rose et al.**Senate Sponsor:** West et al.

House Bill 3481 amends the Government Code to designate December 1 as Rosa Parks Day in honor of Rosa Louise McCauley Parks for her courageous act of refusing to give up her bus seat to protest segregation which helped launch the U.S. civil rights movement.

House Bill 3584**Effective:** 9-1-21**House Author:** Murr et al.**Senate Sponsor:** Buckingham

House Bill 3584 amends the Government Code to establish that a monument, marker, or medallion installed by the Texas Historical Commission is state property solely under the commission's custody and control and may not be altered, removed, relocated, covered, obscured, or concealed without its express

State Government

written permission. The bill authorizes the attorney general to file suit in a district court to seek civil penalties and equitable relief for violations relating to the state historical marker program and establishes that each day a violation of provisions governing the commission or of the Antiquities Code of Texas continues may be considered a separate violation.

[House Bill 3607](#)

Effective: See below

House Author: Leach

Senate Sponsor: Johnson

House Bill 3607, a continuation of the legislature's ongoing statutory revision program, makes certain nonsubstantive additions to, revisions of, and corrections in enacted codes; provides for the nonsubstantive codification or disposition of various laws omitted from enacted codes; and conforms codifications enacted by the 86th Legislature to other Acts of that legislature. The bill takes effect September 1, 2021, except for certain changes to The Securities Act that take effect January 1, 2022.

[House Bill 3644](#)

Effective: 9-1-21

House Author: Ashby et al.

Senate Sponsor: Schwertner

House Bill 3644 amends the Government Code to authorize the State Preservation Board to approve and establish an appropriate memorial monument on the State Capitol grounds dedicated to emergency medical services personnel in Texas.

[House Bill 3800](#)

Effective: 6-15-21

House Author: Darby

Senate Sponsor: Seliger

House Bill 3800 amends the law to postpone the deadline by which the Health and Human Services Commission, subject to certain provisions, is required to execute an appropriate instrument to release and nullify the right of reverter to which certain real property is subject. The bill changes the description of certain property that is to be exchanged as a prerequisite to that execution.

[House Bill 4018](#)

Effective: 6-18-21

House Author: Capriglione et al.

Senate Sponsor: Nelson et al.

House Bill 4018 amends the Government Code to create the technology improvement and modernization fund as a special fund in the state treasury outside the general revenue fund and restricts the use of money in the fund to improving and modernizing state agency information resources, including legacy system projects and cybersecurity projects.

House Bill 4018 creates the Joint Oversight Committee on Investment in Information Technology Improvement and Modernization Projects to review investment and funding strategies for projects to improve or modernize state agency information resources technologies. The bill requires the committee to provide a biennial report to the legislature that identifies existing and planned projects to improve or modernize state agency information resources technologies, the method of funding for each project identified by the committee, a determination by the committee of the amount necessary to fully fund each identified project to completion, and strategies developed by the committee to ensure a long-term investment solution for these projects is in place. The committee is abolished and these provisions expire September 1, 2026.

House Bill 4018 requires each executive and legislative branch state agency to use money appropriated to the agency by the state to prepare an agency-wide plan outlining the manner in which the agency intends to transition its information technology and data-related services and capabilities into a more modern, integrated, secure, and effective technological environment and requires each such agency to submit their plan to the Department of Information Resources, the joint oversight committee, and the applicable standing legislative committees.

[House Bill 4056](#)**Effective:** 9-1-21**House Author:** Meza et al.**Senate Sponsor:** Hughes

House Bill 4056 establishes an 18-member committee to study the formation of a Texas Bicentennial Commission for planning the state's celebration of the 2036 bicentennial and requires the committee to submit a related report to the legislature.

[House Bill 4294](#)**Effective:** 6-18-21**House Author:** Metcalf**Senate Sponsor:** Hancock

House Bill 4294 amends the Government Code to update and revise certain provisions regarding the organization and efficient operation of the legislative branch of state government through certain joint entities. Among other provisions, the bill requires per diem and travel expenses paid to a member of a joint committee established by statute to be paid by the house to which the member belongs and for those expenses for a public member of a joint committee to be paid by the office of the appointing entity. The bill also provides that the Texas Ethics Commission is not considered to be a legislative agency for purposes of provisions governing cooperation between legislative agencies. Furthermore, the bill expands the membership of the Commission on Uniform State Laws to include appointments made by the lieutenant governor and by the speaker of the house and to include as members the chairs of the house and senate standing committees with jurisdiction over uniform state laws.

[House Bill 4664](#)**Effective:** 6-14-21**House Author:** Bailes**Senate Sponsor:** Nichols

House Bill 4664 requires the State of Texas to offer to convey to the Trinity River Authority of Texas a specified portion of the bed of the Trinity River in Polk and San Jacinto Counties.

[House Bill 4667](#)**Effective:** 6-18-21**House Author:** Morales, Eddie**Senate Sponsor:** Gutierrez

House Bill 4667 requires the Public Safety Commission to transfer to the City of Eagle Pass specified real property interests of the State of Texas and the Department of Public Safety to be used by the city and Maverick County only for a purpose that benefits the state's public interest.

[Senate Bill 4](#)**Effective:** 9-1-21**Senate Author:** Buckingham et al.**House Sponsor:** Burrows

Senate Bill 4 amends the Government Code to prohibit a governmental entity from entering into an agreement with a professional sports team that requires a financial commitment by the state or any governmental entity unless the agreement includes a written verification that the team will play the U.S. national anthem at the beginning of each team sporting event held at the team's home venue or other facility controlled by the team for the event and a provision providing that failure to comply with that written verification constitutes a default of the agreement, immediately subjects the team to any penalty the agreement authorizes for default, and may subject the team to debarment from state contracting.

[Senate Bill 62](#)**Effective:** 6-16-21**Senate Author:** Zaffirini**House Sponsor:** Smithee

Senate Bill 62 amends the Government Code to authorize the Texas Ethics Commission (TEC) to provide a seminar that addresses the laws administered and enforced by the TEC and any other relevant laws and to charge an attendance fee in an amount necessary to cover the costs associated with the seminar.

Senate Bill 62 specifies that the cost of providing food or nonalcoholic beverages to attendees of a seminar provided by the TEC for persons required to register as a lobbyist under applicable state law is included among the costs that the TEC may cover by charging a seminar attendance fee.

State Government

[Senate Bill 282](#)

Effective: 9-1-21

Senate Author: Alvarado et al.

House Sponsor: Meyer et al.

Senate Bill 282 amends the Education Code, Government Code, and Local Government Code to prohibit the legislature from appropriating money, and a state agency from using appropriated money, to settle or otherwise pay a sexual harassment claim made against a person who is an elected member of state government, is appointed by the governor to serve in public office within state government, or serves as staff for an elected or appointed person. The bill prohibits a political subdivision, including an open-enrollment charter school, from using public money to settle or otherwise pay a sexual harassment claim made against an elected or appointed member of the governing body of the political subdivision or an officer or employee of the political subdivision.

[Senate Bill 475](#)

Effective: See below

Senate Author: Nelson et al.

House Sponsor: Capriglione

Senate Bill 475 amends the Government Code to implement certain recommendations from the Texas Cybersecurity Council and the Texas Privacy Protection Advisory Council aimed at further improving cybersecurity standards and data management practices for state agencies and local governments. Among other provisions, the bill does the following:

- provides for the appointment of a data management advisory committee;
- requires each state agency with more than 150 full-time employees to designate a full-time employee of the agency to serve as a data management officer and provides for the implementation of best practices for managing and securing data;
- provides for the establishment of a cloud computing state risk and authorization management program;
- provides for the establishment of a volunteer cybersecurity incident response team;
- provides for the establishment of regional network security centers; and
- prohibits state agencies from acquiring, retaining, or disseminating data used to identify an individual or the individual's location without written or electronic consent.

The bill's provisions take effect June 14, 2021, except that the aforementioned prohibition applies to state agencies effective September 1, 2021.

[Senate Bill 510](#)

Effective: 6-4-21

Senate Author: Perry

House Sponsor: Rogers

Senate Bill 510 requires the Texas Department of Criminal Justice (TDCJ) to transfer to Stephens County specified real property interests of the State of Texas and TDCJ to be used by the county only for a purpose that benefits the public.

[Senate Bill 782](#)

Effective: 6-7-21

Senate Author: Hinojosa et al.

House Sponsor: Herrero

Senate Bill 782 provides for the conveyance of certain real property from the State of Texas to the Port of Corpus Christi Authority of Nueces County, Texas, to be used for the promotion of navigation.

[Senate Bill 800](#)

Effective: 9-1-21

Senate Author: Nelson

House Sponsor: Paddie

Senate Bill 800 amends and repeals provisions of the Agriculture Code, Code of Criminal Procedure, Government Code, Health and Safety Code, Human Resources Code, Insurance Code, Labor Code, Occupations Code, and Transportation Code, as applicable, to implement certain recommendations from

the Texas State Library and Archives Commission aimed at streamlining reporting requirements for various state agencies and other governmental entities.

Senate Bill 851

Effective: 9-1-21

Senate Author: Blanco

House Sponsor: Dominguez

Senate Bill 851 amends the Government Code to require the Texas Cybersecurity Council to include one member who is an employee of the elections division of the secretary of state's office.

Senate Bill 1072

Effective: 9-1-21

Senate Author: Hinojosa

House Sponsor: Hunter

Senate Bill 1072 amends the Natural Resources Code to authorize the Texas Spatial Reference Center at Texas A&M University--Corpus Christi to adopt a revised state coordinate system that may be used for state coordinate system purposes under the authority granted to the center as the state's facilitator of the National Spatial Reference System.

Senate Bill 1177

Effective: 9-1-21

Senate Author: Birdwell et al.

House Sponsor: Shaheen

Senate Bill 1177 establishes a task force composed of representatives of certain state agencies to manage state-owned artifact collections. The bill requires the task force to evaluate various aspects of collections for each state agency represented and to report its findings and determinations to the governor, lieutenant governor, speaker of the house of representatives, and appropriate legislative standing committees.

Senate Bill 1541

Effective: 9-1-21

Senate Author: Zaffirini

House Sponsor: Raymond

Senate Bill 1541 amends the Government Code to establish a statutory definition of the term "business case" for purposes of the Information Resources Management Act and proposed major state agency information resource projects.

Senate Bill 2230

Effective: 6-18-21

Senate Author: Schwertner

House Sponsor: Capriglione

Senate Bill 2230 amends the Government Code to authorize the comptroller of public accounts to acquire real property necessary for one or more buildings for the purpose of operating the Texas Bullion Depository and to authorize the issuance of bonds in the name of the Texas Public Finance Authority to finance the acquisition or construction of such buildings, including the acquisition of real property for that purpose.

Senate Joint Resolution 27

For Election: 11-2-21

Senate Author: Hancock et al.

House Sponsor: Leach et al.

Senate Joint Resolution 27 proposes an amendment to the Texas Constitution to prohibit the state or a political subdivision from enacting, adopting, or issuing a statute, order, proclamation, decision, or rule that prohibits or limits religious services, including religious services conducted in churches, congregations, and places of worship, in Texas by a religious organization established to support and serve the propagation of a sincerely held religious belief.

This page intentionally left blank.

SUNSET REVIEW

This chapter covers legislation stemming from the [Sunset Advisory Commission](#)'s review of the agencies subject to the Texas Sunset Act during the 2020-2021 biennium. The chapter also covers legislation relating to the review schedule for certain agencies subject to sunset review.

[House Bill 636](#)

Effective: 5-26-21

House Author: Thompson, Senfronia et al.

Senate Sponsor: Whitmire et al.

House Bill 636 amends the Health and Safety Code and Occupations Code to continue the Texas State Board of Plumbing Examiners (TSBPE) and the Plumbing License Law until September 1, 2027. The bill, among other provisions, authorizes the TSBPE to adopt, recognize, develop, or contract for a required examination and requires the TSBPE to conduct a criminal history record information check of each license applicant. The bill provides for the issuance of a temporary license to certain applicants and for the reciprocity of a license, registration, or endorsement issued by another jurisdiction. The bill revises the grounds for disciplinary action for applicable professionals and provides for public access to information relating to disciplinary actions.

[House Bill 1545](#)

Effective: 9-1-21

House Author: Cyrier et al.

Senate Sponsor: Hall et al.

House Bill 1545 amends the Government Code to continue the Commission on Jail Standards (TCJS) until September 1, 2033. The bill, in addition to providing for certain across-the-board sunset recommendations related to member training, provides the following:

- a revised process for developing jail standards, which must include minimum standards that consider the different needs and risk levels of facilities;
- a revised process for inspections and reinspections;
- a revised complaint process;
- graduated sanctions for facilities that are noncompliant with TCJS standards; and
- procedures for an independent investigation of a death occurring in a county jail.

The bill also eliminates the requirement for jail officials to report to TCJS annually on those under 17 years of age who are held in the jail.

[House Bill 1560](#)

Effective: See below

House Author: Goldman

Senate Sponsor: Buckingham

House Bill 1560 amends and repeals certain provisions of the Alcoholic Beverage Code, Code of Criminal Procedure, Education Code, Family Code, Government Code, Health and Safety Code, Human Resources Code, Occupations Code, and Transportation Code to provide for the continuation and functions of the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR). The bill continues TCLR and TDLR until September 1, 2033. The bill, among other provisions, postpones the sunset review of certain programs transferred to TDLR until the 2032-2033 review cycle. The bill revises provisions relating to complaints received by TDLR and includes a provision requiring TDLR to post an additional statistical analysis of those complaints. The bill also requires TDLR to conduct risk-based inspections. In addition, the bill transfers certain duties relating to continuing education programs from TCLR to TDLR.

House Bill 1560 requires TDLR to study the regulation of auctioneering and eliminates licensing requirements for polygraph examiners. The bill consolidates licenses and certificates that cover both barbers and cosmetologists and, in light of that consolidation, removes certain unnecessary regulations

Sunset Review

relating to those occupations. The bill eliminates the licensure requirement for persons issuing a residential service contract by repealing the Residential Service Company Act. The bill instead provides for the regulation of such contracts through the Service Contract Regulatory Act. Except for the bill provisions repealing certain statutory provisions regarding driver training that take effect June 1, 2023, the bill takes effect September 1, 2021.

House Bill 1570

Effective: 9-1-21

House Author: Paddie

Senate Sponsor: Hall

House Bill 1570 amends the Special District Local Laws Code to revise and update the governing provisions of the Brazos River Authority, following Sunset Advisory Commission recommendations.

House Bill 1585

Effective: 5-26-21

House Author: Lambert et al.

Senate Sponsor: Lucio et al.

House Bill 1585 amends the Government Code and Insurance Code to update the time frame for the next review of the board of trustees of the Teacher Retirement System of Texas (TRS) under the Texas Sunset Act. Among other provisions, including certain across-the-board Sunset recommendations, the bill requires the board to adopt a policy requiring TRS to make all reasonable efforts to locate and notify a member or the member's heirs of their entitlement to a return of accumulated contributions and additionally provides for an outreach plan to assist members in planning for retirement. The bill also does the following:

- requires TRS to develop and distribute informational materials relating to an appeal of denial of an adverse determination to individuals enrolled in TRS-Care and TRS-ActiveCare;
- expands the topics TRS must study with respect to the operation and administration of the Texas Public School Retired Employees Group Benefits Act; and
- requires TRS to report annually to the legislature and Texas Department of Insurance on such operation and administration.

House Bill 1585 sets out the conditions under which a retiree who is eligible for a standard service retirement annuity and resumes service is not entitled to service or disability retirement benefit payments. The bill also repeals the following requirements:

- the requirement for TRS to certify to the commissioner of education the names of any employing public school district or open-enrollment charter school that has failed to timely remit certain member contributions to TRS; and
- certain requirements related to TRS investment practices and performance reporting.

Senate Bill 700

Effective: 9-1-21

Senate Author: Buckingham et al.

House Sponsor: Cyrrier

Senate Bill 700 amends the Parks and Wildlife Code to continue the Parks and Wildlife Department (TPWD) until September 1, 2033. Among other provisions, including across-the-board sunset provisions, the bill expands the required contents of the TPWD land and water resources conservation and recreation plan and sets out related TPWD duties. The bill provides for risk-based inspections of nonrecreational authorization holders by TPWD and for the prioritization of those inspections and inspections of permit holders for the disturbing, taking, or carrying away of marl, sand, gravel, shell, or mudshell based on risk to the state's natural resources, and of inspections of certain license holders under the Water Safety Act based on risk to water safety.

Senate Bill 702**Effective:** 9-1-21**Senate Author:** Paxton et al.**House Sponsor:** Paddie

Senate Bill 702 amends the Education Code to continue the Prepaid Higher Education Tuition Board until September 1, 2033. The bill revises requirements for board member training to incorporate standard sunset good government provisions and provides for the board's authority to establish advisory committees. The bill removes language subjecting certain programs to termination if the board is not continued.

Senate Bill 703**Effective:** 9-1-21**Senate Author:** Buckingham et al.**House Sponsor:** Canales

Senate Bill 703 amends the Agriculture Code and Natural Resources Code to continue the Department of Agriculture (TDA), the Texas Boll Weevil Eradication Foundation, and the Prescribed Burning Board until September 1, 2033. The bill also amends the Alcoholic Beverage Code and Parks and Wildlife Code and repeals provisions of the Government Code and Health and Safety Code.

Senate Bill 703, among other provisions, provides for TDA authority to establish advisory committees, requires the TDA to develop and publish an annual strategic plan for inspection and enforcement relating to its licensing duties, and requires the TDA and the attorney general's office to enter into a certain memorandum of understanding to coordinate the enforcement of consumer protection programs. The bill updates and expands the statutory basis of the GO-TEXAN product promotion program and provides for a one-time study of the program. The bill requires the TDA to establish a farmer mental health and suicide prevention program. The bill repeals requirements relating to an aquaculture license and a fish farm vehicle license, removes references to related TDA regulation of aquaculture activities, and abolishes the aquaculture fund, but retains all licenses, reporting requirements, and other regulation of aquaculture activities by the Texas Commission on Environmental Quality and the Parks and Wildlife Department.

Senate Bill 703, with regard to the Prescribed Burning Board, clarifies certain rulemaking authority, transfers responsibility for rules regarding certain disciplinary sanctions from the TDA to the board, and provides for certification of a prescribed burn manager through reciprocity.

Senate Bill 703 recreates the Citrus Budwood Advisory Council and abolishes the Texas Nursery and Floral Advisory Council, the wine industry development advisory committee, the food and fibers research grant program, the Texas Rural Foundation, the Texas Rural Health and Economic Development Advisory Council, and the Early Childhood Health and Nutrition Interagency Council, as well as certain other advisory bodies. The bill makes minor revisions relating to certain reporting requirements and relating to the home-delivered meal grant program, hemp harvesting requirements, seed or plant producer licensing criteria, and the composition of the State Seed and Plant Board.

Senate Bill 705**Effective:** 9-1-21**Senate Author:** Lucio et al.**House Sponsor:** Cyrrier

Senate Bill 705 amends the Agriculture Code to continue the Texas Animal Health Commission (TAHC) until September 1, 2033. Among other provisions, the bill provides for TAHC rulemaking authority with regard to its advisory committees and requires a periodic review of certain compliance data. The bill removes statutorily prescribed lists of diseases against which the TAHC is responsible to protect applicable livestock and fowl and diseases which must be reported to the TAHC and instead requires the TAHC to adopt and update such lists by rule. The bill revises and updates provisions relating to the TAHC power of quarantine, its authority to order the slaughter of infected animals, and its regulation of livestock markets with regard to disease control. The bill removes language and repeals provisions prescribing specific treatment methods for certain diseases, including scabies, and requires applicable testing, treatment,

Sunset Review

or vaccination requirements to be determined by TAHC rules. The bill amends the Penal Code to make a conforming change.

Senate Bill 705 designates the Texas A&M Veterinary Medical Diagnostic Laboratory as the state's regulatory animal health laboratory and provides for a related memorandum of understanding between the TAHC and the laboratory.

Senate Bill 707

Effective: 9-1-21

Senate Author: Paxton et al.

House Sponsor: Lambert et al.

Senate Bill 707 amends the Finance Code to continue the Credit Union Department (TCUD) and Credit Union Commission until September 1, 2033. The bill, among other provisions, including certain across-the-board sunset provisions, requires the TCUD to promptly notify and issue guidance to all credit unions chartered in Texas on the adoption of certain federal laws or regulations that have immediate effect and that conflict with and override state law. The bill also requires the TCUD to track all phases of the consumer complaint and enforcement processes and to compile a statistical analysis every year of those processes for the preceding fiscal year. In addition, the bill repeals the requirement that a credit union's articles of incorporation be notarized.

Senate Bill 709

Effective: 9-1-21

Senate Author: Hall et al.

House Sponsor: Canales et al.

Senate Bill 709 amends the Government Code to continue the Texas Commission on Fire Protection (TCFP) until September 1, 2033. Among other changes relating to TCFP administration and function, the bill authorizes the TCFP to enter into reciprocity agreements with other state fire personnel certification agencies and to provide biennial renewal for certifications.

Senate Bill 713

Effective: 6-16-21

Senate Author: Buckingham

House Sponsor: Cyrier

Senate Bill 713 amends the Government Code, Health and Safety Code, Insurance Code, Labor Code, Occupations Code, Utilities Code, and certain session law to make various changes to the sunset review process, including continuing certain state agencies and changing certain other sunset review dates. The bill repeals Education Code and Government Code provisions to eliminate the sunset review of the Texas A&M Forest Service, the limited-scope sunset review of the Health and Human Services Commission (HHSC), and the special-purpose sunset review of the HHSC office of inspector general.

Senate Bill 713 authorizes the Sunset Advisory Commission to exempt a state agency from certain sunset review requirements if the sunset commission determines that the agency is unable to participate in the review due to a declared disaster. The bill provides that all legal interests of an agency abolished in an odd-numbered year are transferred to the comptroller of public accounts on the agency's termination date, except as otherwise provided by the Texas Sunset Act, and authorizes the governor to designate another agency to administer any operative law previously administered by an abolished agency.

TAXES AND TAX ADMINISTRATION

This chapter covers legislation on issues relating to taxation, including hotel occupancy, property, and sales and use taxes. The chapter also covers legislation relating to the property appraisal process.

House Bill 115

Effective: 1-1-22

House Author: Rodriguez et al.

Senate Sponsor: Seliger et al.

House Bill 115 amends the Tax Code to revise the eligibility requirements for the property tax exemption for certain property that is owned by a charitable organization and used to provide housing and related services to certain individuals experiencing homelessness. Among other provisions, the bill makes property located in the City of Midland eligible for the exemption in addition to property located in Travis County, removes the requirement that applicable property be located on or consist of a single campus, and requires that the housing provided on the property be permanent housing.

House Bill 533

Effective: 9-1-21

House Author: Shine et al.

Senate Sponsor: Bettencourt

House Bill 533 amends the Tax Code to extend to all counties the option to authorize a peace officer or property tax collector charged with selling property seized for the payment of delinquent property taxes to enter into an agreement with an auctioneer to advertise and conduct the auction sale of the property.

House Bill 988

Effective: See below

House Author: Shine et al.

Senate Sponsor: Hancock et al.

House Bill 988 amends the Tax Code to set out and revise provisions related to the state's property tax system. Among other provisions, the bill does the following:

- requires an appraisal review board (ARB) to adopt procedures for the hearings it conducts and requires an ARB to incorporate the comptroller of public accounts's model hearing procedures when adopting its own procedures;
- requires certain taxing units voting for a position on the board of directors of an appraisal district to be determined by resolution adopted at an open meeting;
- creates an offense for a member of the governing body, officer, or employee of a taxing unit to communicate with the chief appraiser or another employee of the appraisal district for the purpose of influencing the value at which property in the district that the person does not own or lease is appraised;
- temporarily authorizes a taxing unit any part of which is located in an area designated a disaster area by a disaster declaration issued on or after January 1, 2020, to extend the date by which goods-in-transit must be transported to another location in or outside of Texas to qualify for the tax exemption for such property;
- requires each appraisal record to have a unique account number that is provided to the property owner and provides for the combination of contiguous parcels or tracts into a single appraisal record or the division of segments of a parcel or tract of property into individual appraisal records on the request of the property owner;
- makes an appraisal district's taxpayer liaison officer responsible for receiving and compiling a list of complaints filed concerning a matter related to the fairness and efficiency of the district's ARB;
- requires an informal conference to be held on request of a property owner before a hearing on the taxpayer's protest and requires an ARB to sit in a single-member panel to conduct a hearing if the owner requests it; and

Taxes and Tax Administration

- provides for the use of limited binding arbitration to compel an ARB to comply with certain procedural requirements related to a taxpayer protest.

The bill takes effect January 1, 2022, except that certain of the bill's provisions take effect June 15, 2021.

[House Bill 1090](#)

Effective: 9-1-21

House Author: Bailes et al.

Senate Sponsor: Nichols

House Bill 1090 amends the Tax Code to shorten the window within which the discovery that real property was erroneously omitted from an appraisal roll in a previous year triggers the requirement for the chief appraiser to appraise the property as of January 1 of each tax year that it was omitted and enter the property and its appraised value in the appraisal records from five years to three years and to clarify that, for that purpose, a year means a tax year.

[House Bill 1195](#)

Effective: 5-8-21

House Author: Geren et al.

Senate Sponsor: Hancock et al.

House Bill 1195 amends the Tax Code to provide for the exclusion from a taxable entity's total revenue in computing taxable margin for franchise tax liability purposes an amount of money that the entity received from the proceeds from a qualifying loan or grant under the federal Coronavirus Aid, Relief, and Economic Security Act; from a shuttered venue operator grant or microloan program recovery assistance under the Consolidated Appropriations Act, 2021; or from a grant from the restaurant revitalization fund established under the American Rescue Plan Act of 2021. The bill authorizes a taxable entity to include any allowable expense paid using those proceeds in the determination of cost of goods sold or of compensation when calculating its gross margin. The bill applies only to a franchise tax report originally due on or after January 1, 2021.

[House Bill 1197](#)

Effective: 1-1-22

House Author: Metcalf et al.

Senate Sponsor: Campbell

House Bill 1197 amends the Tax Code to increase the maximum period for which certain land owned by a religious organization for the purpose of expanding a place of religious worship or constructing a new place of religious worship may be exempted from property taxation from six years to 10 years.

[House Bill 1445](#)

Effective: 1-1-22

House Author: Oliverson et al.

Senate Sponsor: Nichols

House Bill 1445 amends the Tax Code to exclude a medical or dental billing service performed before the original submission of a related insurance claim from the insurance services that are subject to the sales and use tax.

[House Bill 1544](#)

Effective: Vetoed

House Author: Guillen et al.

Senate Sponsor: Zaffirini

House Bill 1544 amends the Tax Code to establish that, under the following conditions, the eligibility of land for appraisal as qualified open-space land does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area:

- the owner of the land intends that the use of the land in that manner and to that degree of intensity be resumed;
- the land is used for a sand mining operation that overlies the Carrizo-Wilcox Aquifer and that is located within certain proximity of a populous municipality or family residence; and

- the land is reclaimed according to Texas Commission on Environmental Quality standard best practices not later than the first anniversary of the date sand mining operations began on the land.

The bill sets out provisions relating to the process for a landowner to claim this continued eligibility.

Governor’s Reason for Veto: “House Bill 1544 would single out sand-mining operations, and only those within a specific geographic area, for preferential tax treatment. Currently, sand mining is not a qualifying use under open-space appraisal. House Bill 1544 would change that to allow property owners in two counties, if they meet certain conditions, to retain their open-space appraisal if their property is used for sand mining for one year. It would also make the Texas Commission on Environmental Quality (TCEQ) create and enforce rules for reclamation of the sand mines.

“Although the bill is meant to incentivize property owners to reclaim sand mines, it gives a property tax benefit to a very narrow set of property owners that will not be available to other similarly situated property owners around the state. It also allows property owners to retain an open-space appraisal after they chose to put their property to another use, despite existing law that allows this only if the property owner had to involuntarily cease agricultural operations—such as during a drought or to control pests or diseases. And the bill does not set clear standards for TCEQ to use in adopting reclamation rules. For these reasons, House Bill 1544 must be disapproved.”

House Bill 1658

Effective: 9-1-21

House Author: Murphy

Senate Sponsor: Nelson et al.

House Bill 1658 amends the Tax Code to give the comptroller of public accounts the option to provide notice of a deficiency determination or jeopardy determination with respect to state taxes by electronic means.

House Bill 1869

Effective: 9-1-21

House Author: Burrows et al.

Senate Sponsor: Bettencourt

House Bill 1869 amends the Tax Code to require that indebtedness owed by a taxing unit be approved at an election, include self-supporting debt, evidence a loan under a state or federal financial assistance program, or be issued for one of several approved purposes in order to be considered debt for purposes of calculating the unit’s property tax rate. The bill removes the requirement that such debt be payable solely from property taxes.

House Bill 2080

Effective: 9-1-21

House Author: Leman et al.

Senate Sponsor: Huffman

House Bill 2080 amends the Government Code and Tax Code to establish a new type of taxpayer protest suit under which a person may sue the comptroller of public accounts to dispute an amount of tax, penalty, or interest assessed in a deficiency redetermination or jeopardy redetermination without prior payment of the amount under protest.

House Bill 2209

Effective: 6-16-21

House Author: King, Tracy O.

Senate Sponsor: Gutierrez

House Bill 2209 amends the Tax Code to authorize the City of Carrizo Springs to use revenue from the municipal hotel occupancy tax to promote tourism by enhancing and upgrading an existing sports facility or field, subject to certain conditions and spending caps.

House Bill 2429

Effective: 5-15-21

House Author: Meyer et al.

Senate Sponsor: Bettencourt

House Bill 2429 amends the Tax Code to revise the required contents of a notice of public hearing on a tax increase that must be provided by a taxing unit that is not required to hold an election to approve

Taxes and Tax Administration

a property tax increase and whose qualified voters may not petition to hold an election to reduce an adopted tax rate to include certain information relating to the de minimis tax rate.

[House Bill 2530](#)

Effective: 9-1-21

House Author: Ashby

Senate Sponsor: Nelson

House Bill 2530 amends the Tax Code to change the month used by the comptroller of public accounts to determine the annual interest rate earned on deposits in the state treasury during the previous calendar year when calculating the interest rate for a state tax refund from December to November.

[House Bill 2535](#)

Effective: 1-1-22

House Author: Sanford et al.

Senate Sponsor: Perry

House Bill 2535 amends the Tax Code to require a chief appraiser, in determining the market value of real property, to analyze the effect on that value of chicken coops or rabbit pens used for the noncommercial production of food for personal consumption and to exclude from that value the value of the coops or pens.

[House Bill 2723](#)

Effective: 6-3-21

House Author: Meyer et al.

Senate Sponsor: Bettencourt

House Bill 2723 amends the Education Code, Tax Code, and Water Code to require the Department of Information Resources to develop and maintain a website that lists and provides a separate link to the Internet location of each property tax database required to be created and maintained by a chief appraiser and includes a method to assist a property owner to identify the appropriate database for the owner's property. The bill requires certain applicable property tax notices to include a statement directing the public to the website address.

[House Bill 2941](#)

Effective: 6-7-21

House Author: Burns

Senate Sponsor: Springer

House Bill 2941 amends the Tax Code and Government Code to remove the population-based system under which members of an appraisal review board (ARB) in certain counties are appointed by the applicable appraisal district's board of directors and ARB members in other counties are appointed by the applicable county's local administrative district judge and to instead make the local administrative district judge responsible for appointing and removing ARB members in every county, irrespective of population.

[House Bill 3217](#)

Effective: 9-1-21

House Author: Harris

Senate Sponsor: Nichols

House Bill 3217 amends the Tax Code to authorize the Anderson County Commissioners Court to impose a hotel occupancy tax at a maximum rate of two percent. In addition to the other purposes for which state law authorizes the use of county hotel occupancy tax revenue, the bill authorizes Anderson County to use revenue from that tax to repair and renovate a county-owned civic center.

[House Bill 3578](#)

Effective: 9-1-21

House Author: Guerra

Senate Sponsor: Johnson et al.

House Bill 3578 amends the Tax Code to authorize cigarette and tobacco products permit fees to be paid by credit card.

House Bill 3629**Effective:** 9-1-21**House Author:** Bonnen et al.**Senate Sponsor:** Taylor

House Bill 3629 amends the Tax Code to change the date a deferral or abatement of the collection of property taxes on the residence homestead of an elderly or disabled person or disabled veteran expires after the individual or their surviving spouse, as applicable, no longer owns and occupies the property as a residence homestead to the 181st day after the date the collector for the taxing unit delivers a notice of delinquency of the taxes following the date the individual or their spouse no longer owns and occupies the property as a residence homestead.

House Bill 3682**Effective:** 6-16-21**House Author:** Perez**Senate Sponsor:** Alvarado

House Bill 3682 amends the Tax Code to authorize the City of Baytown to use revenue from the municipal hotel occupancy tax for the promotion of tourism by enhancing and upgrading an existing municipally-owned sports facility or field, provided certain conditions are satisfied.

House Bill 3777**Effective:** 1-1-22**House Author:** Noble**Senate Sponsor:** Nelson et al.

House Bill 3777 amends the Tax Code to establish that expenditures by a nonprofit corporation exempt from federal income tax and the state franchise tax to rehabilitate a structure that is leased to a tax-exempt entity in a disqualified lease are not costs and expenses eligible for a franchise tax credit for the certified rehabilitation of a certified historic structure.

House Bill 3786**Effective:** 9-1-21**House Author:** Holland**Senate Sponsor:** Nelson

House Bill 3786 amends the Tax Code to authorize the comptroller of public accounts to send, or to require the submission of, certain property tax-related items electronically.

House Bill 3788**Effective:** 1-1-22**House Author:** Holland**Senate Sponsor:** Nelson

House Bill 3788 amends the Tax Code to authorize an appraisal review board member to complete applicable training and continuing education requirements remotely through distance education.

House Bill 3799**Effective:** 10-1-21**House Author:** Metcalf et al.**Senate Sponsor:** Nichols

House Bill 3799 amends the Tax Code to limit the sales and use tax exemption for items sold by a nonprofit organization at a county fair to items sold at a county fair operated by a county fair association on property owned by the county and to establish a definition of "county fair association" for purposes of the exemption.

House Bill 3833**Effective:** 6-15-21**House Author:** King, Phil et al.**Senate Sponsor:** Hancock

House Bill 3833 amends the Tax Code to decrease the number of years used in calculating the rollback taxes due following a change in use of land appraised as recreational, park, or scenic land; public access airport property; or restricted-use timber land to harmonize that period with the three-year period used in calculating rollback taxes due following a change in use of open-space or timber land. The bill also

Taxes and Tax Administration

eliminates the interest due when calculating the rollback taxes owed as a result of a change in use of any such type of land. Additionally, the bill revises the appraisal procedures for properties used for low-income or moderate-income housing to require that the appraised value be adjusted to account for percentage of project construction completion and actual occupancy of the property, as applicable.

[House Bill 3971](#)

Effective: 1-1-22

House Author: Meyer

Senate Sponsor: West

House Bill 3971 amends the Tax Code to require a chief appraiser who is determining the market value of residential real property located in an area that is zoned or otherwise designated as a historic district under municipal, state, or federal law to consider the effect on the property's value of any restriction placed by the district on the property owner's ability to alter, improve, or repair the property.

[House Bill 4103](#)

Effective: 6-14-21

House Author: Burrows

Senate Sponsor: Birdwell

House Bill 4103 amends the Tax Code to set out and revise provisions relating to the authority of the Cities of Lubbock, Victoria, Leander, and Missouri City to receive and use certain tax revenue related to a hotel and convention center project, including, as applicable, municipal hotel occupancy tax revenue and certain sales and use and, if appropriate, mixed beverage tax revenue generated, paid, and collected from restaurants, bars, retail establishments, swimming pools, and swimming facilities owned or operated by a related qualified hotel. Among other provisions, the bill also extends until 2027 the deadline by which an applicable municipality must commence a qualified project in order to be entitled to receive the tax revenue derived from the sales and use and mixed beverage taxes generated, paid, and collected from a qualified establishment.

[House Joint Resolution 125](#)

For Election: 11-2-21

House Author: Ellzey et al.

Senate Sponsor: Birdwell et al.

House Joint Resolution 125 proposes an amendment to the Texas Constitution to allow the surviving spouse of a person who is disabled to continue receiving a limitation on school district property taxes on their residence homestead if they are 55 years of age or older at the time of the person's death.

[Senate Bill 1 \(3rd C.S.\)](#)

Effective: See below

Senate Author: Bettencourt et al.

House Sponsor: Meyer et al.

Senate Bill 1 amends the Education Code and Tax Code to increase the amount of the general residence homestead property tax exemption offered by a school district from \$25,000 to \$40,000. The bill provides for the protection of school districts against the resulting loss in local revenue as a result of that increase by entitling certain districts to additional state aid, if necessary. The bill takes effect on the date on which the corresponding constitutional amendment is approved by the voters. If that amendment is not approved by the voters, the bill has no effect.

[Senate Bill 8 \(2nd C.S.\)](#)

Effective: 1-1-22

Senate Author: Bettencourt et al.

House Sponsor: Meyer et al.

Senate Bill 8 amends the Tax Code to authorize a person who acquires property after January 1 of a tax year to receive a residence homestead property tax exemption, other than an exemption for an adult who is disabled or 65 years of age or older, for the applicable portion of that tax year immediately on qualification for the exemption if the preceding owner did not receive the same exemption for that tax year. Among other provisions, the bill requires that a person who qualifies their property for an exemption

after paying the taxes due on the property be refunded any amount of taxes paid that exceeded the tax due after accounting for the exemption.

Senate Bill 8 amends the Education Code to provide for how the amount of taxes refunded factor in with respect to the public school financial accountability rating system and the tier two allotment and to entitle a school district to state aid for each school year in an amount equal to the amount of all of the tax refunds.

Senate Bill 12 (2nd C.S.)

Effective: See below

Senate Author: Bettencourt et al.

House Sponsor: Meyer et al.

Senate Bill 12 amends the Education Code, Government Code, and Tax Code to provide for the reduction of the amount of the limitation on the total amount of property taxes that may be imposed by a public school district on the residence homestead of an elderly or disabled individual to reflect any reduction from the preceding tax year in the district's maximum compressed tax rate. Among other provisions, the bill entitles a district that is not fully compensated through state aid or the calculation of excess local revenue as part of the foundation school program based on the determination of the district's taxable value of property to additional state aid in the amount necessary to fully compensate the district for the property tax revenue lost due to the reduction. The bill takes effect January 1, 2023, but only if Senate Joint Resolution 2, 87th Legislature, 2nd Called Session, 2021, is approved by voters.

Senate Bill 63

Effective: 9-1-21

Senate Author: Nelson et al.

House Sponsor: Meyer

Senate Bill 63 amends the Tax Code to set out and revise provisions relating to the property tax appraisal system and the governance of appraisal districts. Among other provisions, the bill does the following:

- provides for the electronic delivery and receipt of property tax-related documents;
- provides the option for an appraisal review board (ARB) member to complete initial and continuing education training courses remotely;
- enhances conflict-of-interest protections with respect to membership of an appraisal district's board of directors and general appraisal district employment;
- revises the qualifications for the property tax exemption for solar or wind-powered energy devices and entitles a person to a tax exemption for a device, regardless of whether the person who owns the device also owns the real property on which the device is installed or constructed;
- establishes deadlines for the removal of an ARB member following the discovery of a potential ground for removal, for a chief appraiser to take certain actions with respect to an application for a property tax exemption, and for a hearing on a motion to correct the appraisal roll or a protest hearing to be scheduled; and
- sets out requirements for the content of a protest notice and the notice of the protest hearing and establishes restrictions on the presentation of evidence or argument at a protest hearing by a chief appraiser.

Senate Bill 113

Effective: 9-1-21

Senate Author: West

House Sponsor: Rodriguez

Senate Bill 113 amends the Local Government Code and Tax Code to revise provisions relating to qualification as a community land trust (CLT) and the taxation of certain property owned by a CLT. Among other provisions, the bill provides that certain subsidiaries of a CLT may also be designated as a CLT and requires that land owned by a CLT and leased to an eligible family and the housing unit located on the land be appraised for property tax purposes using the income method of appraisal and the same capitalization rate that is used to appraise other rent-restricted properties.

Senate Bill 153

Effective: 10-1-21

Senate Author: Perry et al.

House Sponsor: Sanford et al.

Senate Bill 153 amends the Tax Code to exclude certain electronic payment processing services from the data processing services subject to the sales and use tax.

Senate Bill 197

Effective: 10-1-21

Senate Author: Nelson et al.

House Sponsor: Noble et al.

Senate Bill 197 amends the Tax Code to establish a sales and use tax exemption for animals adopted from or sold by a nonprofit animal welfare organization.

Senate Bill 296

Effective: 6-7-21

Senate Author: Perry

House Sponsor: Button

Senate Bill 296 amends the Tax Code to extend the deadline for a seller to come into possession of a properly completed resale or exemption certificate for certain nontaxable transactions under the Limited Sales, Excise, and Use Tax Act for that seller to qualify to claim deductions under that act that require delivery of the certificates from 60 days from the date written notice requiring possession of the certificates is given to the seller by the comptroller of public accounts to 90 days from that date. The bill provides for the extension of the deadline to a later date if agreed to by the comptroller and the seller.

Senate Bill 313

Effective: 9-1-21

Senate Author: Huffman et al.

House Sponsor: Meyer

Senate Bill 313 amends the Tax Code to establish a sales and use tax exemption for firearm safety equipment.

Senate Bill 334

Effective: 6-14-21

Senate Author: Johnson

House Sponsor: Goodwin

Senate Bill 334 amends the Government Code to authorize a property owner protesting a property tax determination or the owner's agent to obtain on request from the applicable chief appraiser comparable sales data from a reasonable number of sales that is relevant to any matter to be determined by the arbitrator at the hearing on the property owner's appeal of the appraisal review board's order determining the property owner's protest. Any such information obtained from the chief appraiser may not be disclosed or used for any purpose except as evidence or argument at the hearing on the appeal.

Senate Bill 334 makes provisions relating to the confidentiality of certain information, items of information, and comparable sales data received by the comptroller of public accounts or an appraisal district from a private entity applicable in all counties by repealing a provision limiting the applicability only to real property located in a county with a population of more than 50,000.

Senate Bill 477

Effective: See below

Senate Author: Nelson

House Sponsor: Meyer

Senate Bill 477 amends the Tax Code to do the following:

- delineate the responsibilities of a marketplace provider and a seller who places a ticket or other admission document for sale through a marketplace with respect to the payment of the state sales and use tax due on the document;
- make the state sales and use tax exemption for occasional sales inapplicable to the sale of a taxable item made by a marketplace seller through a marketplace; and

- clarify where certain sales made by a marketplace seller through a marketplace are considered consummated for purposes of municipal and county sales and use taxes.

Effective July 1, 2022, Senate Bill 477 amends the Health and Safety Code to do the following:

- require a marketplace provider who processes sales of or payments for lead-acid batteries not for resale to collect a fee for each nonexempt lead-acid battery sold; and
- require a marketplace provider to collect the prepaid 9-1-1 emergency service fee on an applicable sale made through the marketplace and remit the fee to the comptroller of public accounts.

Except as otherwise provided, Senate Bill 477 takes effect October 1, 2021.

Senate Bill 611

Effective: See below

Senate Author: Campbell et al.

House Sponsor: Lopez et al.

Senate Bill 611 amends the Tax Code to expand the scope of the total residence homestead property tax exemption for the surviving spouse of a U.S. armed services member who is killed in action so as to make the exemption available for the surviving spouse of any such individual who is killed or fatally injured in the line of duty. The bill makes a related change with respect to approving or denying an application for such an exemption that is filed late. The bill takes effect January 1, 2022, except that the expanded tax exemption takes effect only if a related constitutional amendment is approved by voters.

Senate Bill 696

Effective: 9-1-21

Senate Author: Zaffirini et al.

House Sponsor: Guillen

Senate Bill 696 amends the Tax Code to establish provisions relating to the hotel occupancy tax imposed by certain counties and the use of revenue from that tax as follows:

- authorizes the commissioners court of Atascosa County to impose a hotel occupancy tax at a maximum rate of two percent and restricts the use of revenue from that tax to the construction, enlarging, equipping, improvement, maintenance, repairing, and operation of a civic center with an arena used for rodeos, livestock shows, and agricultural expositions to substantially enhance hotel activity and encourage tourism;
- authorizes Fannin County to impose a hotel occupancy tax but prohibits that tax from being imposed within a municipality that imposes its own hotel occupancy tax; and
- with respect to the hotel occupancy tax imposed by El Paso, Maverick, and Polk Counties:
 - caps the rate of the tax at two percent of the price of the hotel room;
 - removes the prohibition against that tax being imposed within a municipality that imposes its own hotel occupancy tax; and
 - authorizes revenue from the tax to be used to make or provide reimbursement for repairs and improvements to the county airport within a 10-year window, subject to a certain spending cap.

Senate Bill 725

Effective: 9-1-21

Senate Author: Schwertner et al.

House Sponsor: Leman

Senate Bill 725 amends the Tax Code to establish that a portion of a parcel of land designated for agricultural use is not diverted to nonagricultural use for purposes of the imposition of additional property taxes and interest because the portion is subject to a right-of-way that is less than 200 feet wide and that was taken by condemnation if the remainder of the parcel of land qualifies for appraisal for agricultural use. If additional property taxes are due because the land has been diverted to a nonagricultural use as a

Taxes and Tax Administration

result of a condemnation, the taxes and interest are the personal obligation of the condemning entity and not the property owner from whom the property was taken.

[Senate Bill 742](#)

Effective: 6-7-21

Senate Author: Birdwell et al.

House Sponsor: Anderson

Senate Bill 742 amends the Tax Code to authorize the taxes due on qualifying property that is located in a designated emergency area and has been damaged as a result of the emergency to be paid in quarterly installments. The bill authorizes the governing body of a taxing unit to authorize such installment payments for the taxes due on qualifying property that is located in a disaster or emergency area but has not been damaged as a result of the disaster or emergency.

[Senate Bill 794](#)

Effective: 1-1-22

Senate Author: Campbell et al.

House Sponsor: Meyer

Senate Bill 794 amends the Tax Code to clarify that the individuals entitled to the property tax exemption for totally disabled veterans are the disabled veterans who have been awarded 100 percent disability compensation due to a service-connected disability and a rating of 100 percent disabled or of individual unemployability, regardless of whether a veteran is actually receiving such compensation.

[Senate Bill 813](#)

Effective: Vetoed

Senate Author: Hughes

House Sponsor: Hefner

Senate Bill 813 repeals Tax Code provisions allowing all or part of a franchise tax credit awarded under the Texas Historic Preservation Tax Credit Program to be claimed against insurance premium tax liability and amends the Insurance Code to establish in law instead a separate credit against insurance premium taxes for an entity that engages in historic preservation that would qualify the entity for the franchise tax credit. The bill establishes provisions governing the premium tax credit that are substantively the same as those governing the franchise tax credit and clarifies that an entity may not receive both credits for the same eligible costs and expenses.

Governor's Reason for Veto: "I am vetoing Senate Bill 813 at the request of the author and sponsor based on the Legislature's passage of House Bill 3777, which would amend the Texas Tax Code to narrow the applicability of the Texas Historic Preservation Tax Credit Program. That program issues franchise tax or insurance premium tax credits worth up to 25 percent of the eligible expenses of rehabilitating a certified historic structure. Senate Bill 813 would have duplicated the authorizing statute for the program in the Texas Insurance Code, but would have created parameters for certified historic structures that differ from House Bill 3777 and thus could cause confusion with respect to the qualification of a project for insurance or franchise tax credits."

[Senate Bill 833](#)

Effective: 9-1-21

Senate Author: Campbell et al.

House Sponsor: Paddie

Senate Bill 833 amends the Tax Code to authorize a person who files an oil or gas production tax first purchaser's or producer's report and who does not hold a permit under the Limited Sales, Excise, and Use Tax Act to obtain a refund for sales and use taxes paid in error to a permit holder.

[Senate Bill 873](#)

Effective: 9-1-21

Senate Author: Hancock et al.

House Sponsor: Button

Senate Bill 873 amends the Tax Code to except the disclosure of a business's tax liability in response to a request for such information from the purchaser of the business from the confidentiality protections

provided under state law for certain federal tax information and all information secured, derived, or obtained by the comptroller of public accounts or the attorney general during the course of an examination of a taxpayer's books, records, papers, officers, or employees.

Senate Bill 903

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Sanford

Senate Bill 903 amends the Tax Code to give a taxpayer claiming a refund for an unlawfully or erroneously collected tax, penalty, or interest the option to bypass the normal process and take their refund claim directly to a district court in order to achieve a more expeditious resolution.

Senate Bill 916

Effective: 9-1-21

Senate Author: Seliger

House Sponsor: Meyer

Senate Bill 916 amends the Occupations Code to require that an electronic link to certain information related to the comptroller of public accounts' biennial review of an appraisal district be included in the record of the registered professional appraiser who serves as chief appraiser for the district at the time the comptroller finalizes the review. The bill authorizes an appraisal district considering a registered professional appraiser for appointment as chief appraiser to request information on the appraiser from the Texas Department of Licensing and Regulation (TDLR) and requires TDLR to inform the requestor of the status of any compliance efforts of an appraisal district for previous reviews in which the appraiser served as that district's chief appraiser.

Senate Bill 1088

Effective: 9-1-21

Senate Author: Creighton

House Sponsor: Shine

Senate Bill 1088 amends the Tax Code to authorize a chief appraiser to request that the chief appraiser of another appraisal district provide a list of names of the individuals in that district receiving a residence homestead property tax exemption and to require the chief appraiser receiving the request to provide the list as soon as practicable.

Senate Bill 1088 excludes personal property lessors from the property owners required to send a person leasing property who is obligated to reimburse the property owner for property taxes imposed on the property a copy of any notice of appraised value of the property received by the owner.

Senate Bill 1245

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Murr

Senate Bill 1245 amends the Government Code to require the comptroller of public accounts to conduct an annual farm and ranch survey for purposes of estimating the productivity value of qualified open-space land as part of the comptroller's study of school district property values.

Senate Bill 1257

Effective: 9-1-21

Senate Author: Birdwell

House Sponsor: Murphy

Senate Bill 1257 amends the Tax Code to require the chief appraiser of an appraisal district that appraises property for a taxing unit that has designated a reinvestment zone or executed a tax abatement agreement to include certain information regarding proposed improvements of property in connection with each tax abatement agreement to which a taxing unit that participates in the appraisal district is a party in the report delivered by the appraiser to the comptroller of public accounts for purposes of the comptroller's central registry of reinvestment zones and property tax abatement agreements executed under the Property Redevelopment and Tax Abatement Act.

[Senate Bill 1315](#)

Effective: 9-1-21

Senate Author: Lucio

House Sponsor: Dominguez

Senate Bill 1315 amends the Tax Code to clarify the conditions under which property is considered to be used as an aid or facility incidental to or useful in the operation or development of a port or waterway or in aid of navigation-related commerce for purposes of the application of certain property tax laws relating to the listing of leaseholds or possessory interests of tax-exempt real property.

[Senate Bill 1421](#)

Effective: 9-1-21

Senate Author: Bettencourt

House Sponsor: Thierry

Senate Bill 1421 amends the Tax Code to authorize an appraisal review board to direct changes in the appraisal roll or related appraisal records for the current tax year and for either of the two preceding tax years to correct an inaccuracy in the appraised value of the owner's tangible personal property that is the result of an error or omission in a rendition statement or property report filed for the applicable tax year.

[Senate Bill 1438](#)

Effective: 6-16-21

Senate Author: Bettencourt

House Sponsor: Meyer et al.

Senate Bill 1438 amends the Education Code and Tax Code to consolidate and revise provisions governing the calculation and adoption of certain property tax rates in a declared disaster area. Among other provisions, the bill excludes epidemics and pandemics from the disasters that trigger the exemption from the requirement for the governing body of a taxing unit to hold an election to approve the taxing unit's adopted tax rate for the year following the year in which a disaster occurs. The bill also limits the taxing units that may temporarily calculate voter-approval tax rates in the manner provided for a special taxing unit, as is permissible following a disaster, to taxing units that include qualified property damaged by the disaster.

Senate Bill 1438 amends the Special District Local Laws Code and Water Code to exempt certain taxes levied by and collected by a general law water district, the Lake View Management and Development District, and the Reeves County Groundwater Conservation District from the consolidated and revised Tax Code provisions governing the calculation and adoption of certain tax rates in a disaster area.

[Senate Bill 1449](#)

Effective: 1-1-22

Senate Author: Bettencourt et al.

House Sponsor: Murphy

Senate Bill 1449 amends the Tax Code to increase the taxable value threshold below which income-producing tangible personal property held is entitled to a property tax exemption from \$500 to \$2,500.

[Senate Bill 1655](#)

Effective: 6-7-21

Senate Author: Birdwell

House Sponsor: Meyer

Senate Bill 1655 amends the Tax Code to require a county that imposes a hotel occupancy tax to annually report certain information to the comptroller of public accounts regarding tax rates and revenue collection.

[Senate Bill 1764](#)

Effective: 6-16-21

Senate Author: Bettencourt et al.

House Sponsor: Shine

Senate Bill 1764 amends the Tax Code to authorize a tax collector to adopt a written policy that limits the methods by which delinquent property taxes, penalties, interest, and recoverable costs may be paid to only U.S. currency, a cashier's check, a certified check, or an electronic funds transfer if the payment relates to property that is seized for payment or subject to a tax sale order.

Senate Bill 1854**Effective:** 9-1-21**Senate Author:** Powell**House Sponsor:** Schofield et al.

Senate Bill 1854 amends the Tax Code to exempt a property owner who has elected to defer the collection of taxes on a residence homestead that is subject to an appeal through binding arbitration of an appraisal review board's order determining a protest from the requirement to pay taxes due on the portion of the taxable value of the applicable property that is not in dispute if certain conditions are met.

Senate Bill 1919**Effective:** 9-1-21**Senate Author:** Lucio**House Sponsor:** Schofield et al.

Senate Bill 1919 amends the Tax Code to give a property owner offering evidence or argument by affidavit in a protest without appearing in person the option to do so by appearing through videoconference. The bill requires the appraisal review boards established for certain more populous counties to conduct a hearing on a taxpayer protest by videoconference if a property owner elects for such remote hearings.

Senate Joint Resolution 2 (2nd C.S.)**For Election:** 5-7-22**Senate Author:** Bettencourt et al.**House Sponsor:** Meyer et al.

Senate Joint Resolution 2 proposes an amendment to the Texas Constitution to authorize the legislature to provide for a reduction of the amount of the limitation on the total amount of property taxes that may be imposed for general elementary and secondary public school purposes on the residence homestead of a person who is elderly or disabled to reflect any statutory reduction from the preceding tax year in the maximum compressed rate or a successor rate of the maintenance and operations taxes imposed for those purposes on the homestead.

Senate Joint Resolution 2 (3rd C.S.)**For Election:** 5-7-22**Senate Author:** Bettencourt et al.**House Sponsor:** Button et al.

Senate Joint Resolution 2 proposes an amendment to the Texas Constitution to increase the amount of the residence homestead property tax exemption that is available to any homeowner for public school purposes from \$25,000 to \$40,000.

Senate Joint Resolution 35**For Election:** 11-2-21**Senate Author:** Campbell et al.**House Sponsor:** Lopez et al.

Senate Joint Resolution 35 proposes an amendment to the Texas Constitution to expand the scope of the total property tax exemption for the surviving spouse of a member of the U.S. armed services who is killed in action so as to make the exemption available for the surviving spouse of any such individual who is killed or fatally injured in the line of duty.

This page intentionally left blank.

TRANSPORTATION

This chapter covers legislation on vehicles, rules of the road, the state highway system, memorial highway designations, specialty license plates, and the administration of transportation systems. Legislation relating to specialty license plates to recognize veterans is in the [Military Forces and Veterans](#) chapter, and legislation relating to port authorities and navigation districts is in the [Special Districts](#) chapter.

[House Bill 368](#)

Effective: 9-1-21

House Author: Sherman, Sr. et al.

Senate Sponsor: West

House Bill 368 amends the Transportation Code to provide for the issuance of a driver's license to a prosecutor that includes the prosecutor's office address as an alternative to their actual residence address.

House Bill 368 amends the Election Code to clarify that proof of identification presented by a voter pursuant to statutory procedures for accepting a voter is only for the purpose of identifying a voter and not for verification of residence.

[House Bill 532](#)

Effective: 9-1-21

House Author: Shine

Senate Sponsor: Buckingham

House Bill 532 amends the Transportation Code to designate a portion of State Highway Loop 121 in Bell County as the Deputy Sheriff John Rhoden Memorial Highway.

[House Bill 1115](#)

Effective: 9-1-21

House Author: King, Phil

Senate Sponsor: Springer

House Bill 1115 amends the Transportation Code to designate a portion of State Highway 114 in Wise County as the Sergeant Randy D. White Memorial Highway.

[House Bill 1116](#)

Effective: 5-15-21

House Author: Thompson, Ed et al.

Senate Sponsor: Alvarado

House Bill 1116 amends the Transportation Code to grant an entity operating a toll lane under a comprehensive development agreement the same powers and duties as the Texas Department of Transportation (TxDOT) with regard to toll collection and enforcement for that toll lane. A toll collected pursuant to an agreement for tolling services with a toll project entity other than TxDOT is governed by the fee and fine structure of the entity issuing the initial toll invoice.

[House Bill 1257](#)

Effective: 9-1-21

House Author: Ashby

Senate Sponsor: Nichols

House Bill 1257 amends the Transportation Code to authorize a metropolitan rapid transit authority, a regional transportation authority, or a law enforcement agency to remove an unattended manufactured home from a roadway or right-of-way if the authority or agency determines that the home blocks the roadway or endangers public safety.

[House Bill 1281](#)

Effective: 6-15-21

House Author: Wilson

Senate Sponsor: Schwertner

House Bill 1281 amends the Transportation Code to provide for the operation of a golf cart in a residential subdivision for which one or more plats have been approved. The bill increases the lawful operating range of a golf cart used for transportation to or from a golf course and revises the counties authorized to allow the operation of a golf cart in certain unincorporated areas.

Transportation

[House Bill 1321](#)

Effective: 9-1-21

House Author: Bell, Keith et al.

Senate Sponsor: Nichols

House Bill 1321 amends the Transportation Code to designate a portion of State Highway 198 in Henderson County as the Deputy Sheriff Tony Ogburn and Deputy Sheriff Paul Habelt Memorial Highway.

[House Bill 1698](#)

Effective: 9-1-21

House Author: Raney et al.

Senate Sponsor: Schwertner et al.

House Bill 1698 amends the Transportation Code to authorize Brazos County to order and hold an election to approve an additional county vehicle registration fee to be used for funding long-term transportation projects in the county.

[House Bill 1759](#)

Effective: 9-1-21

House Author: Krause

Senate Sponsor: Hancock

House Bill 1759 amends the Transportation Code to include on-track railroad equipment among the equipment and devices triggering special stops and speed restrictions for operators of certain vehicles. The bill also prohibits an operator of certain vehicles or heavy equipment from crossing a railroad grade crossing when warning of the immediate approach of on-track equipment is given.

[House Bill 1863](#)

Effective: 9-1-21

House Author: Bucy et al.

Senate Sponsor: Menéndez

House Bill 1863 amends the Transportation Code to require the Texas Department of Motor Vehicles to design and issue “Make-A-Wish” specialty license plates in consultation with the Central and South Texas chapter of Make-A-Wish.

[House Bill 2048](#)

Effective: 9-1-21

House Author: Krause

Senate Sponsor: Powell

House Bill 2048 amends the Transportation Code to include a vehicle operated or contracted by a toll entity and using compliant visual signals among the vehicles that trigger an offense for the operator of another approaching vehicle who fails to slow to a specified speed or vacate the lane closest to the vehicle under certain circumstances, unless otherwise directed by a police officer.

[House Bill 2152](#)

Effective: 9-1-21

House Author: Meyer et al.

Senate Sponsor: Nichols et al.

House Bill 2152 amends the Transportation Code to authorize a person to renew a vehicle registration through an online registration system maintained by the Texas Department of Motor Vehicles.

[House Bill 2167](#)

Effective: 9-1-21

House Author: Morrison

Senate Sponsor: Kolkhorst

House Bill 2167 amends the Transportation Code to designate a portion of U.S. Highway 77 in Refugio County as the Second Lieutenant Lloyd “Pete” Hughes Medal of Honor Memorial Highway.

[House Bill 2219](#)

Effective: 6-18-21

House Author: Canales et al.

Senate Sponsor: Nichols et al.

House Bill 2219 amends the Transportation Code to cap the aggregate principal amount of certain obligations that may be issued by the Texas Transportation Commission between May 31, 2021, and January 1, 2027, at an amount equal to 60 percent of the outstanding principal amount of those obligations existing on May 1, 2021. The obligations may not be issued on or after January 1, 2027.

House Bill 2223**Effective:** 6-4-21**House Author:** Canales et al.**Senate Sponsor:** Nichols

House Bill 2223 requires the Texas Department of Transportation to conduct a study on the impact of passenger vehicles, commercial motor vehicles, and oversized or overweight vehicles on roads and bridges in Texas.

House Bill 2431**Effective:** 9-1-21**House Author:** Murr et al.**Senate Sponsor:** Buckingham

House Bill 2431 amends the Transportation Code to designate a portion of State Highway 173 in Bandera County as the Master Sergeant Rodney Lee Buentello Memorial Highway.

House Bill 2521**Effective:** 9-1-21**House Author:** Harris**Senate Sponsor:** Nichols

House Bill 2521 amends the Transportation Code to designate State Loop 256 in Palestine as the Bascom W. Bentley III Memorial Loop.

House Bill 2678**Effective:** 9-1-21**House Author:** Bonnen**Senate Sponsor:** Taylor

House Bill 2678 amends the Transportation Code to designate a portion of State Highway 3 in Dickinson as the Sergeant Andrew James Creighton Memorial Highway.

House Bill 2748**Effective:** 9-1-21**House Author:** Ellzey**Senate Sponsor:** Birdwell

House Bill 2748 amends the Transportation Code to update the population criteria that makes Midlothian police officers eligible to apply for certification to enforce commercial motor vehicle safety standards.

House Bill 2749**Effective:** 5-24-21**House Author:** Ellzey**Senate Sponsor:** Birdwell

House Bill 2749 amends the Transportation Code to make a sheriff or deputy sheriff of Ellis County eligible to apply for certification to enforce commercial motor vehicle safety standards.

House Bill 2807**Effective:** 9-1-21**House Author:** Rogers**Senate Sponsor:** Perry

House Bill 2807 amends the Transportation Code to designate a portion of Farm-to-Market Road 570 in Eastland County as the Deputy Kenneth Maltby Memorial Highway.

House Bill 3026**Effective:** 9-1-21**House Author:** Canales**Senate Sponsor:** Alvarado

House Bill 3026 amends the Transportation Code to exempt an automated motor vehicle that is designed to be operated exclusively by the automated driving system from state motor vehicle equipment laws or regulations that relate to or support operation by a human driver and that are not relevant for an automated driving system. If a vehicle safety inspection is required for the operation of such a vehicle, the vehicle must automatically be considered to pass the inspection with respect to any equipment covered by the bill's exemption or any equipment that is not subject to inspection under state law.

Transportation

[House Bill 3067](#)

Effective: 9-1-21

House Author: Buckley et al.

Senate Sponsor: Buckingham et al.

House Bill 3067 amends the Transportation Code to designate State Highway 195 as a portion of the national Purple Heart Trail.

[House Bill 3212](#)

Effective: 9-1-21

House Author: Sherman, Sr. et al.

Senate Sponsor: West

House Bill 3212 amends the Education Code to require the Texas Commission of Licensing and Regulation to require that information relating to the dangers and consequences of illegal street racing be included in the curriculum of each driver education and driving safety course.

[House Bill 3282](#)

Effective: 6-15-21

House Author: Canales

Senate Sponsor: Nichols et al.

House Bill 3282 amends the Transportation Code to authorize a district engineer of the Texas Department of Transportation (TxDOT) to temporarily lower the speed limit at a highway maintenance activity site without Texas Transportation Commission approval. The bill establishes limitations on the duration of the temporary speed limit and requires TxDOT, after the speed limit is lowered, to place and maintain temporary speed limit signs at the site and to temporarily conceal all other speed limit signs.

[House Bill 3286](#)

Effective: 9-1-21

House Author: Schofield et al.

Senate Sponsor: Alvarado

House Bill 3286 amends the Transportation Code to authorize the owner or manager of an apartment complex in an unincorporated area of Harris County to make a request to the county for the posting of official signs prohibiting the parking of a commercial motor vehicle in a public right-of-way adjacent to the complex after 10 p.m. and before 6 a.m.

[House Bill 3319](#)

Effective: 9-1-21

House Author: Meyer et al.

Senate Sponsor: Hancock

House Bill 3319 amends the Education Code and Transportation Code to require the Texas Commission of Licensing and Regulation to require information relating to certain vehicle passing requirements to be included in the curriculum of each driver education course or driving safety course. The bill requires the Texas Department of Transportation to develop and implement a move over or slow down public awareness campaign to promote compliance with and improve public awareness of those passing requirements.

[House Bill 3324](#)

Effective: 9-1-21

House Author: Morales, Eddie

Senate Sponsor: Blanco

House Bill 3324 amends the Transportation Code to designate a portion of Interstate Highway 10 in Culberson County as the U.S. Border Patrol Agent Rogelio Martinez Memorial Highway.

[House Bill 3390](#)

Effective: 5-24-21

House Author: Thompson, Ed

Senate Sponsor: Blanco et al.

House Bill 3390 amends the Transportation Code to authorize the Texas Department of Transportation to purchase insurance coverage necessary to protect against liability, revenue, and property losses that may result from a data breach or cyber attack.

House Bill 3395**Effective:** 9-1-21**House Author:** Ashby et al.**Senate Sponsor:** Hinojosa et al.

House Bill 3395 amends the Transportation Code to authorize the Department of Public Safety to authorize another person or entity to administer the knowledge test required for a commercial driver's license under certain circumstances.

House Bill 3399**Effective:** 9-1-21**House Author:** Ortega et al.**Senate Sponsor:** Blanco

House Bill 3399 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to enter into an agreement with the U.S. Department of Defense or another federal entity to allow TxDOT to assist with the provision of road maintenance, improvement, relocation, or extension services for military installations.

House Bill 3496**Effective:** 6-4-21**House Author:** Herrero**Senate Sponsor:** Hinojosa et al.

House Bill 3496 amends the Transportation Code to designate the entirety of State Highway 358 in Nueces County as the Peace Officers Memorial Highway.

House Bill 3512**Effective:** 9-1-21**House Author:** Canales et al.**Senate Sponsor:** Schwertner et al.

House Bill 3512 amends the Transportation Code to provide for the designation of various portions of the state highway system to recognize the following deceased peace officers: Trooper Chad M. Walker, Trooper Moises Sanchez, Trooper Troy Hogue, Corporal Willie Dale Taylor, Trooper Javier Arana Jr., Sergeant William Kuhnle Jr., Trooper Ralph G. Zerda, Trooper Richard Dale Cottle, Trooper Timothy Wade McDermott, Trooper Mark Jeffrey Phebus, Trooper David Irvine Rucker, and Trooper Daniel Higdon.

House Bill 3514**Effective:** 9-1-21**House Author:** Canales**Senate Sponsor:** Seliger

House Bill 3514 amends the Finance Code, Government Code, Occupations Code, Tax Code, and Transportation Code to except certain vehicle warranty information filed with the Texas Department of Motor Vehicles from disclosure under state public information law until the applicable complaint is resolved by final order. Among other provisions, the bill clarifies the reimbursement of filing fees by the nonprevailing party in contested cases regarding vehicle warranties and provides for the designation of a person to decide a motion for rehearing in a contested case or one concerning a vehicle defect.

The bill grants discretion to an applicable chief appraiser to report a dealer who fails to file a motor vehicle inventory declaration for purposes of initiating the cancellation of the dealer's general distinguishing number. The bill authorizes the Motor Vehicle Crime Prevention Authority to recover costs from an insurer requesting a refund of certain insurance fees, imposes a penalty on an insurer for the delinquent payment or related filing of those fees, and provides for the audit of the payment of the fees and a determination relating to the fees.

House Bill 3533**Effective:** 9-1-21**House Author:** Martinez**Senate Sponsor:** Seliger

House Bill 3533 amends the Transportation Code to increase from \$25,000 to \$50,000 the amount of surety bond that must be purchased by an applicant for the issuance or renewal of a motor vehicle dealer

Transportation

general distinguishing number or a wholesale motor vehicle auction general distinguishing number, other than a person licensed as a franchised motor vehicle dealer. The bill provides for the required posting by a dealer notice of the surety bond and related recovery procedure for a claimant.

[House Bill 3630](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Creighton

House Bill 3630 amends the Transportation Code to designate a portion of State Highway 242 in Montgomery County as the Sergeant Stacey Baumgartner Memorial Highway.

[House Bill 3665](#)

Effective: 9-1-21

House Author: Ordaz Perez et al.

Senate Sponsor: Blanco et al.

House Bill 3665 amends the Transportation Code to revise the definition of “bicycle” for purposes of the rules of the road.

[House Bill 3927](#)

Effective: 9-1-21

House Author: Hefner

Senate Sponsor: Nichols

House Bill 3927 amends the Transportation Code to set out conditions under which a vehicle may be issued and display a buyer’s tag without satisfying certain inspection requirements. The bill requires the Texas Department of Motor Vehicles (TxDMV) to establish the maximum number of temporary tags that a dealer or converter may obtain in a calendar year and to monitor the number of temporary tags obtained. The bill authorizes TxDMV to authorize additional temporary tags of any type if a need is demonstrated and provides for the denial of access to a temporary tag database for a dealer or converter. The bill prohibits a person from operating a vehicle that displays a temporary tag in violation of certain registration and license plate requirements.

[House Bill 4080](#)

Effective: 9-1-21

House Author: Jetton

Senate Sponsor: Zaffirini et al.

House Bill 4080 amends the Transportation Code to provide for the issuance of autism awareness specialty license plates by the Texas Department of Motor Vehicles.

[Senate Bill 15](#)

Effective: 6-18-21

Senate Author: Nichols et al.

House Sponsor: King, Phil et al.

Senate Bill 15, the Texas Consumer Privacy Act Phase I, amends the Transportation Code to revise provisions of the Motor Vehicle Records Disclosure Act. Among other provisions, the bill does the following:

- establishes additional circumstances under which certain personal information in connection with a motor vehicle record may be disclosed;
- creates offenses under the act and increases criminal penalties enforced under the act;
- includes an individual’s date of birth and email address as personal information subject to disclosure under the act;
- clarifies that an agency must disclose personal information in connection with a record under the act to the subject of the information;
- revises the authorized disclosures of personal information under the act;
- sets out provisions relating to the disclosure of personal information to a person who is not an authorized recipient of that information;
- establishes content requirements for a contract to access personal information in motor vehicle records in bulk; and
- prohibits the Texas Department of Transportation from disclosing certain identifying information.

Senate Bill 15 amends the Parks and Wildlife Code to prohibit certain customer information obtained by the Parks and Wildlife Department from being sold, rented, or traded and restricts the disclosure of statistical data and compilations of that information.

Senate Bill 160

Effective: 6-14-21

Senate Author: Perry

House Sponsor: Darby

Senate Bill 160 repeals Transportation Code provisions requiring a county commissioner serving as a road supervisor to make an annual report showing the condition of roads, parts of roads, culverts, and bridges in the county for purposes of improving public roads and determining related taxes and applying for grants from the transportation infrastructure fund.

Senate Bill 181

Effective: See below

Senate Author: Johnson et al.

House Sponsor: White

Senate Bill 181 amends the Code of Criminal Procedure and Transportation Code to remove a misdemeanor drug conviction as grounds for automatic driver's license suspension or denial, with certain exceptions, and to impose instead a \$100 fine for these convictions that do not result in license suspension. The bill reduces the period of license suspension or denial for other drug or controlled substance offense convictions, caps the total period of suspension or denial at two years, regardless of any successful completion of a drug abuse educational program or its equivalent at a residential treatment center, and provides the option to complete such an educational program online. The bill requires certain proof that federal highway funds will not be withheld in response to the bill's provisions before those provisions take effect and provides for the reinstatement of certain suspended licenses. Except as otherwise provided, the bill takes effect September 1, 2021.

Senate Bill 445

Effective: 9-1-21

Senate Author: Hughes et al.

House Sponsor: Canales

Senate Bill 445 amends the Transportation Code to authorize a school bus operator to activate warning lights and equipment when the bus is being stopped or is stopped on a highway to distribute food or technological equipment to a student for educational purposes.

Senate Bill 586

Effective: 9-1-21

Senate Author: Springer

House Sponsor: Spiller

Senate Bill 586 amends the Tax Code to subject licensed distributors of off-highway vehicles to the annual reporting requirement for licensed manufacturers of such vehicles regarding each warranty issued for a new off-highway vehicle sold during the preceding calendar year to a Texas resident by a retailer located outside Texas.

Senate Bill 633

Effective: 9-1-21

Senate Author: Blanco

House Sponsor: Morales, Eddie

Senate Bill 633 amends the Government Code to designate portions of State Highways 118 and 166 as the Davis Mountains Scenic Loop Highway and a Texas historic highway.

Senate Bill 730

Effective: 9-1-21

Senate Author: Hall

House Sponsor: Holland

Senate Bill 730 amends the Transportation Code to designate the portion of State Highway 66 in Rockwall County as the Commissioner David Magness Memorial Highway.

Transportation

[Senate Bill 763](#)

Effective: 6-14-21

Senate Author: Powell et al.

House Sponsor: Cook et al.

Senate Bill 763 amends the Transportation Code to create an urban air mobility advisory committee to assess current state law and any potential changes that are needed to facilitate the development of urban air mobility operations and infrastructure in Texas.

[Senate Bill 787](#)

Effective: 9-1-21

Senate Author: Lucio

House Sponsor: Lucio III

Senate Bill 787 amends the Transportation Code to designate Farm-to-Market Road 1479 in Cameron County as the Bobby Morrow Memorial Highway.

[Senate Bill 858](#)

Effective: 5-28-21

Senate Author: Johnson et al.

House Sponsor: Davis

Senate Bill 858 amends the Transportation Code to make certain information related to trip data, demographic information, and other personal information confidential and excepted from disclosure under state public information law if collected by a metropolitan rapid transit authority, regional transportation authority, municipal transit department, and coordinated county transportation authority. The bill also extends a confidentiality and disclosure exception applicable to personal information collected by those authorities to information collected by a municipal transit department. The bill provides for the disclosure of personal trip data collected by these transportation entities to a governmental agency or institution of higher education for use in research or in producing statistical reports.

[Senate Bill 876](#)

Effective: 3-1-22

Senate Author: Hancock et al.

House Sponsor: Thompson, Ed

Senate Bill 876 amends the Transportation Code to authorize certain individuals to apply for a motor vehicle title or registration, as applicable, to any county assessor-collector who is willing to accept the application. The bill requires a system of extended registration of commercial fleet vehicles to allow the owner of a commercial fleet to register the entire fleet in any such county. The bill requires the registration application to be made in a manner prescribed by the Texas Department of Motor Vehicles through any county assessor-collector who is willing to accept the application and authorizes the owner to concurrently apply for a title and for initial vehicle registration through such a county assessor-collector. Among other provisions, the bill revises the manner in which a county assessor-collector may collect and retain certain vehicle titling and registration fees. The bill repeals requirements regarding an electronically submitted title application and an electronic designation process for a county in which a title application will be filed.

[Senate Bill 901](#)

Effective: 9-1-21

Senate Author: Perry

House Sponsor: Landgraf

Senate Bill 901 amends the Transportation Code to make a county sheriff or deputy sheriff of Andrews, Burnet, Ector, Ward, or Winkler County eligible to apply for certification to enforce commercial motor vehicle safety standards.

[Senate Bill 941](#)

Effective: 9-1-21

Senate Author: Buckingham et al.

House Sponsor: Morales, Eddie

Senate Bill 941 amends the Transportation Code to require the Texas Department of Transportation to plan, design, and establish a program for designating highways in Texas as State Scenic Byways.

Senate Bill 1055**Effective:** 9-1-21**Senate Author:** Huffman**House Sponsor:** Reynolds

Senate Bill 1055, the Lisa Torry Smith Act, amends the Transportation Code to create a Class A misdemeanor offense for a person who, with criminal negligence, operates a motor vehicle within the area of a crosswalk and causes bodily injury to a pedestrian or a person operating a bicycle, motor-assisted scooter, electronic personal assistive mobility device, neighborhood electric vehicle, or golf cart. The bill requires the operator of a vehicle to stop when yielding the right-of-way to a pedestrian in certain circumstances but prohibits a pedestrian from suddenly proceeding into a crosswalk in the path of a vehicle so close that it is impossible for the vehicle operator to stop when yielding.

Senate Bill 1064**Effective:** 9-1-21**Senate Author:** Alvarado**House Sponsor:** Schofield

Senate Bill 1064 amends the Transportation Code to require the Texas Department of Motor Vehicles to develop and implement a system of registration to allow an owner of an exempt county fleet that is owned by and used exclusively in the service of Harris County to register vehicles in the fleet for an extended registration period of not less than one year or more than eight years. The bill subjects a vehicle, semitrailer, or trailer in the exempt county fleet to the same inspection requirements as vehicles without the extended registration periods.

Senate Bill 1123**Effective:** 9-1-21**Senate Author:** Perry**House Sponsor:** Krause

Senate Bill 1123 amends the Transportation Code to provide for the issuance of “Family First” specialty license plates by the Texas Department of Motor Vehicles.

Senate Bill 1124**Effective:** 9-1-21**Senate Author:** Perry**House Sponsor:** Burrows

Senate Bill 1124 amends the Transportation Code to designate the portion of Business Interstate Highway 20-J in Colorado City as the James “Jim” Baum Memorial Highway.

Senate Bill 1270**Effective:** 6-7-21**Senate Author:** Seliger**House Sponsor:** Thompson, Ed

Senate Bill 1270 amends the Transportation Code to authorize the Texas Department of Transportation (TxDOT) to award a contract as a purchase of goods under the State Purchasing and General Services Act for certain highway devices and materials if TxDOT estimates that the contract will be within an amount for which TxDOT has purchasing authority and determines that the competitive bidding procedure for highway projects is not practical. Among other provisions, the bill revises the conditions under which TxDOT may award a maintenance contract as a purchase of service under the act to reflect the same conditions under which TxDOT may award a contract for those devices and materials.

Senate Bill 1308**Effective:** 6-18-21**Senate Author:** Blanco et al.**House Sponsor:** Canales

Senate Bill 1308 requires the Texas Department of Transportation and the Department of Public Safety, in consultation with the Texas A&M Transportation Institute and the appropriate federal agencies, to study and report on the impacts of using automated driving systems, connected driving systems, and other emerging technologies on the alleviation of traffic congestion at ports of entry between Texas and Mexico and on the transportation industry workforce and the broader Texas economy.

Transportation

[Senate Bill 1323](#)

Effective: 6-7-21

Senate Author: Hinojosa

House Sponsor: Canales

Senate Bill 1323 amends the Labor Code to give the Texas Department of Transportation (TxDOT) the discretion to do the following:

- prohibit an individual from being certified as a TxDOT employee for purposes of workers' compensation coverage until the individual submits to, and passes, a physical examination; and
- designate a convenient number of regularly licensed practicing physicians to provide the examinations to determine if the individuals are physically fit for TxDOT employment.

[Senate Bill 1334](#)

Effective: 5-18-21

Senate Author: Hinojosa et al.

House Sponsor: Canales

Senate Bill 1334 amends the Transportation Code to authorize a county bordering the Rio Grande to use negotiable bonds, or the proceeds of the sale of the bonds, to construct, improve, enlarge, or equip a toll bridge or a related building, structure, or other facility. The bill authorizes the county to use those bonds or the sale of the bonds to acquire such a building and provides for the donation to the United States of certain improved property by such a county or by a municipality whose boundaries are within 15 miles of a section of the Rio Grande that forms the border.

[Senate Bill 1474](#)

Effective: 6-14-21

Senate Author: Perry et al.

House Sponsor: Price

Senate Bill 1474 amends the Transportation Code to establish the I-27 Advisory Committee to provide the Texas Department of Transportation with information on concerns and interests along the Ports-to-Plains Corridor and advice on transportation improvements impacting the corridor.

[Senate Bill 1550](#)

Effective: 9-1-21

Senate Author: Nelson

House Sponsor: Goldman

Senate Bill 1550 amends the Code of Criminal Procedure and Transportation Code to provide for the establishment of airport police forces.

[Senate Bill 1727](#)

Effective: 6-7-21

Senate Author: Nichols

House Sponsor: Ashby

Senate Bill 1727 amends the Transportation Code to prohibit Harris County from creating a local government corporation under the Texas Transportation Corporation Act to develop, construct, operate, manage, or finance a toll project or system located in the county. The bill prohibits an existing local government corporation created by the county from undertaking or extending any obligations and from entering into any new contracts or extending the terms of any existing contracts. The bill provides for the dissolution of the corporation and restricts the use of income earned and revenues received by or from such a local government corporation created for certain purposes.

[Senate Bill 1814](#)

Effective: 9-1-21

Senate Author: Seliger

House Sponsor: Martinez

Senate Bill 1814 amends the Transportation Code to remove the requirement for an applicant for an over axle/over gross weight tolerance permit or a timber permit to file a blanket bond or irrevocable letter of credit that is conditioned on the applicant paying the Texas Department of Transportation for damage to a state highway caused by the operation of the applicable vehicle. The bill repeals the requirement for

the board of the Texas Department of Motor Vehicles (TxDMV) to require a motor carrier issued a permit to transport multiple loads of the same commodity over a state highway to file a similar bond.

Among other provisions, Senate Bill 1814 requires TxDMV to make available on its website a list of each over axle/over gross weight tolerance permit issued and of each permit issued for the transportation of manufactured and industrialized housing. The bill restricts issuance of a permit to move certain superheavy or oversize equipment to an applicant registered as a motor carrier and revises the requirement for the notification document executed by the financially responsible party of a vehicle transporting timber to include an indication of compliance with certain financial responsibility provisions.

Senate Bill 1814 amends the Occupations Code to remove the requirement for TxDMV to send to the Texas Department of Housing and Community Affairs a monthly copy of each permit issued in the preceding month for the movement of manufactured housing on the highways.

Senate Bill 1815

Effective: 9-1-21

Senate Author: Seliger

House Sponsor: Martinez

Senate Bill 1815 amends the Transportation Code to revise provisions relating to vehicle size and weight limitations. Among other provisions, the bill does the following:

- authorizes certain automobile transporters to transport cargo or general freight on a backhaul or to carry certain loads;
- exempts a towaway trailer transporter combination from certain maximum length limitations if the overall length of the combination is not longer than 82 feet;
- revises provisions relating to the exemption for fire department vehicles from maximum weight limitations and makes the exemption applicable to any emergency vehicle designed to be used under emergency conditions for personnel and equipment transport;
- raises the cap on certain weight limits for any vehicle or combination of vehicles equipped with an idle reduction system; and
- clarifies the applicability of the authority of the Texas Department of Motor Vehicles to issue a permit to move certain superheavy or oversize equipment on a state highway.

Senate Bill 1817

Effective: 9-1-21

Senate Author: Seliger

House Sponsor: Martinez

Senate Bill 1817 amends the Transportation Code to provide for the placement of a hold under the Certificate of Title Act on processing a title application for a motor vehicle if the Texas Department of Motor Vehicles receives a request for a hold accompanied by evidence of a legal action regarding ownership of or a lien interest in the vehicle. The bill changes the deadline by which an applicant aggrieved by an assessor-collector's determination regarding a refusal, rescission, cancellation, suspension, or revocation of title must file an appeal. The bill sets out certain prohibitions regarding a title for a salvage motor vehicle or a nonrepairable motor vehicle.

Senate Bill 1817 amends the Occupations Code to require a vehicle sold in compliance with the Vehicle Storage Facility Act to be titled and registered without the imposition by a county office of additional requirements not otherwise permitted by law.

Senate Bill 1907

Effective: 9-1-21

Senate Author: Blanco

House Sponsor: Martinez

Senate Bill 1907 requires the Texas A&M Transportation Institute to conduct a feasibility study on erecting and maintaining a colocated federal and state inspection facility at each port of entry in Texas for the inspection of motor vehicles for compliance with federal and state commercial motor vehicle regulations. The bill sets out content and reporting requirements for the study.

Transportation

Senate Bill 2243

Effective: 6-18-21

Senate Author: Hinojosa et al.

House Sponsor: Canales

Senate Bill 2243 amends the Transportation Code to exempt a political subdivision authorized to construct or finance the construction of a bridge over the Rio Grande from certain approval and reporting requirements if the project is for the reconstruction, improvement, expansion, or maintenance of an existing bridge, among other criteria.

UTILITIES

This chapter covers legislation relating to utilities, including electric, gas, telecommunications, and water and sewer utilities. Legislation relating to the oil and gas industry is in the [Energy Resources](#) chapter, and legislation relating to municipal utility districts and other special districts is in the [Special Districts](#) chapter.

[House Bill 5](#)

Effective: 6-15-21

House Author: Ashby et al.

Senate Sponsor: Nichols et al.

House Bill 5 amends the Government Code to provide for the expansion of broadband Internet service in Texas. The bill establishes the broadband development office within the office of the comptroller of public accounts and tasks the broadband development office with preparing, updating, and publishing a state broadband plan; serving as a repository for information relating to broadband service and digital connectivity in Texas and engaging in community outreach; creating, annually updating, and publishing a broadband development map to classify areas in Texas as eligible for broadband expansion assistance; and establishing a broadband development program to award grants, low-interest loans, and other financial incentives to applicants in the areas classified as eligible for assistance on the map for the purpose of broadband expansion. The bill establishes the broadband development account within the general revenue fund as a source of funding for the broadband development office.

House Bill 5 revises provisions relating to the governor's broadband development council to change the council's composition, provide for the alternation of the position of chair and vice chair between members that are from urban and rural counties, increase transparency regarding council meetings, provide for the council's meetings to be held remotely, and expand the council's duties.

[House Bill 16](#)

Effective: 9-1-21

House Author: Hernandez et al.

Senate Sponsor: Hancock

House Bill 16 amends the Utilities Code to prohibit an aggregator, a broker, or a retail electric provider from offering to a residential or small commercial customer a wholesale indexed product and to require an aggregator, a broker, or a retail electric provider, before enrolling a customer other than a residential or small commercial customer in such a product, to obtain an acknowledgment signed by the customer that they accept the potential price risks associated with the product.

House Bill 16 revises provisions relating to a notice of expiration and price change of a fixed rate retail electric product to increase the number of written notices that a retail electric provider must provide and to provide for the dissemination of the notices through means other than postal mail. Among other provisions, the bill requires a retail electric provider to automatically serve a residential customer who does not select another retail electric product before the expiration of their contract term through a month-to-month default renewal product that the customer may cancel at any time without a fee. The bill requires a retail electric provider that does not provide notice of the expiration of a customer's contract in accordance with state law to continue to serve a customer who does not select another retail electric product before the expiration of their contract term under the pricing terms of the fixed rate product contract until the provider provides notice of the expiration of the contract or the customer selects another product.

[House Bill 17](#)

Effective: 5-18-21

House Author: Deshotel et al.

Senate Sponsor: Birdwell

House Bill 17 amends the Utilities Code to prohibit a regulatory authority, planning authority, or political subdivision from adopting or enforcing a measure that has the purpose, intent, or effect of

Utilities

directly or indirectly banning, limiting, restricting, discriminating against, or prohibiting the connection or reconnection of a utility service or the construction, maintenance, or installation of infrastructure for a utility service based on the type or source of energy to be delivered to the end-use customer. The bill prohibits an entity from imposing any additional charge or pricing difference on a development or building permit applicant for utility infrastructure that encourages those constructing homes, buildings, or other structural improvements to connect to a utility service based on the type or source of energy to be delivered to the end-use customer or discourages the installation of facilities for the delivery of the service based on the type or source of energy to be delivered to that customer. The bill expressly does not limit the ability of a regulatory authority or political subdivision to choose utility services for properties they own.

[House Bill 837](#)

Effective: 9-1-21

House Author: Lucio III

Senate Sponsor: Zaffirini

House Bill 837 amends the Water Code to require the Public Utility Commission of Texas (PUC), if it requires an award of compensation with regard to the granting of a petition for the expedited release of certain areas from a certificate of public convenience and necessity, to require the petitioner to submit a report to the PUC verifying for specified purposes that the compensation has been paid to the decertified retail public utility or certificate holder, as applicable. With respect to certain cases in which the PUC grants single certification to a municipality regarding an incorporated or annexed area that is served by a retail public utility, the PUC by rule must require the municipality or applicable franchised utility to submit a report to the PUC verifying that the municipality or franchised utility has paid all required adequate and just compensation to the retail public utility.

[House Bill 872](#)

Effective: 6-18-21

House Author: Bernal et al.

Senate Sponsor: Menéndez

House Bill 872 amends the Government Code, Utilities Code, and Water Code to except from the public availability requirement of state public information law information maintained by a government-operated utility that provides water, wastewater, sewer, gas, garbage, electricity, or drainage service that is collected as part of an advanced metering system for usage, services, and billing or that reveals whether an account is delinquent or eligible for disconnection or whether services have been discontinued by the utility. The bill requires such a utility to disclose that information collected as part of an advanced metering system to a customer or a customer's representative if the information directly relates to utility services provided to the customer and is not confidential under law.

House Bill 872 changes the nature of the confidentiality protections provided for the personal information in the account record of a customer of a government-operated utility, and any information relating to the volume or units of utility usage or the amounts billed to or collected from the customer for utility usage, from a system under which the onus is on the customer to request confidentiality to a system under which the default assumption is confidentiality unless the customer requests disclosure.

[House Bill 1484](#)

Effective: 9-1-21

House Author: Metcalf

Senate Sponsor: Springer

House Bill 1484 amends the Water Code to authorize a person who files an application with the Public Utility Commission of Texas for the purchase or acquisition of a water or sewer system owned by an entity that is required by law to possess a certificate of public convenience and necessity to request that the regulatory authority with original jurisdiction over the rates for water or sewer service provided by the person to the system's customers authorize the person to charge initial rates for the service that are shown in a tariff filed with a regulatory authority by the person for another water or sewer system and that are in force for the other system on the date the application is filed. The bill prohibits the regulatory authority

from requiring a person who makes such a request to initiate a new rate proceeding to establish the initial rates for service the person will provide to the customers of the purchased or acquired system.

House Bill 1505

Effective: 9-1-21

House Author: Paddie et al.

Senate Sponsor: Hancock

House Bill 1505 amends the Government Code and Utilities Code to establish a modernized pole attachment regime that applies to Texas' electric cooperatives and promotes consistency, transparency, and fairness in the deployment of broadband service while ensuring consistency with FCC rules and regulations for investor-owned utilities through which a broadband provider may apply for and receive access to a pole owned and controlled by an electric cooperative for purposes of attaching an affixture of cables, strands, wires, and associated equipment used in the provision of a broadband provider's services. Among other provisions, the bill establishes the Texas Broadband Pole Replacement Program to speed the deployment of broadband services to individuals in rural areas by reimbursing a portion of eligible pole replacement costs incurred by pole owners or providers of qualifying broadband services. The bill creates the broadband pole replacement fund to be used solely to support the program and requires the comptroller of public accounts to make a one-time transfer to the fund from money received by the state from the federal government from the Coronavirus Capital Projects Fund.

House Bill 1510

Effective: 6-1-21

House Author: Metcalf et al.

Senate Sponsor: Creighton

House Bill 1510 amends the Utilities Code to provide for the securitization of system restoration costs for electric utilities operating solely outside of ERCOT. Among other provisions, the bill creates the Texas Electric Utility System Restoration Corporation as a special purpose public corporation and instrumentality of the state to provide a lower-cost supplemental financing mechanism available to the Public Utility Commission of Texas (PUC) and those electric utilities to attract low-cost capital to finance those costs and includes among the system restoration costs that an electric utility may obtain timely recovery of using securitization financing reasonable and necessary weatherization and storm-hardening costs incurred, as well as reasonable estimates of costs to be incurred, by the utility.

House Bill 1510 authorizes, but expressly does not require, an electric utility operating solely outside of ERCOT to obtain a certificate of convenience and necessity from the PUC to install, own, or operate a generation facility with a capacity of 10 megawatts or less.

House Bill 1520

Effective: 6-16-21

House Author: Paddie et al.

Senate Sponsor: Hancock

House Bill 1520 amends the Gas Utility Regulatory Act, Utilities Code, and the Texas Public Finance Authority Act, Government Code, to provide for the issuance of customer rate relief bonds relating to Winter Storm Uri. The purpose of these provisions is to reduce the cost that customers would otherwise experience because of extraordinary costs that gas utilities incurred to secure gas supply and provide service during the storm, and to restore gas utility systems after the storm, by providing securitization financing for gas utilities to recover those costs. This securitization financing mechanism will provide rate relief to customers by extending the period during which the costs are recovered from customers and will support the financial strength and stability of gas utility companies. Among other provisions, the bill does the following:

- provides for the determination by the Railroad Commission of Texas (RRC), on application by a gas utility, of the regulatory asset amount to be recovered by the utility;
- authorizes the RRC to request the Texas Public Finance Authority to direct an issuing financing entity to issue customer rate relief bonds after the following actions:

Utilities

- the final resolution of all the applications requesting the regulatory asset determination;
- a determination by the RRC that customer rate relief bond financing for extraordinary costs is the most cost-effective method of funding regulatory asset reimbursements to be made to gas utilities; and
- the issuance by the RRC of an applicable financing order;
- establishes that customer rate relief bonds are the limited obligation solely of the issuing financing entity and are not a debt of a gas utility or a debt or a pledge of the faith and credit of the state or any political subdivision of the state; and
- requires uniform monthly volumetric customer rate relief charges, as long as any customer rate relief bonds or related financing costs remain outstanding, to be paid by all current and future customers that receive service from a gas utility for which a regulatory asset determination has been made.

[House Bill 1572](#)

Effective: 9-1-21

House Author: Craddick et al.

Senate Sponsor: Springer

House Bill 1572 amends the Utilities Code to exclude a person not otherwise considered an electric utility who is an electric generation equipment lessor or operator from consideration as an “electric utility” for purposes of provisions of the Public Utility Regulatory Act governing those utilities. The bill establishes that, for purposes of provisions requiring a certificate of convenience and necessity, a person who is an electric generation equipment lessor or operator is not for that reason considered to be a retail electric utility.

[House Bill 2483](#)

Effective: 9-1-21

House Author: King, Phil et al.

Senate Sponsor: Hancock

House Bill 2483 amends the Utilities Code to authorize a transmission and distribution utility to lease and operate facilities that provide temporary emergency electric energy to aid in restoring power to the utility’s distribution customers during certain widespread power outages and to procure, own, and operate, or enter into a cooperative agreement with other transmission and distribution utilities to procure, own, and operate jointly, transmission and distribution facilities that have a lead time of at least six months and would aid in restoring power to the utility’s distribution customers following a widespread power outage. Among other provisions, the bill provides for the recovery of associated costs by a transmission and distribution utility and prohibits a utility that leases and operates such facilities from selling electric energy or ancillary services from those facilities. These provisions expire September 1, 2029; however, the bill requires the Public Utility Commission of Texas, not later than January 1, 2029, to analyze the effects of authorizing transmission and distribution utilities to lease, operate, procure, or own the utility facilities and to submit a report to the legislature that includes that analysis and a recommendation of whether the legislature should allow the bill’s provisions to expire.

[House Bill 2586](#)

Effective: 9-1-21

House Author: Thierry et al.

Senate Sponsor: Hall et al.

House Bill 2586 amends the Utilities Code to require the Public Utility Commission of Texas (PUC) to have an independent audit made annually of ERCOT and to publish the results of the audit on the PUC website and submit the results to the state auditor and members of the applicable legislative standing committees.

[House Bill 2667](#)

Effective: Vetoed

House Author: Smithee et al.

Senate Sponsor: Perry et al.

House Bill 2667 amends the Utilities Code to subject each provider of Voice over Internet Protocol (VoIP) service that has access to the customer base to the uniform charge imposed on certain telecommunications

providers to fund the Texas universal service fund (TUSF). With respect to the uniform charge generally, the bill prohibits the Public Utility Commission of Texas from assessing the charge in a manner that is not technology-neutral or that grants an unreasonable preference based on technology. The bill defines “high cost rural area” as that term relates to the TUSF purpose of assisting in the provision of basic local telecommunications service at reasonable rates in such areas.

Governor’s Reason for Veto: “Coming into the 87th Legislative Session, everyone knew the Legislature needed to consider significant reforms on broadband and the Texas Universal Service Fund. Transformational broadband reform was achieved through multiple bills that have been signed into law, which significantly expand broadband access in Texas, especially in rural areas. Yet the only meaningful change made to the Texas Universal Service Fund was, in House Bill 2667, to expand the number of people paying fees. It would have imposed a new fee on millions of Texans.”

House Bill 3476

Effective: 9-1-21

House Author: Schofield

Senate Sponsor: Bettencourt et al.

House Bill 3476 amends the Water Code to remove the authority of populous municipalities to require, as a condition of a respective municipality’s consent to the granting by the Public Utility Commission of Texas (PUC) to a retail public utility of a certificate of public convenience and necessity for a service area within the municipality’s boundaries or extraterritorial jurisdiction, that all water and sewer facilities be designed and constructed in accordance with the municipality’s standards for facilities. The bill requires the PUC to include, as a condition of certain granted certificates, that all water and sewer facilities be designed and constructed in accordance with either municipal or certain Texas Commission on Environmental Quality standards based on whether the service area is within a populous municipality’s boundaries or its extraterritorial jurisdiction.

House Bill 3615

Effective: 9-1-21

House Author: King, Phil et al.

Senate Sponsor: Buckingham

House Bill 3615 amends the Government Code and Utilities Code to exclude information related to a public power utility’s chilled water program from the information or records reasonably related to a competitive matter excepted from public disclosure under state public information law and to subject information or records of a municipally owned utility or municipality that operates a chilled water program that are reasonably related to a municipally owned utility’s rate review process or the method a municipality or municipally owned utility uses to set rates for retail electric service or for a chilled water program to disclosure under that law.

House Bill 3689

Effective: 9-1-21

House Author: Cortez

Senate Sponsor: Gutierrez

House Bill 3689 amends the Water Code to limit the water and sewer service rates that the Public Utility Commission of Texas is required to ensure are just and reasonable in a rate appeal from every rate that is made, demanded, or received by the applicable retail public utility to only the appealed rates.

House Bill 3717

Effective: 9-1-21

House Author: Burns

Senate Sponsor: Lucio

House Bill 3717 amends the Government Code to establish that a municipality is not required to hold an election to authorize the sale of a municipal retail water or sewer utility system if the Texas Commission on Environmental Quality has issued a notice of violation to the utility system and the municipality’s governing body finds by official action that the municipality is either financially or technically unable to restore the system to compliance with the applicable law or regulations.

Utilities

[House Bill 3853](#)

Effective: 6-15-21

House Author: Anderson et al.

Senate Sponsor: Perry et al.

House Bill 3853 amends the Utilities Code to replace provisions providing for the deployment of broadband over power lines systems to expand broadband service in Texas with provisions that instead provide for electric utilities to own, construct, maintain, and operate fiber facilities and to lease excess fiber capacity to Internet service providers for the provision of middle mile broadband service in unserved and underserved areas of Texas.

[House Bill 4492](#)

Effective: 6-16-21

House Author: Paddie

Senate Sponsor: Hancock

House Bill 4492 amends the Government Code and Utilities Code to provide for the financing of certain extraordinary costs associated with the electric markets incurred during Winter Storm Uri, thus allowing default and uplift balances to be repaid over time at a low carrying cost. Among other provisions, the bill provides for the establishment of a debt financing mechanism by ERCOT, using money loaned from the Economic Stabilization Fund, also known as the Rainy Day Fund, to finance up to \$800 million owed to ERCOT by certain competitive wholesale market participants as a result of the storm and provides for the repayment of amounts financed through default charges established by the Public Utility Commission of Texas (PUC) over a period not to exceed 30 years.

House Bill 4492 provides for the establishment of a debt financing mechanism that enables ERCOT to finance up to \$2.1 billion that was uplifted to municipally owned utilities, electric cooperatives, and retail electric providers due to energy consumption during Winter Storm Uri for reliability deployment price adder charges and ancillary services costs in excess of the system-wide offer cap set by the PUC. The bill requires the entities that receive offsets to specific uplift charges to adjust customer invoices to reflect the offsets for any charges that were or would otherwise be passed through to customers under the terms of service with the entity and provides for the repayment of the charges that are financed by ERCOT through the assessment of uplift charges over a period not to exceed 30 years.

[Senate Bill 2](#)

Effective: 6-8-21

Senate Author: Hancock et al.

House Sponsor: Paddie

Senate Bill 2 amends the Utilities Code to set out and revise provisions relating to the governance of the Public Utility Commission of Texas (PUC), the Office of Public Utility Counsel (OPUC), and ERCOT. Among other provisions, the bill requires the commissioner designated as the presiding officer of the PUC and the chief executive of OPUC to be Texas residents and requires that any rules adopted by, or enforcement actions taken by, ERCOT receive approval from the PUC before taking effect.

Senate Bill 2 also requires that the ERCOT bylaws require every member of its governing body be a Texas resident and prohibit a legislator from serving as a member. With respect to the composition of the governing body of ERCOT, the bill changes the ERCOT chief executive officer from a voting member to a nonvoting member and decreases the overall number of members from 16 to 11 by replacing the six members who are market participants, the two members representing consumer interests, and the five unaffiliated members with eight members to be selected by the newly established ERCOT board selection committee that have executive-level experience in a qualifying profession. The bill prohibits the governing body from including more than two members who are employed by an institution of higher education in a professorial role, entitles members to receive a salary for their service, and prohibits a former member from engaging in lobbying activities before the second anniversary of the date they cease to be a member. The bill makes a person ineligible to be selected to serve as a member of the governing body if they have a fiduciary duty or assets in the electricity market for the ERCOT power region. The bill gives ERCOT until September 1, 2021, to come into compliance with the bill's requirements.

Senate Bill 3**Effective:** 6-8-21**Senate Author:** Schwertner et al.**House Sponsor:** Paddie

Senate Bill 3, an omnibus bill enacted in response to Winter Storm Uri, amends the Government Code, Natural Resources Code, Utilities Code, and Water Code to set out provisions relating to preparing for, preventing, and responding to weather emergencies and power outages. Among other provisions, the bill does the following:

- requires the weatherization of certain gas supply chain and gas pipeline facilities and certain entities that sell electric energy or provide transmission service in the ERCOT power region and provides penalties of up to \$1 million for violating applicable weatherization requirements;
- requires ERCOT to establish requirements to meet the reliability needs of the ERCOT power region; procure dispatchable ancillary or reliability services to ensure appropriate reliability during extreme heat and extreme cold weather conditions and during times of low non-dispatchable power production; and develop appropriate qualification and performance requirements for providing those services, including appropriate penalties for failure to provide the services;
- provides for the designation of certain natural gas facilities and associated entities as critical for power delivery and load-shedding purposes during an energy emergency;
- provides for the development and implementation of an alert to be activated when the power supply in Texas may be inadequate to meet demand;
- provides for the allocation of load shedding among certain market participants in the ERCOT power region during an involuntary load shedding event initiated by ERCOT during an energy emergency and for the development of voluntary load shedding programs to reduce use when necessary;
- requires the Public Utility Commission of Texas (PUC) and ERCOT to conduct simulated or tabletop load shedding exercises with providers of electric generation service and transmission and distribution service in the ERCOT power region;
- requires the PUC to review and evaluate whether additional ancillary services are needed for reliability in the ERCOT power region;
- requires the PUC to establish a wholesale electric market emergency pricing program that takes effect if the high system-wide offer cap has been in effect for 12 hours in a 24-hour period after initially reaching the high system-wide offer cap;
- establishes the Texas Energy Reliability Council to ensure that high priority human needs are met and critical infrastructure concerns are addressed and to enhance coordination and communication in the energy and electric industries in Texas;
- requires an owner or operator of commercial distributed generation to register with ERCOT and provide interconnecting transmission and distribution utility information necessary for the interconnection of the distributed generator;
- establishes the Texas Electricity Supply Chain Security and Mapping Committee to map and identify critical infrastructure sources in the electricity supply chain in Texas; establish best practices for maintaining service in an extreme weather event; and designate priority service needs to prepare for, respond to, and recover from such an event;
- requires the Railroad Commission of Texas to analyze emergency operations plans developed by operators of applicable natural gas facilities and prepare and submit a biennial weather emergency preparedness report regarding those facilities to the lieutenant governor, the speaker of the house of representatives, and the members of the legislature;
- sets the amount of the civil penalty for disconnecting natural gas service to residential customers during an extreme weather emergency at up to \$1 million;
- provides for the development of emergency operations standards and emergency preparedness plans for certain retail public utilities, exempt utilities, and providers or conveyors of potable or raw water service;

Utilities

- prohibits the imposition of late fees or the disconnection of retail water or sewer utility service for nonpayment of bills that are due during an extreme weather emergency until after the emergency is over and requires that requesting customers be allowed to set up a payment schedule for the unpaid bills;
- establishes the State Energy Plan Advisory Committee for purposes of preparing a comprehensive state energy plan to submit to the legislature; and
- requires the PUC and ERCOT to annually review and submit a report to the legislature on the effect of certain statutes, rules, protocols, and bylaws on the ability of the PUC and ERCOT to fulfill their respective duties.

Senate Bill 387

Effective: 9-1-21

Senate Author: Schwertner

House Sponsor: Wilson

Senate Bill 387 amends the Water Code to specify that the decisions of a governing body of a municipally owned utility affecting the water, drainage, or sewer rates of a ratepayer residing outside the municipality's corporate limits that the ratepayer is authorized to appeal to the Public Utility Commission of Texas include a decision that results in an increase in rates when the utility takes over the provision of service to ratepayers previously served by another retail public utility. The bill exempts from this ratepayer appeal authority a municipally owned utility that takes over the provision of service to ratepayers previously served by another retail public utility in certain circumstances.

Senate Bill 398

Effective: 9-1-21

Senate Author: Menéndez et al.

House Sponsor: Deshotel

Senate Bill 398 amends the Business & Commerce Code to establish certain disclosure requirements applicable to the sale or lease of distributed renewable generation resources.

Senate Bill 398 amends the Local Government Code to prohibit a municipality from prohibiting or restricting the installation of a solar energy device by a residential or small commercial customer, except to the extent to which a property owner's association may prohibit the installation or to which the interconnection guidelines and interconnection agreement of a municipally owned utility serving the customer's service area, the rules of the Public Utility Commission of Texas, or the protocols of ERCOT limit the installation of such devices due to reliability, power quality, or safety of the distribution system.

Senate Bill 398 amends the Utilities Code to provide for the interconnection and operation of certain distributed generation facilities installed on the customer's side of the meter but separately metered from the customer with a nameplate capacity of at least 250 kilowatts and not more than 10 megawatts for purposes of maintaining electric service to certain retail customers involved in the food supply chain during service interruptions, including an emergency declared by ERCOT. Among other provisions, the bill authorizes a person who owns or operates a qualifying distributed generation facility in an area of the ERCOT power region where retail customer choice has not been implemented that is served by a municipally owned utility or electric cooperative to sell electric power generated by the facility at wholesale, including the provision of ancillary services, and authorizes a person who owns or operates such a facility to otherwise sell electric power generated by the facility at wholesale to a municipally owned utility or electric cooperative certificated for retail service to the area where the facility is located or to a related generation and transmission electric cooperative.

Senate Bill 415

Effective: 9-1-21

Senate Author: Hancock

House Sponsor: Holland et al.

Senate Bill 415 amends provisions of the Public Utility Regulatory Act, Utilities Code, governing electric energy storage equipment or facilities that are intended to provide energy or ancillary services at wholesale on the generator's registration with the Federal Energy Regulatory Commission to make the provisions

applicable only to the ownership or operation of such equipment or facilities in the ERCOT power region. The bill expands the applicability of those provisions by setting out contracting guidelines that would allow a transmission and distribution utility that has received prior approval from the Public Utility Commission of Texas (PUC) to provide electric energy from an electric energy storage facility to ensure reliable service to distribution customers. The bill prohibits the PUC from authorizing ownership of a storage facility by a transmission and distribution utility.

Senate Bill 507

Effective: 6-14-21

Senate Author: Nichols et al.

House Sponsor: Anderson

Senate Bill 507 amends the Transportation Code to require the Texas Transportation Commission, on a competitively and technologically neutral and nondiscriminatory basis with respect to other providers of broadband service, to establish an accommodation process that authorizes broadband-only providers to use state highway rights-of-way, subject to highway purposes, for new broadband facility installations, additions to or maintenance of existing broadband facility installations, adjustments or relocations of broadband facilities, and existing broadband facilities retained within the rights-of-way.

Senate Bill 760

Effective: 9-1-21

Senate Author: Springer

House Sponsor: Shaheen

Senate Bill 760 amends the Utilities Code to set out an agreement structure regulating the decommissioning and removal of solar power facilities from a landowner's property and providing for financial assurances covering the removal.

Senate Bill 997

Effective: 9-1-21

Senate Author: Nichols

House Sponsor: Harris

Senate Bill 997 amends the Water Code to prohibit the Public Utility Commission of Texas (PUC), in an applicable proceeding to review a water rate charged under a written contract or in an applicable appeal by a retail public utility on the amount paid for water or sewer service under a written contract, from holding a hearing on or otherwise prescribing just and reasonable amounts to be charged under the contract unless the PUC determines that the amount charged under the contract harms the public interest. The bill provides for judicial review of the determination and for the amendment by the contracting parties of the amount charged under the contract after the determination becomes final.

Senate Bill 1202

Effective: 9-1-21

Senate Author: Hancock

House Sponsor: Paddie

Senate Bill 1202 amends the Utilities Code to exclude from consideration as an electric utility or a retail electric provider for purposes of provisions of the Public Utility Regulatory Act governing electric utilities a person who is not otherwise considered as such and who owns or operates equipment used solely to provide electricity charging service for consumption by an alternatively fueled vehicle. The bill establishes that, for purposes of provisions requiring a certificate of convenience and necessity, such a person is not for that reason alone considered to be a retail electric utility. The bill authorizes the Public Utility Commission to exclude from consideration as an electric utility, retail electric provider, or retail electric utility a provider who owns or operates equipment used solely to provide electricity charging service for a mode of transportation.

Senate Bill 1281

Effective: 9-1-21

Senate Author: Hancock

House Sponsor: King, Phil

Senate Bill 1281 amends the Utilities Code to require ERCOT to conduct a biennial assessment of the ERCOT power grid to assess the grid's reliability in extreme weather scenarios. Each assessment must

Utilities

consider the impact of different levels of thermal and renewable generation availability and recommend transmission projects that may increase the grid's reliability in extreme weather scenarios.

Among other provisions, Senate Bill 1281 requires the Public Utility Commission of Texas, in considering the need for additional service when granting a certificate of public convenience and necessity for a reliability transmission project that serves the ERCOT power region, to consider the historical load, forecasted load growth, and additional load currently seeking interconnection. The bill establishes that an electric utility is not required to amend its certificate of public convenience and necessity to construct certain short-length transmission lines that connect the utility's existing transmission facilities to a substation or metering point if each landowner whose property would be directly affected provides written consent and all rights-of-way necessary for construction have been purchased.

Senate Bill 1580

Effective: 6-18-21

Senate Author: Hancock et al.

House Sponsor: Paddie

Senate Bill 1580 amends the Utilities Code to allow electric cooperatives to use securitization financing to recover extraordinary costs and expenses incurred due to Winter Storm Uri over a 30-year period in order to reduce costs relative to conventional financing methods. Among other provisions, the bill requires a cooperative that owes ERCOT amounts incurred as a result of operations during the storm to use all means necessary to securitize and fully repay the amount owed. The bill requires that nonbypassable securitized charges be collected and allocated among a cooperative's customers in the manner provided by the adopted financing order and establishes that a financing order remains in effect and unabated notwithstanding the bankruptcy of the applicable cooperative, its successors, or assignees.

Senate Bill 1580 requires the Public Utility Commission of Texas (PUC) to require that all market participants pay or make provision for the full and prompt payment of amounts owed to ERCOT calculated solely according to the protocols in effect during Winter Storm Uri to qualify, or to continue to qualify, as a market participant in the ERCOT power region and prohibits the PUC from allowing ERCOT to accept a defaulting market participant's loads or generation for scheduling in the ERCOT power region, or allowing a defaulting market participant to be a market participant in the ERCOT power region for any purpose, until all amounts owed to ERCOT are paid in full.

Senate Bill 2154

Effective: 6-18-21

Senate Author: Schwertner et al.

House Sponsor: Paddie

Senate Bill 2154 amends the Utilities Code to expand the membership of the Public Utility Commission of Texas from three commissioners to five. The bill revises the eligibility requirements for appointment as a commissioner to include Texas residency as an eligibility requirement, to change the number of commissioners who must be well informed and qualified in the field of public utilities and utility regulation from all commissioners to at least two commissioners, and to include at least five years of experience as a professional engineer among the qualifying professional experience for appointment. The bill changes the period within which an applicable conflict of interest disqualifies a person from appointment as a commissioner from two years preceding appointment to one year preceding appointment and includes as a disqualifying conflict of interest previous service as governor, lieutenant governor, comptroller of public accounts, commissioner of the General Land Office, or attorney general. The bill also restricts a former commissioner's ability to engage in lobbying activity for the first year following the date they cease to be a commissioner.

WATER

This chapter covers legislation relating to the state's water supply and related projects. Legislation relating to water and sewer utilities is in the [Utilities](#) chapter, and legislation relating to water districts is in the [Special Districts](#) chapter.

[House Bill 1904](#)

Effective: 9-1-21

House Author: Harris

Senate Sponsor: Kolkhorst

House Bill 1904 amends the Water Code to provide for the use of the water infrastructure fund for purposes relating to the Texas Water Development Fund II financial assistance account.

[House Bill 1905](#)

Effective: 9-1-21

House Author: Harris

Senate Sponsor: Taylor

House Bill 1905 repeals Water Code provisions relating to the following:

- the duty of each regional water planning group to prioritize projects in its respective regional water plan for purposes of state water implementation fund for Texas bond enhancement agreements; and
- the duty of the groups to conduct certain water infrastructure financing surveys.

House Bill 1905 amends the Water Code to remove the prohibition against the Texas Water Development Board (TWDB) directing the Texas Treasury Safekeeping Trust Company to enter into a bond enhancement agreement with respect to TWDB-issued bonds whose proceeds may be used to provide financial assistance to an applicant who has failed to satisfactorily complete a request by the TWDB executive administrator or a regional water planning group for information relevant to the project for which the financial assistance is sought.

[House Bill 2225](#)

Effective: 9-1-21

House Author: King, Tracy O. et al.

Senate Sponsor: Zaffirini

House Bill 2225 amends the Parks and Wildlife Code and Water Code to require the Parks and Wildlife Department (TPWD) to encourage and facilitate the dedication of water rights in the Texas Water Trust through lease, donation, purchase, or other means of voluntary transfer for environmental needs. The bill provides certain authority for TPWD to manage rights in the trust.

[Senate Bill 669](#)

Effective: 9-1-21

Senate Author: Springer

House Sponsor: Lucio III

Senate Bill 669 amends the Water Code to replace the requirement that the Texas Water Development Board (TWDB) submit to the legislature a biennial report that includes the most recent data relating to statewide water usage in specified sectors and the data collection and reporting program for municipalities and water utilities with more than 3,300 connections with a requirement that the TWDB make that data publicly available.

Senate Bill 669 repeals an Agriculture Code provision that requires the TWDB, in coordination with the State Soil and Water Conservation Board and the Texas Commission on Environmental Quality, to prepare a report of the repair and maintenance needs of certain dams that have failed.

Water

[Senate Bill 905](#)

Effective: 9-1-21

Senate Author: Perry et al.

House Sponsor: Frank

Senate Bill 905 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to develop and make available to the public a regulatory guidance manual to explain TCEQ rules that apply to direct potable reuse.

[Senate Bill 1890](#)

Effective: 9-1-21

Senate Author: Creighton

House Sponsor: Walle

Senate Bill 1890 amends the Water Code to exempt from the Uniform Grant and Contract Management Act certain contracts relating to the flood infrastructure fund, the Texas infrastructure resiliency fund, and the agricultural water conservation bond program.

VETOS BY THE GOVERNOR

[House Bill 686](#)

Effective: Vetoed

House Author: Moody et al.

Senate Sponsor: Lucio et al.

House Bill 686 amends the Government Code to require a parole panel to take certain factors relating to growth and maturity into consideration when determining whether to release on parole an inmate who was younger than 17 years of age at the time the applicable offense was committed. The bill changes parole eligibility for an inmate serving a sentence for certain capital or first degree felony offenses committed when the inmate was younger than 17 years of age.

Governor's Reason for Veto: "The author of House Bill 686 is to be commended for aiming to provide opportunities for the young offender population. The bill, which addresses parole eligibility for juvenile offenders, admirably recognizes the potential for change and encourages rehabilitation and productiveness in the young offender population. As written, though, the bill's language conflicts with jury instructions required by the Texas Code of Criminal Procedure, which would result in confusion and needless, disruptive litigation. And the bill would cause disparate results in parole eligibility for juvenile offenders by failing to account for all circumstances in Texas Code of Criminal Procedure 42A.054. Further changes to address these issues will allow for meaningful reform on this important matter, and I look forward to working with the House author to accomplish that goal."

[House Bill 787](#)

Effective: Vetoed

House Author: Allen et al.

Senate Sponsor: Miles

House Bill 787 amends the Code of Criminal Procedure to prohibit a judge from prohibiting a defendant placed on community supervision from contacting or interacting with a person who belongs to an organization whose membership includes individuals with criminal histories and who engages in certain activities relating to addressing criminal justice issues, assisting formerly incarcerated individuals, and criminal justice reform advocacy.

Governor's Reason for Veto: "House Bill 787 seeks to encourage rehabilitation of criminal defendants, but in doing so would remove judicial discretion to set certain necessary conditions of probation on a case-by-case basis. Eliminating a judge's ability to analyze and mandate suitable conditions for each individual case is detrimental to public safety. I have signed House Bill 385, which also amends community-supervision conditions and procedures to encourage more robust rehabilitation and prevent recidivism, but I cannot support legislation that eliminates judicial discretion in this way."

[House Bill 1193](#)

Effective: Vetoed

House Author: Wu et al.

Senate Sponsor: Whitmire

House Bill 1193 amends the Family Code to establish that a juvenile court retains jurisdiction over certain persons whose proceedings have been delayed through no fault of the state. The bill requires a juvenile court, on receipt of an application for the sealing of certain juvenile records, to hold a hearing to determine whether ordering the records sealed is in the best interest of the person and of justice and authorizes the court to order the records to be sealed.

Governor's Reason for Veto: "People who commit youthful indiscretions should have the opportunity to turn their lives around and not be burdened by a criminal record as an adult. Texas law already allows juveniles to clear their records in appropriate circumstances. House Bill 1193, however, would allow juveniles who were sentenced for serious violent crimes to hide their acts from society and from future employers. I have vetoed similar bills in past sessions that would have concealed serious offenses, and I must do so again here."

Vetoes by the Governor

[House Bill 1240](#)

Effective: Vetoed

House Author: Coleman

Senate Sponsor: Miles

House Bill 1240 amends the Local Government Code to reduce the penalty for failure to comply with a fire marshal's order regarding fire safety from a Class B to a Class C misdemeanor. The bill establishes that such an offense is a Class A misdemeanor if the commission of the offense results in bodily injury or death. The bill increases the penalty for the offense to a Class B misdemeanor if it is shown on the trial of the offense that the defendant has been previously convicted of the offense. Among other provisions, the bill authorizes the commissioners courts of Harris County and Fort Bend County to grant to certain county employees, as described by the bill, the authority to issue a citation for such a failure to comply or for a violation of an order relating to fire or life safety issued by the commissioners court that is reasonably necessary to protect public safety and welfare.

Governor's Reason for Veto: "House Bill 1240 would wisely reduce an existing fire-safety penalty from a Class B to a Class C misdemeanor, and I share the goal of keeping Texans safe by increasing enforcement of the penalty. But House Bill 1240 goes off course in granting broad and unique authority to the county commissioners courts in just a few counties, including Harris County. Under the bill, these county commissioners courts could designate county employees who are not peace officers to issue criminal citations to citizens—a weighty duty usually reserved for the discretion of trained, accountable law-enforcement officials. And the bill's loose language could give the county commissioners courts a blank check to write new safety rules to be enforced criminally by these county employees. A more refined solution is needed."

[House Bill 1477](#)

Effective: Vetoed

House Author: Bell, Keith et al.

Senate Sponsor: Nichols

House Bill 1477 amends the Government Code to extend the applicability of provisions governing the use of performance and payment bonds for an applicable public work contract to a public work contract of qualifying value for work performed on public property leased by a nongovernmental entity from a governmental entity. The bill's provisions do not apply to a contract entered into by a nongovernmental entity that leases property from a river authority that owns electric generation capacity in excess of 1,000 megawatts.

Governor's Reason for Veto: "Whenever a government entity leases public property to a non-governmental entity, and the latter decides to enter into a contract for work performed on the property, House Bill 1477 would make the government entity responsible for the prime contractor obtaining a bond to protect subcontractors. If no bond is obtained and the prime contractor does not pay subcontractors, the government entity would be responsible for payment because the bill waives the government entity's sovereign immunity in this situation. Because the government entity may not know who the prime contractor is—or even that there is a contract between the non-governmental entity and a prime contractor—House Bill 1477 could leave the government entity, and taxpayers, on the hook for damages not caused by the government entity."

[House Bill 1544](#)

Effective: Vetoed

House Author: Guillen et al.

Senate Sponsor: Zaffirini

House Bill 1544 amends the Tax Code to establish that, under the following conditions, the eligibility of land for appraisal as qualified open-space land does not end because the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area:

- the owner of the land intends that the use of the land in that manner and to that degree of intensity be resumed;
- the land is used for a sand mining operation that overlies the Carrizo-Wilcox Aquifer and that is located within certain proximity of a populous municipality or family residence; and

- the land is reclaimed according to Texas Commission on Environmental Quality standard best practices not later than the first anniversary of the date sand mining operations began on the land.

The bill sets out provisions relating to the process for a landowner to claim this continued eligibility.

Governor’s Reason for Veto: “House Bill 1544 would single out sand-mining operations, and only those within a specific geographic area, for preferential tax treatment. Currently, sand mining is not a qualifying use under open-space appraisal. House Bill 1544 would change that to allow property owners in two counties, if they meet certain conditions, to retain their open-space appraisal if their property is used for sand mining for one year. It would also make the Texas Commission on Environmental Quality (TCEQ) create and enforce rules for reclamation of the sand mines.

“Although the bill is meant to incentivize property owners to reclaim sand mines, it gives a property tax benefit to a very narrow set of property owners that will not be available to other similarly situated property owners around the state. It also allows property owners to retain an open-space appraisal after they chose to put their property to another use, despite existing law that allows this only if the property owner had to involuntarily cease agricultural operations—such as during a drought or to control pests or diseases. And the bill does not set clear standards for TCEQ to use in adopting reclamation rules. For these reasons, House Bill 1544 must be disapproved.”

House Bill 2448

Effective: Vetoed

House Author: Canales

Senate Sponsor: Hinojosa

House Bill 2448 repeals a Code of Criminal Procedure provision that prohibits a surety’s liability on a bail bond from being relieved if the accused is in federal custody to determine whether the accused is lawfully present in the United States. The bill amends the Code of Criminal Procedure to make a conforming change.

Governor’s Reason for Veto: “During the 85th Legislature, I signed Senate Bill 4 into law to help secure the border. I have fought—and continue to fight—to protect all Texans from dangerous cartels, smugglers, and human traffickers. Because the federal government has failed to act during the ongoing border crisis, Texas has deployed numerous resources to combat the dangers faced in border communities. House Bill 2448 would go in the wrong direction, reversing a good change made by Senate Bill 4 and facilitating the release of potentially dangerous criminals from jail. That is an objective I cannot support.”

House Bill 2667

Effective: Vetoed

House Author: Smithee et al.

Senate Sponsor: Perry et al.

House Bill 2667 amends the Utilities Code to subject each provider of Voice over Internet Protocol (VoIP) service that has access to the customer base to the uniform charge imposed on certain telecommunications providers to fund the Texas universal service fund (TUSF). With respect to the uniform charge generally, the bill prohibits the Public Utility Commission of Texas from assessing the charge in a manner that is not technology-neutral or that grants an unreasonable preference based on technology. The bill defines “high cost rural area” as that term relates to the TUSF purpose of assisting in the provision of basic local telecommunications service at reasonable rates in such areas.

Governor’s Reason for Veto: “Coming into the 87th Legislative Session, everyone knew the Legislature needed to consider significant reforms on broadband and the Texas Universal Service Fund. Transformational broadband reform was achieved through multiple bills that have been signed into law, which significantly expand broadband access in Texas, especially in rural areas. Yet the only meaningful change made to the Texas Universal Service Fund was, in House Bill 2667, to expand the number of people paying fees. It would have imposed a new fee on millions of Texans.”

Vetoes by the Governor

[House Bill 2803](#)

Effective: Vetoed

House Author: Thompson, Senfronia et al.

Senate Sponsor: Huffman

House Bill 2803 amends the Property Code to establish that the landlord of a multiunit commercial property is in breach of a lease with a tenant if the tenant reasonably believes that another tenant in the same multiunit commercial property is engaging in an unlawful activity as defined by the bill, the complaining tenant takes specified steps to report the activity, and the landlord does not file a forcible detainer suit against the offending tenant by a certain deadline. If the landlord is in breach of the tenant's lease on such grounds, the tenant may terminate their rights and obligations under the lease, vacate the leased premises, and avoid liability for future rent and any applicable sums due under the lease. For purposes of these provisions, "unlawful activity" means certain prostitution offenses, trafficking of persons, or operating, maintaining, or advertising a massage establishment that is not compliant with applicable state law or local ordinances relating to the licensing or regulation of massage establishments.

House Bill 2803 establishes that a commercial tenant's right of possession terminates and the landlord has a right to repossess the leased premises if the tenant is using or allowing the use of those premises to operate, maintain, or advertise a massage establishment that is not compliant with applicable state law or local ordinances relating to the licensing or regulation of massage establishments.

Governor's Reason for Veto: "House Bill 2803 seeks to prevent human trafficking, an aim I whole-heartedly share and applaud the author and sponsor for advancing. I have fought against human trafficking throughout my service as Attorney General and Governor. But House Bill 2803 goes about it in the wrong way, pitting tenants against other tenants and landlords, and drawing in basic licensing rules that are unrelated to trafficking. Texas law already allows a landlord to seek forcible eviction upon a reasonable belief that a tenant is engaging in prostitution or human trafficking on the premises. Under House Bill 2803, however, one tenant could have another tenant dragged into court just by making an accusation to the landlord, of something as mundane as sloppy recordkeeping by a massage establishment. That is no basis for governmental interference with a private contract between the landlord and the finger-pointing tenant. And the landlord is caught in the middle, practically forced to file against an allegedly offending tenant to avoid the severe, artificial consequences from inaction. The bill would be ripe for abuse by a disgruntled tenant looking for a way to break the lease or harass the neighbors.

The unforeseen negative consequences of this bill could be substantial, with no potential remedy until some future legislative session would be able to fix the flaws in the statute. But even then, there is never any certainty that a proposed bill would pass. The better strategy is to prepare a more narrowly tailored bill to achieve the end sought while avoiding the potential adverse consequences."

[House Bill 3135](#)

Effective: Vetoed

House Author: Cole

Senate Sponsor: Eckhardt

House Bill 3135 amends the Special District Local Laws Code to revise provisions governing the SH130 Municipal Management District No. 1. Among other changes, the bill provides for county consent for the district to issue bonds, adopt a sales and use tax, and impose a hotel occupancy tax and authorizes the district to define areas or designate district property to pay for improvements, facilities, or services that primarily benefit that area or property and do not generally and directly benefit the district as a whole. The bill exempts the district from certain restrictions on the annexation of a defined area and from a prohibition against imposing impact fees, assessments, or taxes on certain residential property.

Governor's Reason for Veto: "House Bill 3135 would levy special assessments on residential properties and allow the City of Austin to subsequently annex the very improvements paid for by these property owners. The effect of this bill would be to impose additional costs on property owners for specific improvements, only to see the City annex the improved area without bearing any of the cost. I signed property-tax reform two years ago to keep local governments from spending outside their means. House Bill 3135 evades the intent of those reforms and is unacceptable."

House Bill 3207**Effective:** Vetoes**House Author:** Herrero et al.**Senate Sponsor:** Menéndez et al.

House Bill 3207 amends the Government Code to prohibit the Teacher Retirement System of Texas from withholding a monthly benefit payment from a retiree due to a resumption of service if the retiree is employed in a Texas public educational institution in a position in an area subject to a disaster declaration under the Texas Disaster Act of 1975 while the declaration is in effect.

Governor’s Reason for Veto: “The Teacher Retirement System of Texas relies on a sophisticated set of rules to ensure that current and former teachers’ pension funds are protected, and a key component of that is an “Employment After Retirement” policy that triggers penalties if a retired school employee returns to service in violation of the rules. House Bill 3207 would dismantle that careful architecture, eliminating penalties for violations in any area subject to any disaster declaration. The desire to help both retirees and school children is laudable, but the bill lacks the necessary safeguards. Not every disaster merits the same response, and disaster declarations often must remain in place for an extended period of time in order to ensure the availability of federal assistance long after immediate personnel needs have been met. In order to protect the pension fund, the exception contemplated by House Bill 3207 needs to be tailored to actual needs.”

House Bill 4218**Effective:** Vetoes**House Author:** Craddick**Senate Sponsor:** Hughes

House Bill 4218 amends the Property Code to authorize a person to bring a cause of action for a bad faith washout of the person’s overriding royalty interest in an oil and gas lease. The bill authorizes an owner of an overriding royalty interest who prevails in such an action to recover actual damages, court costs and attorney’s fees, and the enforcement of a constructive trust on the oil and gas lease or mineral estate acquired to accomplish the washout of the overriding royalty interest.

Governor’s Reason for Veto: “Texas prizes the freedom of parties to enter into private contracts and to have their bargains enforced. House Bill 4218 would contravene these principles, representing a remarkable intrusion by the State into the contractual relationship between overriding royalty interest-holders and oil-and-gas lessees. The Legislature sought to address a “wash out” of an interest-holder, where a lessee allows the lease to terminate—which extinguishes the royalty interest under some contracts—and then acquires a new lease on the same property. But those are contractual rights the parties bargained for, and the interest-holder could have given something up in exchange for protection from a wash out. The answer is not to trample every such contract in Texas and provide an extra-contractual cause of action against the lessee, paired with an award of fees for the lawyers who will surely seek out these claims. Instead of enriching lawyers through costly litigation on the back end, as House Bill 4218 would do, Texas law should encourage the parties to negotiate wash out protections in advance.”

Senate Bill 1**Effective:** See below**Senate Author:** Nelson**House Sponsor:** Bonnen

Senate Bill 1, the General Appropriations Act, as passed by the legislature, appropriated approximately \$248.6 billion for the 2022-2023 state fiscal biennium. However, following the regular session, the governor exercised his line-item veto authority to veto most of Article X of the bill, which provided funding for the legislative branch of state government. As a result of the veto, only roughly \$248.1 billion of those appropriations ultimately became law as part of the biennial state budget, of which \$126.1 billion is for state fiscal year 2022 and \$122 billion is for state fiscal year 2023. Those amounts include all funding sources except interagency contracts. Of the total amount appropriated, more than \$122.2 billion, or roughly 49 percent, is derived from general revenue, both dedicated and nondedicated. Another \$84.8 billion, or 34.2 percent, represents federal funding, while the remaining \$41.1 billion, or 16.5 percent, comes from other funds such as the State Highway Fund and the Economic Stabilization Fund, otherwise known as the state’s Rainy Day Fund. (Figures and percentages may not add up due to rounding.) The \$248.1 billion budgetary

Vetoed by the Governor

total represents a decrease of approximately one percent over the budget approved for the 2020-2021 state fiscal biennium.

Legislative appropriations for major governmental functions and services for the 2022-2023 state fiscal biennium compared with appropriations for the preceding biennium are as follows, listed by budgetary article, excluding Article X:

- Article I - General Government receives \$6.9 billion, a decrease of 6.8 percent;
- Article II - Health and Human Services receives \$86.7 billion, an increase of 2.7 percent;
- Article III - Agencies of Education receives \$93.5 billion, an increase of 12.7 percent;
- Article IV - The Judiciary receives \$928.2 million, an increase of 4 percent;
- Article V - Public Safety and Criminal Justice receives \$12.9 billion, a decrease of 19.4 percent;
- Article VI - Natural Resources receives \$7.5 billion, a decrease of 16.7 percent;
- Article VII - Business and Economic Development receives \$36.5 billion, a decrease of 1.6 percent;
- Article VIII - Regulatory receives \$728 million, an increase of 12.4 percent; and
- Article IX - General Provisions receives \$2.4 billion, a decrease of 79.7 percent.

Article IX also contains the state employee position classification plan and salary schedule for the 2022-2023 biennium.

Except for Article X, which does not take effect due to the governor's veto, Senate Bill 1 takes effect September 1, 2021.

Governor's Reason for Veto of most of Article X: "Texans don't run from a legislative fight, and they don't walk away from unfinished business. Funding should not be provided for those who quit their job early, leaving their state with unfinished business and exposing taxpayers to higher costs for an additional legislative session. I therefore object to and disapprove of these appropriations."

Senate Bill 36

Effective: Vetoed

Senate Author: Zaffirini

House Sponsor: Turner, Chris

Senate Bill 36 amends the Education Code to include a report made to a peace officer or a law enforcement agency as a qualifying report for purposes of an offense involving a failure to report an incident of personal hazing. The bill extends the immunity from civil or criminal liability granted to a person who voluntarily reports such an incident in the context of an educational institution's investigation or related process to include a person who cooperates in good faith with any law enforcement agency investigation regarding the incident. The bill establishes the Collaborative Task Force on Higher Education Mental Health Services to study and evaluate direct mental health services at public institutions of higher education, including those provided to students who have experienced hazing.

Governor's Reason for Veto: "Hazing on campus is a serious problem that deserves serious attention, which is why I signed Senate Bill 38 into law last session. This session's Senate Bill 36 was a worthy effort to further clarify the anti-hazing statute, until the House sponsor added an unnecessary provision that would simply grow government by creating yet another new task force. It is important to ensure that students receive mental-health services, and Texas's existing agencies and institutions can already study the issues that would be addressed by this vast new bureaucratic entity. Unfortunately, the Senate author's good idea to clean up a statute has been undercut by the House sponsor."

Senate Bill 237

Effective: Vetoed

Senate Author: Bettencourt et al.

House Sponsor: Gervin-Hawkins et al.

Senate Bill 237 amends the Code of Criminal Procedure to include a person charged with committing a Class B misdemeanor criminal trespass offense among the persons to whom a peace officer may issue a citation containing notice to appear instead of taking the person before a magistrate.

Governor’s Reason for Veto: “Senate Bill 237 would add criminal trespass to the list of offenses for which law enforcement can “cite and release” instead of arrest an intruder. I appreciate the good intentions of the bill’s author and supporters, but it would allow (and tempt) agencies to categorically mandate cite-and-release for this crime, taking away an important tool for officers to keep Texans safe. It would have a particularly troubling impact in the City of Austin, where local voters recently condemned the City’s self-inflicted homelessness crisis, because businesses and homeowners count on criminal-trespass arrests to protect themselves and their guests from homeless people who refuse to leave their property. It would also contravene the State’s goal of maintaining law and order in communities along the border.”

Senate Bill 281

Effective: Vetoed

Senate Author: Hinojosa et al.

House Sponsor: Lucio III

Senate Bill 281 amends the Code of Criminal Procedure to make inadmissible against a defendant in a criminal trial all statements made during or after a hypnotic session by a person who has undergone investigative hypnosis for the purpose of enhancing the person’s recollection of an event at issue in a criminal investigation or case. The bill’s provisions do not affect the admissibility of any physical evidence or the testimony of any witness identified that independently corroborates a crime.

Governor’s Reason for Veto: “The author of Senate Bill 281 is to be commended for aiming to bring accountability to the criminal justice system by addressing the use of investigative hypnosis. But the House sponsor’s late amendment to the bill would dramatically expand its scope in an unacceptable way. The sponsor added language so that for any person who has undergone investigative hypnosis, all statements that person makes “after” the hypnosis—even ones made long “after” the hypnosis session and unrelated to that session—are barred from being admitted into evidence in any criminal trial. The House sponsor’s amendment would grant lifetime immunity, for everyone who undergoes this type of hypnosis, from having any subsequent statements used in a criminal trial.”

Senate Bill 474

Effective: Vetoed

Senate Author: Lucio et al.

House Sponsor: Collier et al.

Senate Bill 474 repeals and replaces Health and Safety Code provisions prohibiting the unlawful restraint of a dog. Among other provisions, the bill prohibits an owner, with certain exceptions, from leaving a dog outside and unattended by use of a restraint without access to certain provisions. The bill establishes criminal penalties.

Governor’s Reason for Veto: “Texans love their dogs, so it is no surprise that our statutes already protect them by outlawing true animal cruelty. Yet Senate Bill 474 would compel every dog owner, on pain of criminal penalties, to monitor things like the tailoring of the dog’s collar, the time the dog spends in the bed of a truck, and the ratio of tether-to-dog length, as measured from the tip of the nose to the base of the tail. Texas is no place for this kind of micro-managing and over-criminalization.”

Senate Bill 813

Effective: Vetoed

Senate Author: Hughes

House Sponsor: Hefner

Senate Bill 813 repeals Tax Code provisions allowing all or part of a franchise tax credit awarded under the Texas Historic Preservation Tax Credit Program to be claimed against insurance premium tax liability and amends the Insurance Code to establish in law instead a separate credit against insurance premium taxes for an entity that engages in historic preservation that would qualify the entity for the franchise tax credit. The bill establishes provisions governing the premium tax credit that are substantively the same as those governing the franchise tax credit and clarifies that an entity may not receive both credits for the same eligible costs and expenses.

Governor’s Reason for Veto: “I am vetoing Senate Bill 813 at the request of the author and sponsor based on the Legislature’s passage of House Bill 3777, which would amend the Texas Tax Code to narrow the applicability of the Texas Historic Preservation Tax Credit Program. That program issues franchise tax or

Vetoes by the Governor

insurance premium tax credits worth up to 25 percent of the eligible expenses of rehabilitating a certified historic structure. Senate Bill 813 would have duplicated the authorizing statute for the program in the Texas Insurance Code, but would have created parameters for certified historic structures that differ from House Bill 3777 and thus could cause confusion with respect to the qualification of a project for insurance or franchise tax credits.”

[Senate Bill 1109](#)

Effective: Vetoed

Senate Author: West et al.

House Sponsor: Anchia

Senate Bill 1109 amends the Education Code to require the State Board of Education to adopt rules requiring students to receive instruction on the prevention of child abuse, family violence, and dating violence at least once in middle or junior high school and at least twice in high school. The bill sets out information required to be included in the instruction, revises the required contents of a public school district’s dating violence policy, and requires a district, to the extent possible, to make available to students certain educational materials and resources relating to dating violence.

Governor’s Reason for Veto: “Senate Bill 1109 would require every school district to provide instruction to middle school and high school students regarding the prevention of child abuse, family violence, and dating violence. These are important subjects and I respect the Senate author’s good intentions, but the bill fails to recognize the right of parents to opt their children out of the instruction. I have vetoed similar legislation before on this ground, because we must safeguard parental rights regarding this type of instruction. I look forward to working with the Legislature on a narrower approach.”

[Senate Bill 1458](#)

Effective: Vetoed

Senate Author: Zaffirini

House Sponsor: Neave

Senate Bill 1458 amends the Code of Criminal Procedure, Family Code, and Government Code to require the Office of Court Administration of the Texas Judicial System (OCA) to develop and make available on the OCA website standardized forms and other materials necessary to apply for, issue, deny, revise, rescind, serve, and enforce the following orders:

- a protective order or temporary ex parte order for family violence or for victims of sexual assault or abuse, stalking, or trafficking; or
- a magistrate’s order for emergency protection.

The bill requires use of the forms by courts and magistrates issuing such orders and by individuals applying for protective orders.

Governor’s Reason for Veto: “Senate Bill 1458’s goal of having model forms for protective orders, orders for emergency protection, and temporary ex parte orders is a sound one, but this is already allowed. The Office of Court Administration can, and is encouraged to, create model forms to help achieve the commendable goals behind Senate Bill 1458. But the bill would go further and impose categorical mandates that courts use standardized forms, without addressing what happens if a court deviates from the prescribed form and without allowing flexibility for unique cases. I vetoed similar legislation last session because, without appropriate safeguards, mandating the use of standardized forms in criminal cases sets a trap for courts whose orders may be challenged as void for deviating from the form and creates loopholes for opportunistic litigants to pursue needless challenges. I appreciate the good intentions of the bill author and sponsor in aiming to protect the victims of horrible crimes like family violence and sexual assault, but the mandatory use of standardized forms can inadvertently cause more problems that may detract from the effort to help victims.”

[Senate Bill 1772](#)

Effective: Vetoed

Senate Author: Zaffirini et al.

House Sponsor: Zwiener et al.

Senate Bill 1772 amends the Education Code to require Texas A&M AgriLife Extension, in consultation with the Department of Agriculture and the Parks and Wildlife Department, to establish and implement the

Texas Pollinator-Smart program to encourage the voluntary establishment and conservation of habitats for bees, birds, and other pollinators in and near solar energy sites. The bill requires the extension to develop related educational materials and to award the Texas Pollinator-Smart certificate to solar energy sites with pollinator habitats that meet or achieve an applicable standard. Implementation of a provision of this bill by the extension is mandatory only if a specific appropriation is made for that purpose.

Governor's Reason for Veto: "Senate Bill 1772 offered a program that was totally voluntary. Voluntary laws are not needed to drive public behavior."

This page intentionally left blank.

INDEX TO ENACTED BILLS AND JOINT RESOLUTIONS BY BILL AND JOINT RESOLUTION NUMBER

House Bill 1 (3rd C.S.)	219	House Bill 374	239
House Bill 2	11	House Bill 375	37
House Bill 4	95	House Bill 385	27
House Bill 5	277	House Bill 390	17
House Bill 5 (2nd C.S.)	11	House Bill 402	38
House Bill 7	141	House Bill 428	127
House Bill 7 (2nd C.S.)	73	House Bill 454	137
House Bill 9	37	House Bill 458	77
House Bill 9 (2nd C.S.)	12	House Bill 465	27
House Bill 16	277	House Bill 525	63
House Bill 17	277	House Bill 531	177
House Bill 18	127	House Bill 532	265
House Bill 19	23	House Bill 533	251
House Bill 20 (2nd C.S.)	17	House Bill 547	188
House Bill 21	141	House Bill 549	96
House Bill 25 (3rd C.S.)	187	House Bill 558	147
House Bill 29	213	House Bill 567	77
House Bill 30	27	House Bill 569	38
House Bill 33	159	House Bill 572	188
House Bill 39	77	House Bill 574	55
House Bill 54	147	House Bill 604	151
House Bill 72	151	House Bill 619	141
House Bill 79	31	House Bill 624	38
House Bill 80	137	House Bill 626	159
House Bill 103	213	House Bill 632	69
House Bill 113	17	House Bill 636	247
House Bill 115	251	House Bill 654	177
House Bill 119	95	House Bill 686 (vetoed)	137, 289
House Bill 133	95	House Bill 690	188
House Bill 133 (3rd C.S.)	119	House Bill 692	91
House Bill 135	77	House Bill 699	188
House Bill 139	159	House Bill 700	78
House Bill 159	187	House Bill 707	96
House Bill 180	151	House Bill 719	28
House Bill 189	187	House Bill 721	28
House Bill 222	3	House Bill 723	96
House Bill 246	37	House Bill 725	188
House Bill 295	37	House Bill 735	18
House Bill 315	147	House Bill 738	151
House Bill 317	127	House Bill 750	188
House Bill 362	151	House Bill 757	165
House Bill 365	23	House Bill 763	9
House Bill 368	265	House Bill 766	38

Index

House Bill 769	127	House Bill 1115	265
House Bill 773	189	House Bill 1116	265
House Bill 780	96	House Bill 1118	239
House Bill 781	213	House Bill 1128	55
House Bill 785	189	House Bill 1133	189
House Bill 786	213	House Bill 1147	190
House Bill 787 (vetoed)	28, 289	House Bill 1153	177
House Bill 788	63	House Bill 1154	221
House Bill 792	152	House Bill 1156	39
House Bill 797	96	House Bill 1164	97
House Bill 837	278	House Bill 1172	39
House Bill 840	152	House Bill 1193 (vetoed)	137, 289
House Bill 851	78	House Bill 1195	252
House Bill 867	78	House Bill 1197	252
House Bill 868	78	House Bill 1213	97
House Bill 871	152	House Bill 1227	79
House Bill 872	278	House Bill 1228	63
House Bill 876	18	House Bill 1239	63
House Bill 885	119	House Bill 1240 (vetoed)	153, 290
House Bill 900	177	House Bill 1247	141
House Bill 911	159	House Bill 1252	190
House Bill 912	160	House Bill 1256	31
House Bill 914	152	House Bill 1257	265
House Bill 917	207	House Bill 1258	87
House Bill 918	214	House Bill 1259	119
House Bill 929	147	House Bill 1264	55
House Bill 954	28	House Bill 1276	97
House Bill 957	214	House Bill 1278	178
House Bill 963	73	House Bill 1280	97
House Bill 977	221	House Bill 1281	265
House Bill 981	119	House Bill 1284	69
House Bill 988	251	House Bill 1296	173
House Bill 999	189	House Bill 1297	173
House Bill 1005	38	House Bill 1301	51
House Bill 1011	96	House Bill 1306	39
House Bill 1012	177	House Bill 1307	28
House Bill 1024	9	House Bill 1315	79
House Bill 1027	119	House Bill 1321	266
House Bill 1033	128	House Bill 1322	239
House Bill 1049	152	House Bill 1325	120
House Bill 1057	239	House Bill 1338	221
House Bill 1062	160	House Bill 1363	98
House Bill 1069	214	House Bill 1371	3
House Bill 1070	3	House Bill 1372	79
House Bill 1071	31	House Bill 1382	55
House Bill 1080	189	House Bill 1387	79
House Bill 1081	160	House Bill 1397	55
House Bill 1082	169	House Bill 1400	39
House Bill 1090	252	House Bill 1401	138

House Bill 1403	39	House Bill 1664	138
House Bill 1407	214	House Bill 1677	147
House Bill 1410	221	House Bill 1680	73
House Bill 1419	39	House Bill 1681	99
House Bill 1423	98	House Bill 1689	128
House Bill 1428	153	House Bill 1693	31
House Bill 1434	98	House Bill 1694	40
House Bill 1445	252	House Bill 1698	266
House Bill 1456	222	House Bill 1699	171
House Bill 1472	51	House Bill 1706	32
House Bill 1475	153	House Bill 1728	160
House Bill 1476	91	House Bill 1729	9
House Bill 1477 (vetoed)	91, 290	House Bill 1752	141
House Bill 1480	3	House Bill 1753	141
House Bill 1484	278	House Bill 1755	9
House Bill 1493	18	House Bill 1758	148
House Bill 1500	63	House Bill 1759	266
House Bill 1505	279	House Bill 1763	128
House Bill 1510	279	House Bill 1777	129
House Bill 1514	178	House Bill 1787	129
House Bill 1516	98	House Bill 1788	192
House Bill 1518	9	House Bill 1792	142
House Bill 1520	279	House Bill 1799	142
House Bill 1522	120	House Bill 1802	160
House Bill 1525	190	House Bill 1831	32
House Bill 1526	99	House Bill 1849	79
House Bill 1535	99	House Bill 1863	266
House Bill 1540	40	House Bill 1869	253
House Bill 1543	222	House Bill 1900	148
House Bill 1544 (vetoed)	252, 290	House Bill 1904	287
House Bill 1545	247	House Bill 1905	287
House Bill 1554	222	House Bill 1906	40
House Bill 1558	160	House Bill 1914	100
House Bill 1560	247	House Bill 1919	129
House Bill 1564	178	House Bill 1920	215
House Bill 1570	248	House Bill 1925	153
House Bill 1571	99	House Bill 1927	215
House Bill 1572	280	House Bill 1929	154
House Bill 1576	19	House Bill 1935	100
House Bill 1578	24	House Bill 1936	161
House Bill 1585	248	House Bill 1938	148
House Bill 1589	64	House Bill 1939	24
House Bill 1603	191	House Bill 1957	9
House Bill 1606	222	House Bill 1958	3
House Bill 1616	99	House Bill 1966	100
House Bill 1618	222	House Bill 1967	100
House Bill 1622	55	House Bill 1987	56
House Bill 1658	253	House Bill 2004	4
House Bill 1659	179	House Bill 2005	100

Index

House Bill 2022	207	House Bill 2382	223
House Bill 2025	240	House Bill 2390	223
House Bill 2048	266	House Bill 2404	51
House Bill 2056	100	House Bill 2416	24
House Bill 2058	79	House Bill 2429	253
House Bill 2063	240	House Bill 2430	154
House Bill 2064	179	House Bill 2431	267
House Bill 2073	154	House Bill 2448 (vetoed)	41, 291
House Bill 2080	253	House Bill 2462	42
House Bill 2083	222	House Bill 2483	280
House Bill 2086	24	House Bill 2494	223
House Bill 2089	4	House Bill 2497	240
House Bill 2090	130	House Bill 2509	120
House Bill 2091	101	House Bill 2519	192
House Bill 2093	101	House Bill 2521	267
House Bill 2094	223	House Bill 2530	254
House Bill 2106	19	House Bill 2533	165
House Bill 2107	138	House Bill 2535	254
House Bill 2110	179	House Bill 2536	80
House Bill 2112	215	House Bill 2581	92
House Bill 2116	24	House Bill 2586	280
House Bill 2127	10	House Bill 2595	130
House Bill 2152	266	House Bill 2607	142
House Bill 2167	266	House Bill 2610	154
House Bill 2168	165	House Bill 2622	215
House Bill 2171	207	House Bill 2633	102
House Bill 2201	69	House Bill 2658	102
House Bill 2205	101	House Bill 2660	240
House Bill 2209	253	House Bill 2667 (vetoed)	280, 291
House Bill 2211	101	House Bill 2669	138
House Bill 2213	102	House Bill 2675	216
House Bill 2219	266	House Bill 2677	148
House Bill 2223	267	House Bill 2678	267
House Bill 2225	287	House Bill 2681	193
House Bill 2235	223	House Bill 2698	10
House Bill 2237	179	House Bill 2706	42
House Bill 2256	192	House Bill 2708	73
House Bill 2283	56	House Bill 2721	193
House Bill 2287	192	House Bill 2723	254
House Bill 2301	41	House Bill 2728	241
House Bill 2315	41	House Bill 2730	180
House Bill 2326	171	House Bill 2748	267
House Bill 2343	64	House Bill 2749	267
House Bill 2352	29	House Bill 2757	165
House Bill 2357	41	House Bill 2803 (vetoed)	181, 292
House Bill 2361	73	House Bill 2807	267
House Bill 2365	102	House Bill 2819	131
House Bill 2366	41	House Bill 2822	103
House Bill 2374	80	House Bill 2827	120

House Bill 2831	29	House Bill 3348	120
House Bill 2835	223	House Bill 3363	43
House Bill 2840	4	House Bill 3374	19
House Bill 2841	4	House Bill 3375	208
House Bill 2847	223	House Bill 3379	81
House Bill 2850	4	House Bill 3388	241
House Bill 2857	169	House Bill 3390	268
House Bill 2879	181	House Bill 3394	173
House Bill 2893	182	House Bill 3395	269
House Bill 2896	12	House Bill 3399	269
House Bill 2911	64	House Bill 3401	161
House Bill 2920	131	House Bill 3415	155
House Bill 2924	80	House Bill 3416	69
House Bill 2926	80	House Bill 3433	131
House Bill 2941	254	House Bill 3436	224
House Bill 2950	32	House Bill 3442	5
House Bill 2951	224	House Bill 3452	148
House Bill 3009	80	House Bill 3456	193
House Bill 3012	166	House Bill 3459	131
House Bill 3026	267	House Bill 3476	281
House Bill 3041	81	House Bill 3481	241
House Bill 3067	268	House Bill 3489	194
House Bill 3069	25	House Bill 3496	269
House Bill 3081	171	House Bill 3510	87
House Bill 3088	103	House Bill 3512	269
House Bill 3107	56	House Bill 3514	269
House Bill 3115	182	House Bill 3516	70
House Bill 3121	103	House Bill 3521	43
House Bill 3130	92	House Bill 3529	20
House Bill 3131	19	House Bill 3530	224
House Bill 3132	5	House Bill 3533	269
House Bill 3135 (vetoed)	224, 292	House Bill 3564	132
House Bill 3140	224	House Bill 3571	182
House Bill 3157	42	House Bill 3578	254
House Bill 3165	81	House Bill 3583	92
House Bill 3203	81	House Bill 3584	241
House Bill 3207 (vetoed)	207, 293	House Bill 3597	194
House Bill 3212	268	House Bill 3606	29
House Bill 3215	74	House Bill 3607	242
House Bill 3217	254	House Bill 3610	194
House Bill 3257	241	House Bill 3615	281
House Bill 3261	193	House Bill 3617	87
House Bill 3271	51	House Bill 3629	255
House Bill 3282	268	House Bill 3630	270
House Bill 3286	268	House Bill 3643	194
House Bill 3289	5	House Bill 3644	242
House Bill 3319	268	House Bill 3648	70
House Bill 3324	268	House Bill 3665	270
House Bill 3340	32	House Bill 3682	255

Index

House Bill 3689	281	House Bill 4294	243
House Bill 3712	149	House Bill 4344	33
House Bill 3717	281	House Bill 4346	216
House Bill 3720	104	House Bill 4356	224
House Bill 3721	216	House Bill 4361	121
House Bill 3746	20	House Bill 4368	208
House Bill 3752	132	House Bill 4374	182
House Bill 3767	142	House Bill 4436	171
House Bill 3769	132	House Bill 4454	225
House Bill 3774	32	House Bill 4472	74
House Bill 3777	255	House Bill 4474	20
House Bill 3786	255	House Bill 4477	87
House Bill 3788	255	House Bill 4492	282
House Bill 3794	70	House Bill 4509	195
House Bill 3799	255	House Bill 4544	138
House Bill 3800	242	House Bill 4545	195
House Bill 3807	171	House Bill 4555	56
House Bill 3821	161	House Bill 4568	139
House Bill 3833	255	House Bill 4577	225
House Bill 3853	282	House Bill 4578	225
House Bill 3856	5	House Bill 4579	225
House Bill 3897	10	House Bill 4580	226
House Bill 3898	208	House Bill 4584	226
House Bill 3920	56	House Bill 4585	226
House Bill 3924	132	House Bill 4588	226
House Bill 3927	270	House Bill 4589	226
House Bill 3932	161	House Bill 4590	226
House Bill 3938	143	House Bill 4591	226
House Bill 3959	5	House Bill 4592	226
House Bill 3961	104	House Bill 4594	227
House Bill 3971	256	House Bill 4604	227
House Bill 3973	70	House Bill 4605	227
House Bill 3979	194	House Bill 4606	227
House Bill 4018	242	House Bill 4609	227
House Bill 4030	132	House Bill 4610	227
House Bill 4048	104	House Bill 4611	227
House Bill 4056	243	House Bill 4612	227
House Bill 4068	208	House Bill 4614	228
House Bill 4074	104	House Bill 4615	228
House Bill 4080	270	House Bill 4616	228
House Bill 4103	256	House Bill 4617	228
House Bill 4107	182	House Bill 4621	228
House Bill 4110	166	House Bill 4626	228
House Bill 4124	161	House Bill 4627	228
House Bill 4158	138	House Bill 4628	229
House Bill 4202	120	House Bill 4634	229
House Bill 4218 (vetoed)	70, 293	House Bill 4635	229
House Bill 4279	143	House Bill 4638	229
House Bill 4293	33	House Bill 4641	229

House Bill 4642	229	Senate Bill 23	149
House Bill 4645	229	Senate Bill 24	149
House Bill 4646	229	Senate Bill 25	106
House Bill 4649	230	Senate Bill 30	182
House Bill 4650	230	Senate Bill 36 (vetoed)	121, 294
House Bill 4651	230	Senate Bill 40	106
House Bill 4652	230	Senate Bill 41	34
House Bill 4654	230	Senate Bill 43	88
House Bill 4658	230	Senate Bill 44	64
House Bill 4659	230	Senate Bill 45	144
House Bill 4662	230	Senate Bill 48	29
House Bill 4663	230	Senate Bill 49	44
House Bill 4664	243	Senate Bill 50	106
House Bill 4665	231	Senate Bill 52 (3rd C.S.)	121
House Bill 4666	231	Senate Bill 56	169
House Bill 4667	243	Senate Bill 58	155
House Bill 4668	231	Senate Bill 59	93
House Bill 4669	231	Senate Bill 62	243
House Joint Resolution 99	155	Senate Bill 63	257
House Joint Resolution 125	256	Senate Bill 64	149
House Joint Resolution 143	166	Senate Bill 69	150
House Joint Resolution 165	34	Senate Bill 73	107
Senate Bill 1 (vetoed)	13, 293	Senate Bill 89	197
Senate Bill 1 (2nd C.S.)	57	Senate Bill 109	44
Senate Bill 1 (3rd C.S.)	256	Senate Bill 111	44
Senate Bill 2	282	Senate Bill 112	150
Senate Bill 3	283	Senate Bill 113	257
Senate Bill 3 (2nd C.S.)	196	Senate Bill 123	197
Senate Bill 4	243	Senate Bill 149	45
Senate Bill 4 (2nd C.S.)	105	Senate Bill 153	258
Senate Bill 4 (3rd C.S.)	219	Senate Bill 157	183
Senate Bill 5 (3rd C.S.)	43	Senate Bill 160	271
Senate Bill 6	25	Senate Bill 162	45
Senate Bill 6 (2nd C.S.)	43	Senate Bill 165	121
Senate Bill 6 (3rd C.S.)	219	Senate Bill 168	197
Senate Bill 7 (2nd C.S.)	209	Senate Bill 179	198
Senate Bill 7 (3rd C.S.)	219	Senate Bill 181	271
Senate Bill 8	105	Senate Bill 184	107
Senate Bill 8 (2nd C.S.)	256	Senate Bill 186	155
Senate Bill 8 (3rd C.S.)	13	Senate Bill 195	10
Senate Bill 9 (2nd C.S.)	196	Senate Bill 197	258
Senate Bill 12 (2nd C.S.)	257	Senate Bill 198	150
Senate Bill 13	93	Senate Bill 199	107
Senate Bill 13 (2nd C.S.)	61	Senate Bill 202	209
Senate Bill 15	270	Senate Bill 204	198
Senate Bill 15 (2nd C.S.)	196	Senate Bill 211	74
Senate Bill 19	93	Senate Bill 219	25
Senate Bill 20	216	Senate Bill 220	93
Senate Bill 22	143	Senate Bill 224	107

Index

Senate Bill 225	107	Senate Bill 454	110
Senate Bill 226	198	Senate Bill 456	34
Senate Bill 230	155	Senate Bill 460	161
Senate Bill 231	61	Senate Bill 462	199
Senate Bill 232	26	Senate Bill 464	110
Senate Bill 237 (vetoed)	45, 294	Senate Bill 474 (vetoed)	46, 295
Senate Bill 239	108	Senate Bill 475	244
Senate Bill 244	169	Senate Bill 476	216
Senate Bill 248	108	Senate Bill 477	258
Senate Bill 263	108	Senate Bill 479	231
Senate Bill 270	108	Senate Bill 480	122
Senate Bill 271	108	Senate Bill 481	199
Senate Bill 279	198	Senate Bill 483	210
Senate Bill 280	45	Senate Bill 484	162
Senate Bill 281 (vetoed)	45, 295	Senate Bill 500	110
Senate Bill 282	244	Senate Bill 504	156
Senate Bill 284	109	Senate Bill 507	285
Senate Bill 285	81	Senate Bill 510	244
Senate Bill 286	82	Senate Bill 511	139
Senate Bill 288	209	Senate Bill 516	47
Senate Bill 289	198	Senate Bill 530	47
Senate Bill 291	20	Senate Bill 538	93
Senate Bill 295	46	Senate Bill 550	217
Senate Bill 296	258	Senate Bill 560	199
Senate Bill 297	166	Senate Bill 567	82
Senate Bill 312	46	Senate Bill 572	110
Senate Bill 313	258	Senate Bill 576	47
Senate Bill 315	166	Senate Bill 581	183
Senate Bill 318	183	Senate Bill 586	271
Senate Bill 321	209	Senate Bill 598	61
Senate Bill 331	61	Senate Bill 599	171
Senate Bill 334	258	Senate Bill 600	231
Senate Bill 335	46	Senate Bill 601	71
Senate Bill 337	161	Senate Bill 604	232
Senate Bill 338	198	Senate Bill 609	51
Senate Bill 346	199	Senate Bill 611	259
Senate Bill 348	199	Senate Bill 615	173
Senate Bill 369	199	Senate Bill 617	6
Senate Bill 374	155	Senate Bill 623	162
Senate Bill 383	109	Senate Bill 626	174
Senate Bill 387	284	Senate Bill 630	232
Senate Bill 390	231	Senate Bill 632	232
Senate Bill 398	284	Senate Bill 633	271
Senate Bill 403	183	Senate Bill 634	6
Senate Bill 415	284	Senate Bill 635	232
Senate Bill 424	20	Senate Bill 640	110
Senate Bill 437	109	Senate Bill 642	82
Senate Bill 445	271	Senate Bill 669	287
Senate Bill 452	109	Senate Bill 672	110

Senate Bill 675	162	Senate Bill 841	169
Senate Bill 678	52	Senate Bill 851	245
Senate Bill 692	174	Senate Bill 855	21
Senate Bill 695	144	Senate Bill 858	272
Senate Bill 696	259	Senate Bill 860	167
Senate Bill 700	248	Senate Bill 863	64
Senate Bill 702	249	Senate Bill 872	75
Senate Bill 703	249	Senate Bill 873	260
Senate Bill 705	249	Senate Bill 874	133
Senate Bill 707	250	Senate Bill 876	272
Senate Bill 709	250	Senate Bill 877	65
Senate Bill 713	250	Senate Bill 879	200
Senate Bill 721	183	Senate Bill 884	122
Senate Bill 725	259	Senate Bill 885	184
Senate Bill 726	184	Senate Bill 886	163
Senate Bill 730	271	Senate Bill 900	75
Senate Bill 741	217	Senate Bill 901	272
Senate Bill 742	260	Senate Bill 903	261
Senate Bill 746	200	Senate Bill 904	82
Senate Bill 760	285	Senate Bill 905	288
Senate Bill 763	272	Senate Bill 906	29
Senate Bill 764	111	Senate Bill 907	83
Senate Bill 766	167	Senate Bill 910	83
Senate Bill 768	47	Senate Bill 911	21
Senate Bill 770	144	Senate Bill 916	261
Senate Bill 776	200	Senate Bill 918	133
Senate Bill 780	162	Senate Bill 922	217
Senate Bill 782	244	Senate Bill 930	111
Senate Bill 783	122	Senate Bill 937	122
Senate Bill 785	217	Senate Bill 938	163
Senate Bill 787	272	Senate Bill 941	272
Senate Bill 788	144	Senate Bill 952	75
Senate Bill 790	133	Senate Bill 957	48
Senate Bill 791	162	Senate Bill 959	122
Senate Bill 792	162	Senate Bill 965	134
Senate Bill 793	163	Senate Bill 966	65
Senate Bill 794	260	Senate Bill 967	111
Senate Bill 795	163	Senate Bill 968	65
Senate Bill 797	200	Senate Bill 969	66
Senate Bill 798	82	Senate Bill 970	111
Senate Bill 799	94	Senate Bill 984	111
Senate Bill 800	244	Senate Bill 993	112
Senate Bill 801	200	Senate Bill 997	285
Senate Bill 804	232	Senate Bill 1019	122
Senate Bill 809	111	Senate Bill 1028	134
Senate Bill 813 (vetoed)	260, 295	Senate Bill 1047	48
Senate Bill 818	144	Senate Bill 1055	273
Senate Bill 827	133	Senate Bill 1056	48
Senate Bill 833	260	Senate Bill 1059	83

Index

Senate Bill 1061	112	Senate Bill 1216	10
Senate Bill 1063	201	Senate Bill 1225	170
Senate Bill 1064	273	Senate Bill 1226	10
Senate Bill 1065	134	Senate Bill 1227	123
Senate Bill 1071	210	Senate Bill 1230	123
Senate Bill 1072	245	Senate Bill 1232	201
Senate Bill 1088	261	Senate Bill 1244	113
Senate Bill 1090	156	Senate Bill 1245	261
Senate Bill 1093	163	Senate Bill 1251	124
Senate Bill 1094	122	Senate Bill 1257	261
Senate Bill 1095	201	Senate Bill 1258	71
Senate Bill 1102	123	Senate Bill 1259	71
Senate Bill 1103	112	Senate Bill 1260	71
Senate Bill 1105	210	Senate Bill 1265	52
Senate Bill 1109 (vetoed)	201, 296	Senate Bill 1267	202
Senate Bill 1111	61	Senate Bill 1269	52
Senate Bill 1113	62	Senate Bill 1270	273
Senate Bill 1116	62	Senate Bill 1277	202
Senate Bill 1117	233	Senate Bill 1280	88
Senate Bill 1118	6	Senate Bill 1281	285
Senate Bill 1122	94	Senate Bill 1295	124
Senate Bill 1123	273	Senate Bill 1296	134
Senate Bill 1124	273	Senate Bill 1308	273
Senate Bill 1125	48	Senate Bill 1315	262
Senate Bill 1126	123	Senate Bill 1323	274
Senate Bill 1129	174	Senate Bill 1334	274
Senate Bill 1130	112	Senate Bill 1336	16
Senate Bill 1132	21	Senate Bill 1338	156
Senate Bill 1134	170	Senate Bill 1339	156
Senate Bill 1136	112	Senate Bill 1341	113
Senate Bill 1137	113	Senate Bill 1343	66
Senate Bill 1138	113	Senate Bill 1351	202
Senate Bill 1155	52	Senate Bill 1353	66
Senate Bill 1156	83	Senate Bill 1354	49
Senate Bill 1160	233	Senate Bill 1355	233
Senate Bill 1164	49	Senate Bill 1356	202
Senate Bill 1165	233	Senate Bill 1357	157
Senate Bill 1167	233	Senate Bill 1359	150
Senate Bill 1168	156	Senate Bill 1365	203
Senate Bill 1177	245	Senate Bill 1367	135
Senate Bill 1179	34	Senate Bill 1371	124
Senate Bill 1181	184	Senate Bill 1373	34
Senate Bill 1185	163	Senate Bill 1385	124
Senate Bill 1191	201	Senate Bill 1387	62
Senate Bill 1202	285	Senate Bill 1397	113
Senate Bill 1203	22	Senate Bill 1414	114
Senate Bill 1208	164	Senate Bill 1418	62
Senate Bill 1210	75	Senate Bill 1421	262
Senate Bill 1212	233	Senate Bill 1427	67

Senate Bill 1438	262	Senate Bill 1801	145
Senate Bill 1441	233	Senate Bill 1808	115
Senate Bill 1444	211	Senate Bill 1809	135
Senate Bill 1448	135	Senate Bill 1814	274
Senate Bill 1449	262	Senate Bill 1815	275
Senate Bill 1458 (vetoed)	35, 296	Senate Bill 1817	275
Senate Bill 1465	52	Senate Bill 1818	75
Senate Bill 1467	125	Senate Bill 1821	94
Senate Bill 1474	274	Senate Bill 1827	115
Senate Bill 1480	167	Senate Bill 1829	115
Senate Bill 1490	125	Senate Bill 1831	49
Senate Bill 1495	49	Senate Bill 1854	263
Senate Bill 1523	22	Senate Bill 1856	116
Senate Bill 1524	144	Senate Bill 1860	126
Senate Bill 1525	125	Senate Bill 1876	67
Senate Bill 1531	125	Senate Bill 1888	126
Senate Bill 1534	114	Senate Bill 1890	288
Senate Bill 1541	245	Senate Bill 1895	116
Senate Bill 1550	274	Senate Bill 1896	84
Senate Bill 1555	145	Senate Bill 1900	88
Senate Bill 1575	83	Senate Bill 1907	275
Senate Bill 1578	84	Senate Bill 1911	116
Senate Bill 1580	286	Senate Bill 1917	116
Senate Bill 1582	72	Senate Bill 1919	263
Senate Bill 1585	157	Senate Bill 1921	116
Senate Bill 1588	184	Senate Bill 1923	35
Senate Bill 1590	203	Senate Bill 1936	85
Senate Bill 1602	135	Senate Bill 1941	117
Senate Bill 1605	16	Senate Bill 1942	157
Senate Bill 1615	204	Senate Bill 1949	234
Senate Bill 1642	233	Senate Bill 1954	136
Senate Bill 1643	234	Senate Bill 1955	205
Senate Bill 1648	114	Senate Bill 1984	16
Senate Bill 1655	262	Senate Bill 1986	234
Senate Bill 1668	72	Senate Bill 1987	234
Senate Bill 1677	125	Senate Bill 1990	234
Senate Bill 1679	185	Senate Bill 1997	7
Senate Bill 1692	115	Senate Bill 2008	172
Senate Bill 1696	204	Senate Bill 2013	117
Senate Bill 1697	204	Senate Bill 2016	136
Senate Bill 1704	164	Senate Bill 2038	117
Senate Bill 1716	205	Senate Bill 2046	186
Senate Bill 1727	274	Senate Bill 2049	139
Senate Bill 1761	62	Senate Bill 2050	205
Senate Bill 1764	262	Senate Bill 2054	85
Senate Bill 1772 (vetoed)	6, 296	Senate Bill 2062	22
Senate Bill 1774	234	Senate Bill 2066	205
Senate Bill 1780	126	Senate Bill 2081	206
Senate Bill 1783	185	Senate Bill 2093	62

Index

Senate Bill 2099	145
Senate Bill 2116	94
Senate Bill 2124	136
Senate Bill 2145	235
Senate Bill 2146	235
Senate Bill 2147	235
Senate Bill 2154	286
Senate Bill 2158	206
Senate Bill 2162	235
Senate Bill 2163	235
Senate Bill 2164	235
Senate Bill 2166	235
Senate Bill 2171	235
Senate Bill 2172	235
Senate Bill 2173	236
Senate Bill 2174	236
Senate Bill 2175	236
Senate Bill 2180	236
Senate Bill 2181	53
Senate Bill 2182	236
Senate Bill 2183	236
Senate Bill 2185	236
Senate Bill 2188	157
Senate Bill 2193	236
Senate Bill 2197	237
Senate Bill 2205	237
Senate Bill 2207	237
Senate Bill 2208	237
Senate Bill 2212	150
Senate Bill 2216	237
Senate Bill 2217	237
Senate Bill 2219	237
Senate Bill 2222	217
Senate Bill 2230	245
Senate Bill 2243	276
Senate Joint Resolution 2 (2nd C.S.)	263
Senate Joint Resolution 2 (3rd C.S.)	263
Senate Joint Resolution 19	117
Senate Joint Resolution 27	245
Senate Joint Resolution 35	263
Senate Joint Resolution 47	35