

Memorandum



CITY OF DALLAS

DATE February 6, 2023
TO Honorable Chair Blackmon and Members of the Environment
& Sustainability Committee
SUBJECT **88th Texas Legislature – Legislation relating to Environment and Sustainability**

On October 26, 2022, the Dallas City Council authorized adoption of the State Legislative Program for the 88th Session of the Texas Legislature (Resolution 22-1637). The goals include supporting legislation that focuses on resource sustainability, conservation, climate change, and environmental justice to build a more resilient city.

On Tuesday, January 10, 2023, the 88th Texas Legislative Session convened. The purpose of this memorandum is to provide the Environment and Sustainability Committee with a high-level overview of proposed state legislation that may have an impact on the City. This list includes bills filed through Tuesday, January 31, 2023. Prior bill summaries that have been briefed to you via memorandum can be found [here](#).

Environment-related bills include, but are not limited to the following:

H.J.R. 27 (Craddick) – Grow Texas Fund: This legislation would amend the Texas Constitution to, among other things: (1) create the Grow Texas Fund (Fund) within the state treasury; (2) authorize the legislature to appropriate money from the Fund for use in areas of the state from which oil and gas are produced and then only to address infrastructure needs in areas of the state determined by the legislature to be significantly affected by oil and gas production; and (3) authorize the grant of money from the Fund to state agencies and other political subdivisions for an authorized purpose.

S.B. 254 (Eckhardt) – Gas Tax: This legislation would increase the rate of the state gasoline tax and diesel fuel tax from 20 to 40 cents per gallon.

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

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Concrete Plant & Related Environmental Permitting Bills

H.B. 124 (Jarvis Johnson) – Concrete Plants: This legislation would limit the state law under which the Texas Commission on Environmental Quality may issue an air quality permit for a concrete plant located in an area of a city not subject to zoning regulations and require that such a plant comply with certain notice and hearing requirements.

H.B. 94 (Jarvis Johnson) – Concrete Plants: This legislation would provide that, in determining whether to approve an application for a standard permit for a concrete batch plant, the executive director of the Texas Commission on Environmental Quality must base the decision, in part, on a consideration of the potential harm to local property values and the location of the facility relative to homes, schools, churches, parks, and other community assets.

H.B. 372 (Jarvis Johnson) – Concrete Plants: This legislation would extend the distance within which a concrete plant or crushing facility must be from a single- or multi-family residence, school, or place of worship from 440 yards to 880 yards.

H.B. 406 (Collier) – Concrete Plants: This legislation would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

H.B. 407 (Collier) – Concrete Plants: This legislation would provide that a representative of a school, place of worship, licensed day-care center, hospital, or medical facility or a person residing within 880 yards of a proposed concrete plant may request a public hearing from the Texas Commission on Environmental Quality regarding the construction of a concrete plant.

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

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

H.B. 926 (Dutton) – Concrete Plant Permitting: This legislation would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching,

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or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

H.B. 1387 (Walle) – Concrete Plant Permitting: This legislation would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

S.B. 131 (Campbell) – Concrete Plant Permitting: This legislation would provide that a representative of a school, place of worship, licensed day-care center, hospital, medical facility, or a person residing in a permanent residence within 440 yards of a proposed wet batching, dry batching, or central mixing concrete plant may request a public hearing prior to the construction or permitting of the concrete plant.

Climate Bills

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

Urban Agriculture Bill + Solar / Wind (Local Control) Bills:

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

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offensive odors or pests; or (vii) requiring that the animals be kept in the side or rear yard; and (3) provide that an adopted ordinance or restrictive covenant that violates this law is void.

H.B. 1443 (Slawson) – Wind Power Near Airport: This legislation would: (1) define “joint-use airport” as an airport: (a) that is owned or operated by a federal defense agency; (b) at which both military and civilian aircraft make shared use of the airfield; and (c) that provides air traffic control for all military and civilian aircraft operating within 60 nautical miles of the airport’s boundaries; (2) provide that a power generation company or other person required by a Public Utility Commission (PUC) rule to register with the PUC before generating electricity may not operate a wind-powered generation facility in the ERCOT power region at a location that is within 65 nautical miles of the boundaries of a joint-use airport located in Texas; and (3) prohibit an electric cooperative or municipally owned utility from operating a wind-powered generation facility in the ERCOT power region at a location that is within 65 nautical miles of the boundaries of a joint-use airport located in Texas.

Wildland-Urban Interface Bills

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

Disaster-Related Bills

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

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

H.B. 107 (Schaefer) – Violations of Emergency Management Plan: This legislation would repeal provisions of the Texas Disaster Act, which provide that a state, local, or

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interjurisdictional emergency management plan may: (1) provide that failure to comply with the plan or with a rule, order, or ordinance adopted under the plan is an offense; and (2) prescribe a punishment for the offense but may not prescribe a fine that exceeds \$1,000 or confinement in jail for a term that exceeds 180 days.

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

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

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

H.B. 860 (Gates) – Emergency Repairs to Residential Buildings: This legislation provides, among other things that: (1) a city shall allow an owner of a damaged residential building to immediately begin to repair to the building if: (a) the owner applies for an

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emergency permit; and (b) the repairs are necessary to protect public safety, prevent further damage to the building, or protect the overall structural integrity of the building; (2) an owner of a residential building may apply for an emergency permit to conduct repairs by filing an application not later than the third business day after the later of the date the repairs commence or the date the city is able to accept the application; (3) the governor may not exempt a city from (1), above, by an executive order related to a declared disaster; (4) an owner of a residential building who is prohibited from conducting repairs by a city in violation of (1), above, may bring an action against the city for damages, including litigation costs and reasonable attorney's fees; and (5) governmental immunity to suit and from liability is waived.

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

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

H.B. 1078 (Martinez) – Disaster Identification System: This legislation would, among other things, provide that: (1) the Texas Division of Emergency Management may include in its state emergency plan provisions for the use of a disaster identification system; (2) in an area subject to a state of disaster declaration, a person may elect to participate in a disaster identification system activated for that area; (3) the disaster identification system shall authorize the use of a device that is capable of displaying a flashing light and

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continuous light in either the color white or the colors blue, green, red, and yellow to communicate with disaster relief personnel; and (4) an executive order or proclamation declaring a state of disaster activates for the area subject to the declaration the disaster identification system described above.

S.B. 97 (Johnson) – Emergency Executive Orders: This legislation would provide that: (1) the governor shall limit an executive order, proclamation, or regulation that is issued, amended, or rescinded to address only the specific conditions or requirements of the disaster that is the subject of the executive order, proclamation, or regulation under a state of disaster; and (2) not later than Monday of each week during a declared disaster, the governor and the Texas Department of Emergency Management (TDEM) shall publish on the governor’s website and TDEM’s disaster web portal a list of all executive orders, proclamations, and regulations issued by the governor during the previous seven-day period in chronological order.

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

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

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

S.B. 306 (Hall) – Quarantine Measures: This legislation would, among other things, provide that: (1) before ordering an individual or a group of individuals to implement control measures that involve isolation or quarantine, a health authority must: (a) provide notice of the control measures to the individual or group of individuals; and (b) provide to the individual or group of individuals an opportunity to demonstrate that implementing the control measures is unnecessary; (2) a health authority may not order an individual or a group of individuals to implement control measures described by (1), above, for a period that exceeds five days unless the health authority obtains from a district court of the county in which the individual or group of individuals resides, is located, or is receiving court-ordered health services a court order authorizing the health authority to order the individual or group of individuals to implement the control measures; and (3) in ordering

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an individual or group of individuals to implement control measures described by (1), above, a health authority to the greatest extent possible must: (a) use the least restrictive means available; (b) allow an individual to isolate or quarantine with other individuals subject to the same court order under (2), above; (c) if the individual subject to the control measure is a minor, allow the individual to isolate or quarantine with the individual's parent, legal guardian, or managing conservator; and (d) allow an individual to isolate or quarantine in the individual's home or with another family member or a friend.

S.B. 307 (Hall) – Federally Declared Public Health Emergencies: This legislation would provide that (1) a city or its employees may not enforce or provide assistance to a federal agency or official with respect to enforcing a federal statute, order, rule, or regulation that: (a) is enacted or issued in response to a federally declared public health emergency; and (b) imposes a prohibition, restriction, or other regulation that does not exist under state law; (2) a city is ineligible to receive state money from the general revenue fund or a grant program if it through consistent actions or a contract adopts a rule, order, ordinance, or policy under which the city enforces or assists with the enforcement of a federal statute, order, rule or regulation described in (1), above; (3) an individual residing in the city may file a complaint with the attorney general if the individual offers evidence to support an allegation in (1), above; (4) if the attorney general determines that a complaint filed under (3), above, is valid, the attorney general may file a petition for a writ of mandamus or apply for other equitable relief (including court costs, reasonable attorney's fees, investigative costs, witness fees, and deposition costs) in a district court in Travis County or in a county in which the city is located; (5) an appeal of an action brought under (4), above, shall be accelerated and an appellate court shall render its final order or judgment with the least possible delay; and (6) the attorney general shall defend a city in an action by the federal government for an act or omission consistent with this law.

Gas-Powered Appliance Bills

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

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

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

Power/Electrical Grid Bills

H.B. 1146 (Reynolds) – ERCOT Grid: This legislation would, among other things, provide that, so long as the interconnection does not pose a significant and imminent risk to public health and safety, a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region, may construct, own, and operate facilities as necessary to: (1) access transmission service from outside of the ERCOT power region; and (2) purchase power at wholesale from outside of the ERCOT power region.

H.B. 1412 (Schaefer) – Electric Grid Resilience: This legislation would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities. (Companion bill is S.B. 330 by Hall.)

S.B. 31 (Zaffirini) – Electricity: This legislation would, among other things, provide that: (1) a transmission and distribution utility, municipally owned utility, or electric cooperative that transmits or distributes power purchased at wholesale in the ERCOT power region may construct, own, and operate facilities as necessary to: (a) access transmission service from outside the ERCOT power region; and (b) purchase power at wholesale from outside the ERCOT power region; and (2) unless otherwise provided by federal law, the Public Utility Commission (PUC) shall require ERCOT to approve the interconnection of a facility in (1), above, unless the PUC or ERCOT determines that the interconnection poses a significant and imminent risk to public health and safety.

H.B. 973 (Zwiener) – Critical Infrastructure: This legislation would, among other things: (1) create a critical infrastructure resiliency fund that may be used by the Texas Division of Emergency Management to make a grant to an eligible entity; (2) establish the electric grid improvement account as an account within the critical infrastructure resiliency fund that may be used to make grants to municipally owned electric utilities, among others, for projects related to hardening and weatherizing the electric grid; (3) establish the hospital infrastructure resiliency account within the critical infrastructure resiliency fund that may be used to make grants to a city-owned hospital, among others, for projects relating to the purchase of reserve power supply that is reliable during an extreme weather event; and (4) authorize the use of funding under the water loan assistance fund for projects to harden and weatherize water and wastewater systems in the state.

S.B. 114 (Menendez) – Electricity: This legislation would, among other things: (1) provide that a retail electric customer is entitled to: (a) participate in demand response programs through retail electric providers and demand response providers; and (b) receive notice from the retail electric provider that serves the customer: (i) when the independent organization for the ERCOT power region issues an emergency energy alert about low operating reserves to providers of generation in the power region; or (ii) of planned outages and the length of time the outages are expected to last; and (2) require

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the Public Utility Commission to adopt rules that require each retail electric provider in the ERCOT power region to create a residential demand response program to reduce the average total residential load by at least: (a) one percent of peak summer and winter demand by December 31, 2024; (b) two percent of peak summer and winter demand by December 31, 2025; (c) three percent of peak summer and winter demand by December 31, 2026; and (d) five percent of peak summer and winter demand by December 31, 2027.

S.B. 330 (Hall) – Electric Grid Resilience: This legislation would, among other things: (1) prohibit a city from enacting or enforcing an ordinance or other measure that bans, limits, or otherwise regulates inside the boundaries of the extraterritorial jurisdiction of the city a micro-grid that is certified by the Texas Grid Security Commission; and (2) require the Texas Grid Security Commission to establish resilience standards for cities.

Transportation & Electric Vehicle-Related Bills

H.B. 108 (Cortez) – Classroom Teachers Park Free: This legislation would: (1) require the Texas Department of Transportation to issue specialty license plates to: (a) classroom teachers with at least 15 years of service teaching public school students; and (b) retired classroom teachers with at least 20 years of service teaching public school students; and (2) prohibit a governmental authority from collecting a parking fee through a parking meter for a vehicle displaying these licensees.

H.B. 167 (Cortez) – Red Light Cameras: This legislation would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

H.B. 177 (Cortez) – Red Light Cameras: This legislation would provide that photographic traffic signal enforcement contracts, including those executed before May 17, 2019, are void.

H.B. 366 (Bell) – High Speed Rail Bond: This legislation would provide that before a private entity begins operation of new high-speed rail service the entity must file a bond in an amount sufficient to restore real property used for the service to its original condition if the service ceases operation.

H.B. 805 (Toth) – High Occupancy Vehicle Lanes: This legislation would provide that regardless of the number of occupants in a motor vehicle, an operator of a motor vehicle is entitled to use any high occupancy vehicle lane for the purpose of passing another vehicle that is being operated at a speed that is less than the posted speed limit for the roadway if the operator enters and exits the high occupancy vehicle lane at designated entry and exit points.

H.B. 820 (Ken King) – Additional Hybrid Vehicle Registration Fee: This legislation provides that applicants for registration or renewal of registration for a hybrid or electric vehicle shall pay an additional fee of \$200 if the vehicle is an electric vehicle and \$100 if the vehicle is a hybrid vehicle with 90% of the fees to be deposited into the state highway

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fund and 10% to be deposited into a new electric vehicle battery disposal account administered by the Texas Commission on Environmental Quality.

H.B. 960 (Jetton) – Electric Vehicle Registration Fee: This legislation would provide that at the time of application for registration or renewal of registration of an electric vehicle, the applicant shall pay an additional \$100 road maintenance fee, which must be deposited to the credit of the state highway fund.

H.B. 1156 (Rogers) – Surplus Traffic Safety Equipment: This legislation would provide, among other things, that the Texas Department of Transportation and Texas Department of Public Safety may directly donate or sell at a discounted rate surplus traffic and roadwork safety equipment to Texas cities.

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

S.B. 41 (Zaffirini) – Cell Phone Ban: This legislation would provide: (1) that a vehicle operator commits an offense if the operator uses a portable wireless communication device while operating a motor vehicle, unless the vehicle is stopped outside a lane of travel; and (2) for an affirmative defense (except for a person under 18 years of age or by a person operating a school bus with a minor passenger on the bus) for the use of a portable wireless communications device: (a) in conjunction with a hands-free device; (b) to contact emergency services; or (c) that was mounted in or on the vehicle solely to continuously record or broadcast video inside or outside of the vehicle.

S.B. 254 (Eckhardt) – Gas Tax: This legislation would increase the rate of the state gasoline tax and diesel fuel tax from 20 to 40 cents per gallon.

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

Water Related Bills

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

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

H.B. 583 (Raymond) – Drinking Water Report: This legislation would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year.

H.B. 585 (Raymond) – Water Treatment Facilities Reporting: This legislation would: (1) require the Texas Commission on Environmental Quality (TCEQ) to create a plan to protect water treatment facilities from: (a) electrical outages; (b) catastrophic weather events; (c) terrorist attacks; (d) the projected effects of climate change; and (e) other potential disruptions to providing water service; and (2) require TCEQ to submit the plan to the governor and the legislature by September 1, 2024.

H.B. 874 (Bowers) – Water Rights: This legislation would provide that a water right is not cancelled for nonuse if the nonuse resulted from an executed temporary or permanent forbearance agreement that: (1) promotes restoration, preservation, or enhancement of instream flows; (2) was entered into by the holder of the permit, certified filing, or certificate of adjudication; and (3) was filed with the Texas Commission on Environmental Quality not later than the 180th day after the date the agreement was executed.

S.B. 40 (Zaffirini) – Water Utilities: This legislation would require the Texas Commission on Environmental Quality to develop and implement an alert system that must include the ability to provide notifications through electronic instant messaging to be activated in the event of a boil water notice and any related information, including any rescission or expiration of the boil water notice.

S.B. 53 (Zaffirini) – Texas Water Development Board Financing: This legislation would provide that: (1) a political subdivision may use financial assistance from the Texas Water Development Board (TWDB) to pay for the installation, maintenance, operation, and fueling of a backup power generator for a facility of a public water supply and sanitary sewer system; (2) assistance under the bill shall only be provided to political subdivisions that demonstrate an inability to pay for the installation, maintenance, operation, and fueling of a backup power generator described by (1), above, in accordance with TWDB rules; (3) if the TWDB determines that a political subdivision to which assistance has been provided under (1), above, is ineligible to receive the assistance, the TWDB may seek

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reimbursement from the political subdivision; and (4) the TWDB shall adopt rules to implement the bill.

S.B. 223 (Campbell) – Wastewater Permitting: This legislation would require the Texas Commission on Environmental Quality to hold at least one public meeting on an application for an initial permit for a wastewater treatment facility in the county in which the facility is proposed to be located.

S.B. 382 (Zaffirini) – Drinking Water Report: This legislation would require the Texas Commission on Environmental Quality to produce an annual report on public drinking water supply systems in Texas and deliver the report to the legislature not later than September 1 of each year. (Companion bill is **H.B. 582** by **Raymond**.)

S.B. 469 (Springer) – Water Infrastructure: This legislation would: (1) for purposes of the Texas Water Assistance Program and other funding initiatives by the Texas Water Development Board (TWDB), define “rural political subdivision” as: (a) a nonprofit water supply or sewer service corporation, district, or municipality that has a service area with a population of 10,000 or less no part of which is located in an urban area as defined by the United States Bureau of the Census or otherwise qualifies for funding from a federal agency; or (b) a county in which no urban area has a population of more than 50,000; and (2) provide that the TWDB may direct the comptroller to transfer amounts from the financial assistance account to the rural water assistance fund to provide financial assistance to rural political subdivisions for the purpose of providing low-interest loans for water or water-related projects.

S.B. 551 (Johnson) – Plastic Bottles at City Golf Courses: This legislation would allow cities to prohibit the sale of single-use water bottles at city-owned or operated golf courses, including attached clubhouses and shops. (Companion bill is H.B. 1174 by Howard.)

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If have any questions or comments, please email Clifford Sparks, State Legislative Director, at Clifford.Sparks@dallas.gov.

Sincerely,



Carrie Rogers
Director
Office of Government Affairs

c: The Honorable Members of the Ad Hoc Legislative Committee
T.C. Broadnax, City Manager
Chris Caso, City Attorney
Mark Swann, City Auditor
Biliera Johnson, City Secretary
Preston Robinson, Administrative Judge
Kimberly Bizer Tolbert, Deputy City Manager
Jon Fortune, Deputy City Manager
Majed A. Al-Ghafry, Assistant City Manager
M. Elizabeth (Liz) Cedillo-Pereira, Assistant City Manager
Dr. Robert Perez, Assistant City Manager
Carl Simpson, Assistant City Manager
Jack Ireland, Chief Financial Officer
Genesis D. Gavino, Chief of Staff to the City Manager
Clifford Sparks, State Legislative Director