



2023 LEGISLATIVE UPDATE



SPALDING NICHOLS
-LAMP LANGLOIS-

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HOW DOES A BILL BECOME LAW?



NO ONE KNOWS ANYMORE BILLY, NO ONE KNOWS!

Session Recap

88th Regular Legislative Session: **By the Numbers**



- **8,046** bills filed
- **1,246** bills passed by House & Senate
- **1,124** bills signed by the Governor
- **76** bills vetoed by the Governor

Major bills at a glance

Signed

- [HB 1: Allocating the budget](#)
- [SB 14: Banning care for trans kids](#)
- [HB 12: Expanding postpartum Medicaid](#)
- [HB 6: Allowing murder charges for fentanyl poisoning](#)
- [HB 3: Addressing school safety](#)
- [HB 1500: Shoring up the power grid](#)
- [SB 15: Restricting trans athletes in college sports](#)
- [SB 17: Banning DEI offices in colleges](#)
- [SB 18: Solidifying tenure in state law](#)
- [HB 9/HJR 125: Expanding broadband](#)
- [SB 12 : Regulating sexually explicit shows](#)
- [HB 2127: Preempting local regulations](#)
- [HB 1595: Creating university endowments](#)
- [SB 28/SJR 75: Funding water infrastructure](#)

Vetoed or Failed

- [SB 8: Creating education savings accounts](#)
- [HB 100: Increasing school funding and education savings accounts](#)
- [SB 3: Cutting property taxes](#)
- [HB 7: Expanding border security funding and creating a border safety unit](#)
- [HB 2744: Raising the age](#)
- [SB 7: Shoring up the power grid](#)
- [HJR 102: Legalizing online sports betting](#)
- [HJR 155: Authorizing casinos](#)
- [HB 1422: Adopting permanent daylight saving time](#)
- [SB 23: Raising minimum sentence for gun crimes](#)
- [HB 4843: Raising minimum sentence for gun crimes](#)
- [SB 147: Restricting foreign land ownership](#)

NOTHING BURGER

Definitions from Oxford Languages

noth·ing·burg·er

noun: **nothing burger**

1. something that is or turns out to be insignificant or lacking in substance.
2. "another nothingburger of a debate"



Post-session statement from Governor Abbott:



“I will soon be signing laws that advance our state and the future of all Texans Despite these major achievements, more must be done for the people of Texas. Many critical items remain that must be passed. Several special sessions will be required.”

Special Sessions

- May only be called by the Governor
- Maximum 30 days each (but an unlimited number of Special Sessions may be called)
- May be called at any time between regular sessions
- Topics limited to those set forth by the Governor



Special session #1

Governor Abbott Announces Immediate Special Session Agenda

May 29, 2023 | Austin, Texas | [Press Release](#)

Governor Greg Abbott today announced special session #1 and [issued a proclamation](#) identifying agenda items for the Special Session that begins at 9:00 PM on Monday, May 29. Governor Abbott issued the following statement:

“I will soon be signing laws that advance our state and the future of all Texans, including laws that:

- End COVID restrictions and mandates;
- Provide more than \$5.1 billion to secure the border and fund the Texas National Guard, the Texas Department of Public Safety, and the border wall;
- Designate Mexican drug cartels as foreign terrorist organizations;
- Prosecute fentanyl deaths as murder;
- Protect women’s sports and female collegiate athletes;
- Focus community colleges on preparing Texas students for high skill careers;
- Increase electric power generation to secure the Texas power grid;
- Hold rogue district attorneys accountable;
- Protect children from life-altering gender mutilation;
- Ban illegal DEI hiring practices in our colleges and universities;
- Add \$1.4 billion to make Texas schools safer;
- Require armed security at all schools;
- Provide access to mental healthcare for students at all schools; and
- Require regular safety checks of school buildings.

Despite these major achievements, more must be done for the people of Texas. Many critical items remain that must be passed. Several special sessions will be required. **To ensure that each priority receives the time and attention it deserves to pass into law, only a few will be added each session.**

Special session #1 will focus only on cutting property taxes and cracking down on illegal human smuggling.

We must cut property taxes. During the regular session, we added \$17.6 billion to cut property taxes. However, the legislature could not agree on how to allocate funds to accomplish this goal. Texans want and need a path towards eliminating property taxes. The best way to do that is to direct property tax reduction dollars to cut school property tax rates.”

Special session #1

PROCLAMATION

BY THE

Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Sections 5 and 40, and Article IV, Section 8 of the Texas Constitution, do hereby call extraordinary session #1 of the 88th Legislature, to convene in the City of Austin, commencing at 9:00 P.M. on Monday, May 29, 2023, for the following purposes:

To consider and act upon the following:

Legislation to cut property-tax rates solely by reducing the school district maximum compressed tax rate in order to provide lasting property-tax relief for Texas taxpayers.

Legislation solely for the purpose of increasing or enhancing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.

The Secretary of State will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 29th day of May, 2023.



A handwritten signature in black ink, appearing to read "Greg Abbott".

Special session #1

TEXAS LEGISLATURE 2023

First special session ends with no new laws, Texas lawmakers still deadlocked on property taxes

Gov. Greg Abbott quickly called lawmakers back to the Capitol for round two, hoping to break an impasse that has outlasted the regular session and one overtime period.

BY **JAMES BARRAGÁN** AND **PATRICK SVITEK** JUNE 27, 2023 UPDATED: 5 PM CENTRAL

Special session #1...then #2...

PROCLAMATION
BY THE
Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Sections 5 and 40, and Article IV, Section 8 of the Texas Constitution, do hereby call extraordinary session #2 of the 88th Legislature, to convene in the City of Austin, commencing at 3 p.m. on Tuesday, June 27, 2023, for the following purposes:

To consider and act upon the following:

Legislation to cut property-tax rates solely by reducing the school district maximum compressed tax rate in order to provide lasting property-tax relief for Texas taxpayers.

Legislation to put Texas on a pathway to eliminating school district maintenance and operations property taxes.

The Secretary of State will take notice of this action and will notify the members of the legislature of my action.

IN TESTIMONY WHEREOF, I have hereunto signed my name and have officially caused the Seal of State to be affixed at my office in the City of Austin, Texas, this the 27th day of June, 2023.



A handwritten signature in black ink, appearing to read "Greg Abbott".

Special session #1...then #2...

TEXAS LEGISLATURE 2023

Gov. Greg Abbott signs \$18 billion tax cut package for Texas property owners

At a time when the state has some of the nation's highest property taxes, the initiative was a cornerstone of his 2022 reelection campaign.

BY [KAREN BROOKS HARPER](#) JULY 24, 2023 1 HOUR AGO

HOUSTON CHRONICLE

HOUSTONCHRONICLE.COM • THURSDAY, SEPTEMBER 21, 2023 • VOL. 122, NO. 343 • \$3.00

Abbott vows special session on vouchers

He promises those at odds with him on hot topic will face primary challengers

By Edward McKinley
AUSTIN BUREAU

Gov. Greg Abbott said he will call a special session next month to pass private school vouchers and threatened lawmakers with primary challenges if they don't get on board.

"There's an easy way to get it done and a hard way to get it

done," he said during a recent call with supporters and church leaders, adding: "If they make it the hard way, we're happy to take the hard way also. Either way, I'm in this to win this."

The third-term Republican also pressed pastors to make the case for vouchers by telling their congregations "how important this is to the moral fabric of the

future of Texas."

The announcement comes as there's no clear consensus on the politically thorny issue of sending public money to private schools, and at a time when tensions are running high after the Senate acquittal of Attorney General Ken Paxton.

Lt. Gov. Dan Patrick has lashed out at House Speaker Dade Phelan for mishandling the impeachment case and Phelan responding by blasting the Senate leader for "confessing his

bias."

The Republican-controlled chambers have long been at loggerheads over voucher proposals. The Senate green-lit a policy earlier this year giving families \$8,000 in taxpayer money to pay for private school tuition and other related expenses, but the House never took it up.

Abbott, who named the issue a priority, said if the Republican-controlled Legislature won't pass a bill in a special session next month, he'll call a sec-

ond. And if it doesn't pass then, he said, "we will have everything teed up in a way" where anti-voucher members will face primary challengers who support vouchers in March. He said parents shouldn't have to send their children to a public school "teaching them things that are morally at odds with where parents want their children to be."

The biggest hurdle for vouchers has been the House, where a coalition of rural Republicans

Vouchers continues on A8

Special session #1...then #2...then #3

PROCLAMATION BY THE Governor of the State of Texas

TO ALL TO WHOM THESE PRESENTS SHALL COME:

I, GREG ABBOTT, Governor of the State of Texas, by the authority vested in me by Article III, Sections 5 and 40, and Article IV, Section 8 of the Texas Constitution, do hereby call extraordinary session #3 of the 88th Legislature, to convene in the City of Austin, commencing at 1 p.m. on Monday, October 9, 2023, for the following purposes:

To consider and act upon the following:

Legislation providing education savings accounts for all Texas schoolchildren.

Legislation to do more to reduce illegal immigration by creating a criminal offense for illegal entry into this state from a foreign nation and authorizing all licensed peace officers to remove illegal immigrants from Texas.

Legislation to impede illegal entry into Texas by increasing the penalties for certain criminal conduct involving the smuggling of persons or the operation of a stash house.

Legislation to impede illegal entry into Texas by providing more funding for the construction, operation, and maintenance of border barrier infrastructure.

Legislation concerning public safety, security, environmental quality, and property ownership in areas like the Colony Ridge development in Liberty County, Texas.

Legislation prohibiting COVID-19 vaccine mandates by private employers.

The Secretary of State will take notice of this action and will notify the members of the

Special session #3

TEXAS LEGISLATURE 2023

School voucher bill gets initial approval in the Texas Senate, heads over to a more skeptical House

The Senate also approved Senate Bill 2, which would infuse \$5.2 billion to school districts to help them with teacher raises and rising costs. Gov. Greg Abbott said he would add those items to the special session's agenda once lawmakers approve a voucher program.

BY **BRIAN LOPEZ** OCT. 12, 2023 UPDATED: OCT. 13, 2023

SHARE REPUBLISH ↗



Special session #3

Gov. Greg Abbott says he'll add teacher pay to the special session — but only if lawmakers pass school voucher bill

Though lawmakers have drafted a bill to increase public school funding and teacher salaries, it cannot pass during the special session unless Abbott adds those issues to his agenda. Teachers were the only state employees to not receive a raise in the regular session.

BY [MAIA PANDEY](#) OCT. 12, 2023 UPDATED: OCT. 13, 2023

[SHARE](#) [REPUBLIC](#) ↗



Notable Bills

| Overview

procurement / vendor forms

public information

construction

facilities

miscellaneous



Procurement / Vendor Forms



HB 41 23



HB 4123 Access to and Use of Certain Criminal History Record Information

- **Effective:** June 13, 2023
- Amends provisions of Educ. Code regarding criminal history review of contractors and their employees to align with FBI criteria for use of background check information





2007


- FBI notified DPS that TEC §22.0834 [the law requiring contractors to obtain CHRI and certify compliance to the district] should be amended to provide **access to school districts only**





2019 FBI Audit

- FBI instructed DPS that **contractors cannot have access to national criminal history record information**, given status as private entities

TEA Contractor Fingerprinting Guidance

[Popular Applications](#) [AskTED](#) [ECOS for Educators](#) [Grant Opportunities](#) [Secure Applications](#) [TEAL Login](#) [TSDS](#) [Help Desk](#)

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Requirements for School District Contractors

Updated July 20, 2021

Texas Education Code (TEC) [§22.0834](#) and [§22.08341](#) state that a contractor that provides services to a school district or charter school must be fingerprinted before beginning work, if the contractor 1) will have continuing duties related to the contracted services, and 2) will have the opportunity for direct contact with students. Additionally, the law requires that a contractor certify to a school district or charter school that it has received all criminal history information for its employees who provide services for the school. Pursuant to [§22.08341\(c\)](#), the requirement does not apply to a contractor that performs construction, alteration, or repair of an instructional facility if the contractor uses separate sanitary facilities, installs a barrier fence, and has a policy that employees may not interact with students or enter areas used by students.

Fingerprinting and Registry for Schools

- [Annual Certification and Statement of Compliance](#)
- [Fingerprinting for Certification Applicants](#)
- [Fingerprinting Help Desk](#)
- [Registry of Persons Ineligible for Employment](#)
- [Requirements for Certified Educators and Non-Certified Employees](#)
- [Requirements for School District Contractors](#)
- [Requirements for Social Security Numbers](#)

REMEMBER

Fingerprinting requirement is triggered:

Unless an exception applies, Contractor:

- 1) is providing **services** to District;
- 2) will have **continuing duties** related to the contracted services; and
- 3) will have the opportunity for **direct contact** with students.

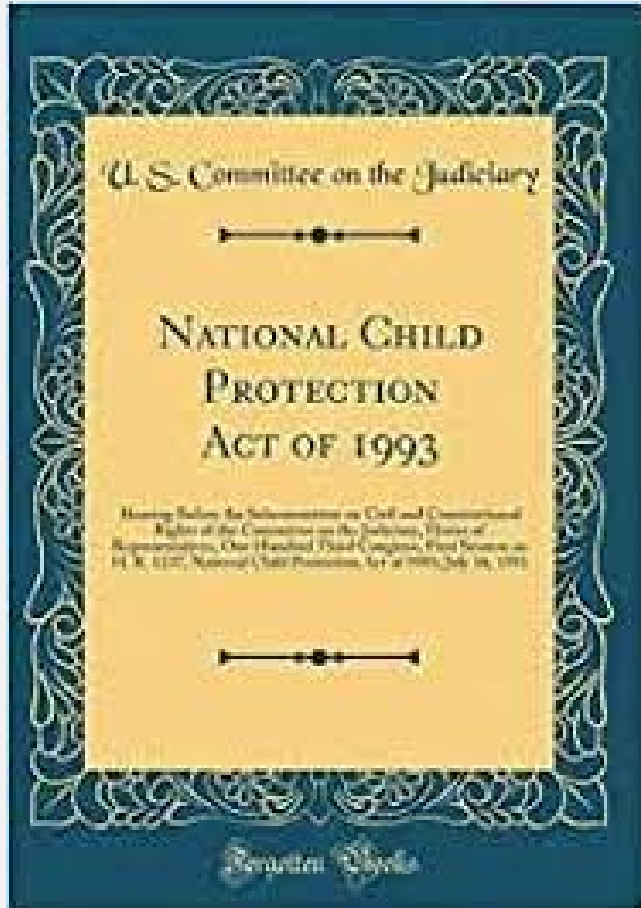
- ✓ **Continuing duties related to contracted services** – Work duties that are performed pursuant to a contract to provide services to a school entity on a **regular, repeated basis** rather than infrequently or one-time only. 19 TAC §153.1101(2)
- ✓ **Direct contact with students** – The contact that results from activities that provide **substantial opportunity** for **verbal or physical interaction with students** that is **not supervised** by a certified educator or other professional district employee.
 - ✓ Contact with students that results from services that do not provide substantial opportunity for unsupervised interaction with a student or students, such as addressing an assembly, officiating a sports contest, or judging an extracurricular event, is not, by itself, direct contact with students.
 - ✓ However, direct contact with students does result from any activity that provides substantial opportunity for unsupervised contact with students, which might include, without limitation, the provision of coaching, tutoring, or other services to students. 19 TAC §153.1101(7)
- TEA has stated that **virtual** interaction with students (i.e., virtual tutoring) IS direct contact and triggers the requirement to fingerprint!

HB 4123 Access to and Use of Certain Criminal History Record Information

- Qualified school contractor = has access to CHRI under National Child Protection Act of 1993 (NCPA)
 - May obtain CHRI from DPS or another Texas criminal justice agency
 - May not release CHRI without subject's consent or disclose under TPIA
 - May provide school district with a "fitness determination" based on CHRI; must certify to school district receipt of all CHRI of employees/ applicants offered employment
 - Must destroy CHRI after authorized use



Exception: National Child Protection Act



- Access under the National Child Protection Act (NCPA):
 - if the contractor provides “**care or care placement services**” and
 - is **based in Texas**
- These contractors may fingerprint their W-2 employees who have access to students

HB 4123 Access to and Use of Certain Criminal History Record Information

- Employees of contractors and subcontractors that are **not** qualified school contractors must submit to criminal history review by the school district
 - Contractor must ensure person sends to DPS information required for obtaining CHRI, such as photo and fingerprints
- Qualified school contractors must require any subcontracting entities that are also qualified school contractors to obtain CHRI
 - If subcontracting entity is not a qualified school contractor, contractor must require that subcontractor employees/ applicants submit to criminal history review by school district



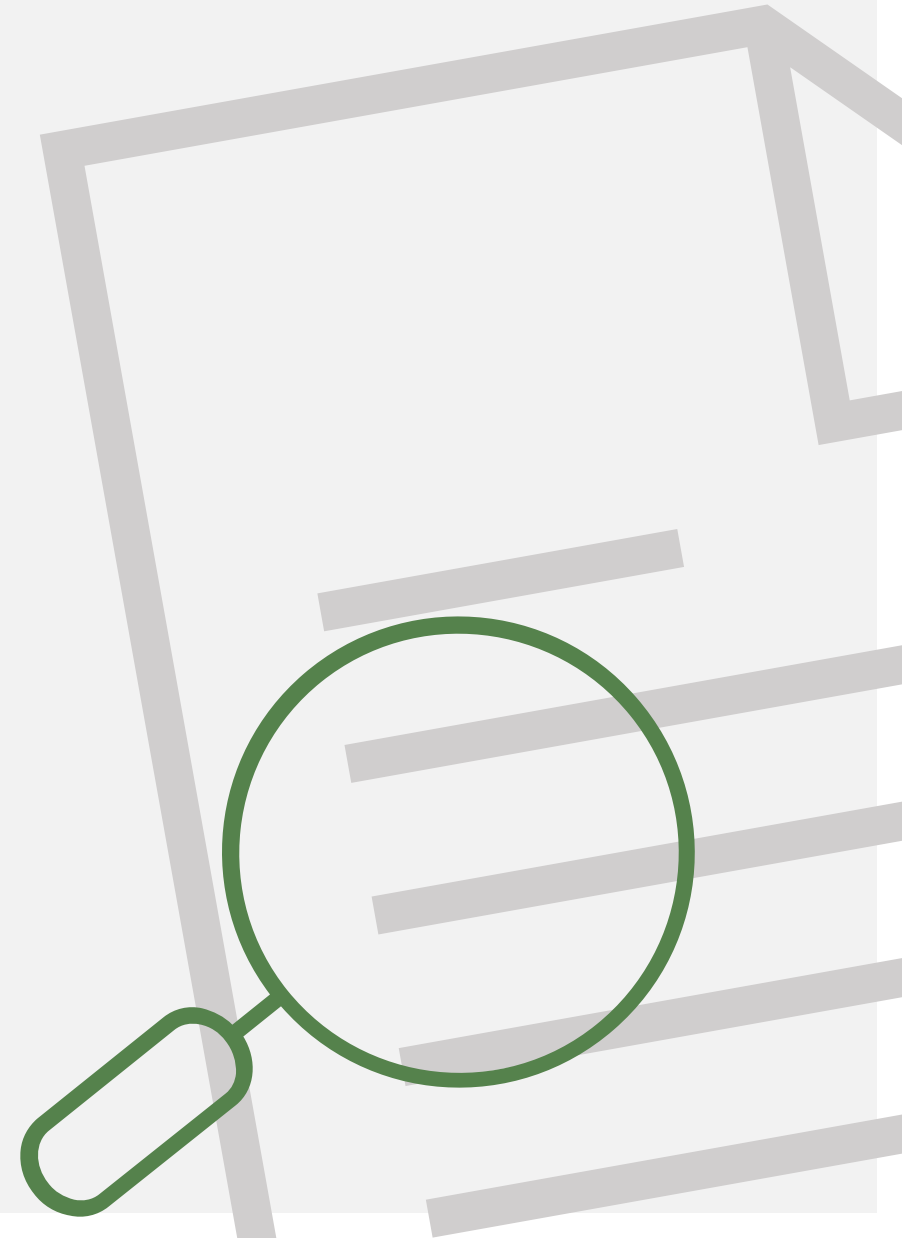
HB 4123 Access to and Use of Certain Criminal History Record Information

- Qualified school contractors and school districts must **not** allow employees to provide services if convicted of a crime that would prevent school district employment (TEC 22.085)



HB 4123 Access to and Use of Certain Criminal History Record Information

- Subcontractors: Adds employees and applicants for employment of school district subcontractors as persons who must submit to criminal history review (if continuing duties and direct contact with students)
- Volunteers: School districts now authorized to obtain CHRI from DPS relating to volunteering parents, grandparents, guardians and school campus event volunteers.
- Tutors: Tutors offering accelerated or supplemental instruction subject to national and state level background checks by school district.



HB 4123 Access to and Use of Certain Criminal History Record Information

- Removes separate process for criminal history background checks for public works contractors from TEC 22.08341
- **Public Works Contractor** = an entity that contracts directly or subcontracts with an entity that contracts with a school district, open-enrollment charter school, or shared services arrangement to provide services to the school district, open-enrollment charter school, or shared services arrangement.



HB 4123 Access to and Use of Certain Criminal History Record Information

Does not apply to employee / applicant of public works contractor if:

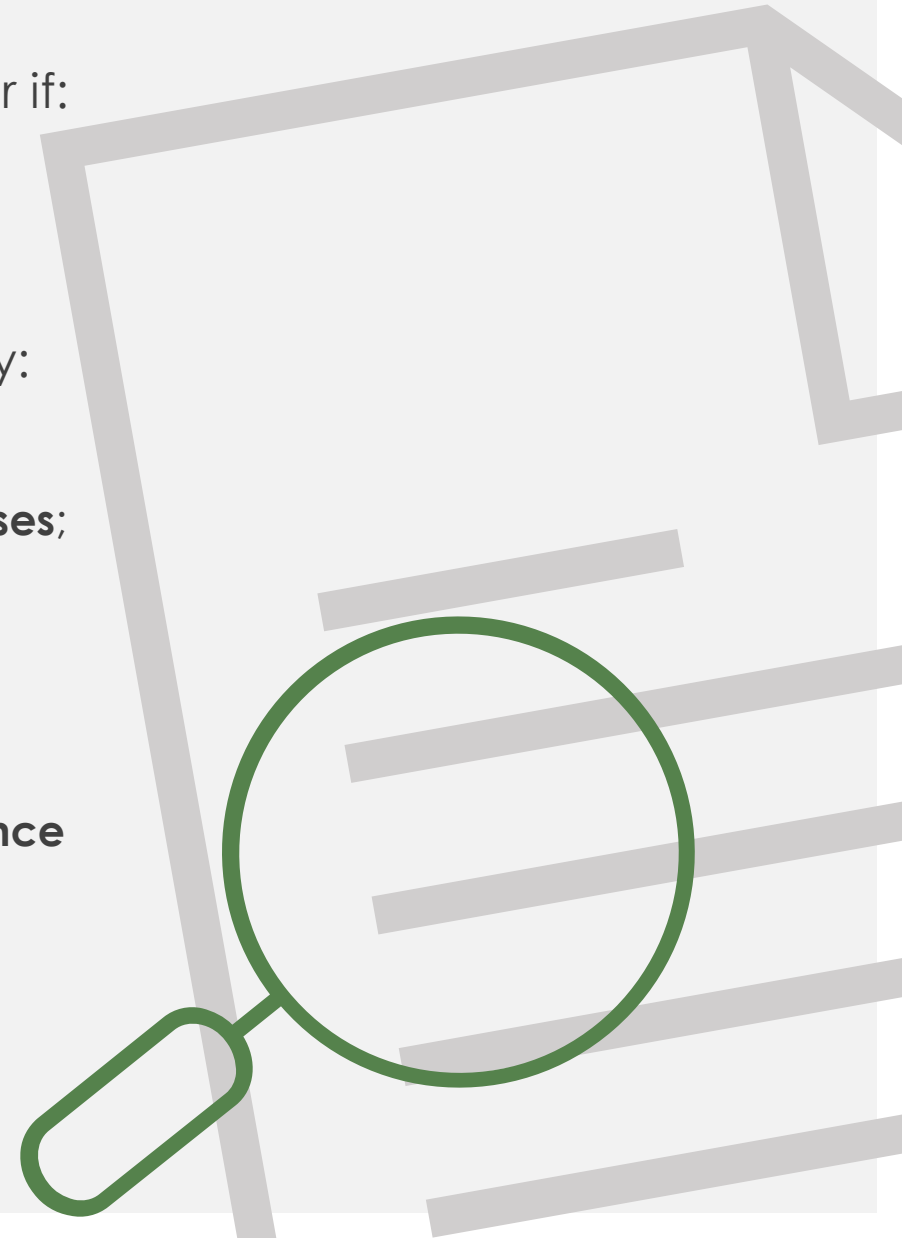
(1) the public work **does not involve** the construction, alteration, or repair of an **instructional facility**;

(2) for public work involving construction of **new** instructional facility:

- person's duties will be **completed not later than the seventh day before** the first date the facility will be **used for instructional purposes**;

(3) or for public work involving **existing** instructional facility:

- public work area contains **sanitary facilities** and
- is separated from all areas used by students by **secure barrier fence** not less than six feet high; and
- contracting entity adopts policy **prohibiting employees**, including subcontracting entity employees, from **interacting with students** or entering areas used by students, informs employees of policy, and enforces policy at work area.



HB 4123 Access to and Use of Certain Criminal History Record Information

- 1 Not instructional facility
- 2 New instructional facility, but
 - duties completed 7+ days before use
- 3 Existing instructional facility, but
 - barrier fence and
 - separate sanitary facilities and
 - employees prohibited from interacting with students

PREVIOUSLY

Defined as “person does **not** have the opportunity for **direct contact** with students”

NOW

Exception to criminal history check requirement

END RESULT

No criminal history check required

HB 4123 Access to and Use of Certain Criminal History Record Information

- Removes modifier “on or after January 1, 2008”
- State Board for Educator Certification (SBEC) and Texas Education Agency (TEA) authorized to obtain CHRI (from DPS and FBI) for their purposes
 - May not release or disclose FBI CHRI
 - May only release DPS CHRI to certain entities
 - Must destroy CHRI after authorized use



HB 1605

HB 1605 Instructional Material

- **Effective:** June 13, 2023
- District not required to follow purchasing contract requirements (e.g., RFP) to purchase instructional materials that have been reviewed by TEA and included on SBOE-approved list

HB 1817



CERTIFICATE OF INTERESTED PARTIES

FORM 1295

Complete Nos. 1 - 4 and 6 if there are interested parties.
Complete Nos. 1, 2, 3, 5, and 6 if there are no interested parties.

OFFICE USE ONLY

1 Name of business entity filing form, and the city, state and country of the business entity's place of business.

2 Name of governmental entity or state agency that is a party to the contract for which the form is being filed.

3 Provide the identification number used by the governmental entity or state agency to track or identify the contract, and provide a description of the services, goods, or other property to be provided under the contract.

4 Name of Interested Party	City, State, Country (place of business)	Nature of Interest (check applicable)	
		Controlling	Intermediary

5 Check only if there is no interested party.

6 UNSWORN DECLARATION

My name is _____, and my date of birth is _____.

My address _____, _____, _____, _____, _____.
(street) (city) (state) (zip code) (country)

I declare under penalty of perjury that the foregoing is true and correct.

Executed in _____ County, State of _____, on the _____ day of _____, 20____.
(month) (year)

Signature of authorized agent of contracting business entity
(Declarant)

ADD ADDITIONAL PAGES AS NECESSARY

Must file online at www.ethics.state.tx.us/File

HB 1817 Disclosure of Interested Parties for Certain Contracts

BILL ANALYSIS

H.B. 1817
By: Capriglione
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In 2015, the Texas Legislature enacted legislation that required governmental entities to file a disclosure of interested parties, otherwise known as a Form 1295, with the Texas Ethics Commission for certain contracts. In 2022, a development company, Legacy Hutto LLC, sued the City of Hutto for breach of contract. The judge found that the city had not verified whether a Form 1295 was submitted and on file, therefore not complying with state government transparency laws. As such, the judge found that the contract had not been properly executed. With this ruling, the potential now exists for any government contract without a Form 1295 on file to be found void. H.B. 1817 seeks to prevent this from occurring by updating the disclosure of interested parties statute to allow for a cure period of 10 business days if a Form 1295 is found to not be on file.

HB 1817 Disclosure of Interested Parties for Certain Contracts

- **Effective:** June 9, 2023
- Contract is only voidable for failure to provide Form 1295 if:

the governmental
entity submits written
notice to the vendor



the vendor fails to submit
the disclosure within 10
business days after
receiving the notice



Public Information

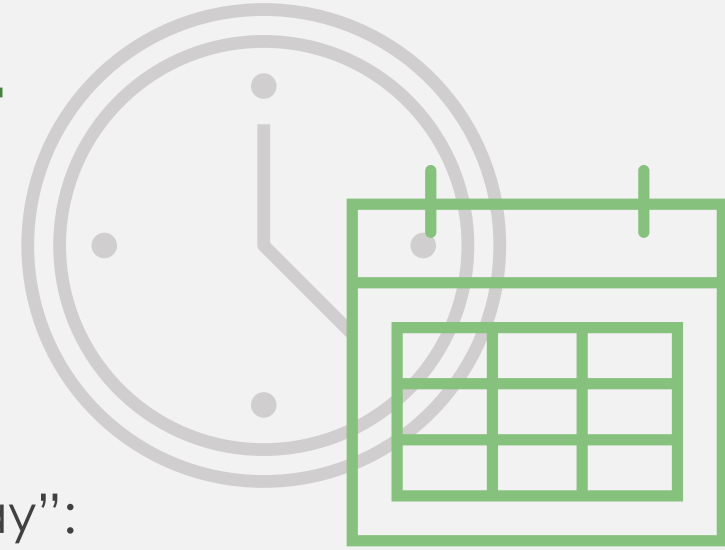


НВ 3033

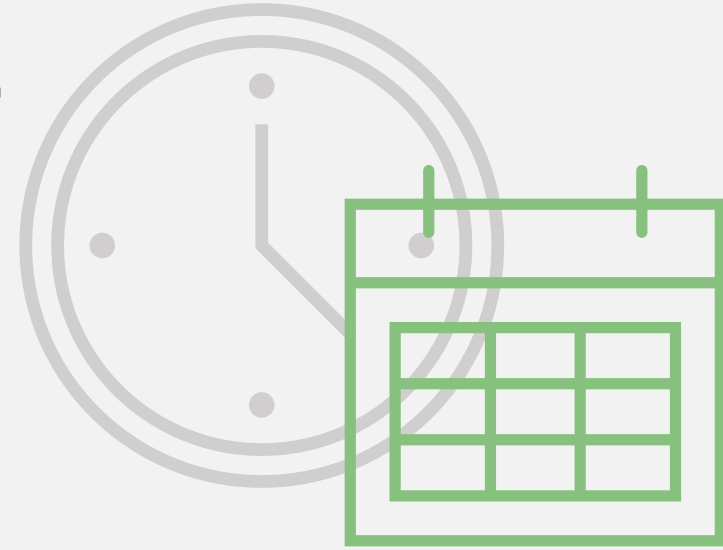


HB 3033 Revisions to Public Information Act

- **Effective:** September 1, 2023
- **Definition of “business day”**
 - Business day = day *other than*
 - Saturday or Sunday
 - National holiday (TGC 662.003(a))
 - State holiday (TGC 662.003(b))
 - Also not a “business day”:
 - Optional holiday (TGC 662.003(c)) if the public information officer observes it
 - Rosh Hashanah, Yom Kippur, or Good Friday
 - Holiday established by governing body of institution of higher education (TGC 662.011 (a))
 - “Friday before” or “Monday after,” observing national or state holiday that occurs on Saturday or Sunday



HB 3033 Revisions to Public Information Act



Nonbusiness Days

- Governmental body may designate as a “nonbusiness day” a day on which its administrative offices are closed or operating with minimum staffing
 - Maximum of **10** “nonbusiness days” per calendar year
 - For school district, board of trustees must designate

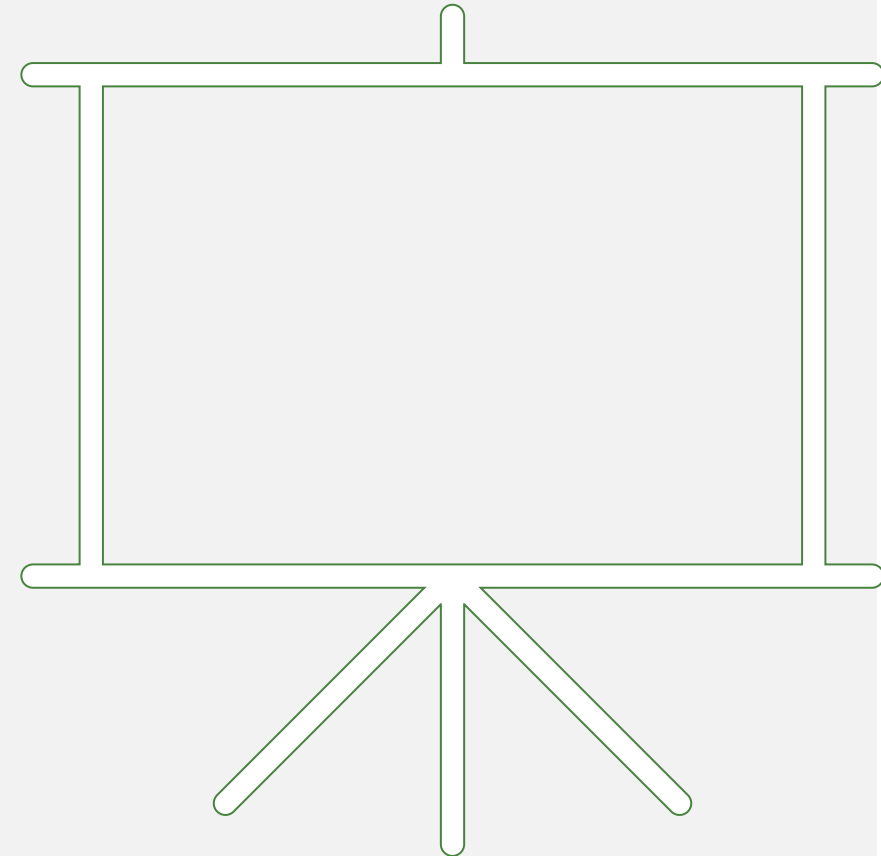
Alternative Work Sites

- Fact that employee works from alternative work site does not affect “business day.”

HB 3033 Revisions to Public Information Act

AG-Required Training

- If AG determines governmental body has failed to comply with TPIA requirement, AG may require that each public official of that body (including board members and PIO) complete TPIA course of training
 - AG to provide written notice of determination and requirement to complete training
 - Public official to complete training within 60 days of receiving notice



HB 3033 Revisions to Public Information Act



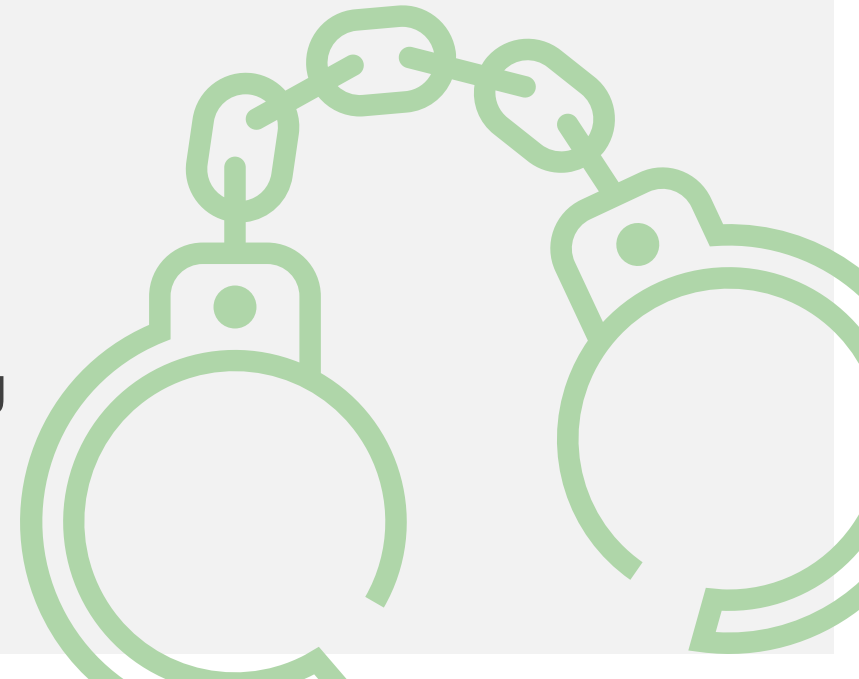
Litigation Exception – Elections

- Background: TPIA exception to disclosure for information related to pending litigation
- Litigation exception does not apply if the information:
 - relates to a general, primary, or special election, and
 - is in the possession of the governmental body that administers elections.

HB 3033 Revisions to Public Information Act

Law Enforcement Exception – Basic Arrest Information

- Background: TPIA exception to disclosure for information related to certain law enforcement information
 - NOT basic information: arrested person / arrest / crime
- Clarifies that governmental body shall release the basic information
 - unless seeking to withhold under another TPIA provision, and
 - regardless of whether seeking an AG decision regarding other requested information.



HB 3033 Revisions to Public Information Act

Limits; Written Statement

- Background: Governmental body is permitted to establish certain monthly and yearly limits and to charge for certain costs when requestor requires large amounts of personnel time.
 - Written statement of personnel time may not include time spent preparing the written statement.
- Requestor who has exceeded such a limit (TGC 552.275) may not inspect information on behalf of another requestor unless the requestor who exceeded the limit has paid each statement issued by the governmental body.
 - Time spent preparing the written statement may be included if the requestor has exceeded time limit for the period.

HB 3033 Revisions to Public Information Act

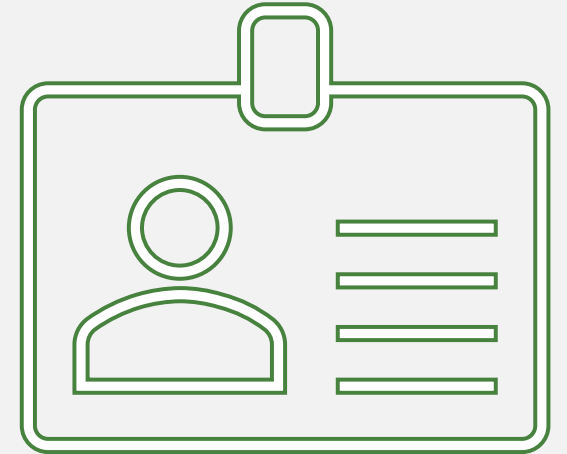


Photo ID of Requestor

- Governmental body may request photo ID from requestor for sole purpose of establishing that requestor has not exceeded a limit established by governmental body and concealed his or her identity.
 - Request for ID must include written statement of personnel time spent and statement describing each specific reason why photo ID request may apply.
 - Governmental body must accept as proof a physical photo ID or electronically transmitted or mailed image of the photo ID.
 - Requestor may decline to provide ID and obtain requested information by paying charge assessed in statement.

HB 3033 Revisions to Public Information Act

Electronic Submission of Request for AG Decision

- Governmental body must submit request for TPIA AG decision through AG's designated electronic filing system (\$15/submission).
- Does not apply if:
 - Governmental body requesting decision has fewer than 16 full-time employees or is located in a county with a population of less than 150,000;
 - Amount or format of responsive information at issue in request makes use of filing system impractical or impossible; or
 - Request is hand-delivered to AG's office.



HB 3033 Revisions to Public Information Act

Production of Information After AG Decision

- Within a reasonable time after date AG issues decision, governmental body to respond and produce information:
 - Provide requestor itemized estimate of charges for production of information, if required (*i.e.*, charges exceed \$40);
 - Take certain actions if requested information is voluminous;
 - Produce information, if required;
 - Notify requestor in writing that governmental body is withholding information as authorized by AG's decision; or
 - Notify requestor in writing that governmental body has filed suit against AG regarding information.
- Governmental body is presumed to have complied with these requirements if action is taken not later than **30th day** after date AG's decision is issued.



HB 3033 Revisions to Public Information Act

Searchable Database on AG's Website

- AG to make available on its website (no later than January 1, 2024) a searchable database consisting of:
 - Information identifying each request for a TPIA AG decision, and
 - AG's decision issued for each request.
- Required search functions: Must be searchable by
 - name of governmental body requesting decision, and
 - exception asserted for withholding information from public disclosure.
- Must include current status of request for decision and estimated timeline for each stage of review.





Construction



A thick green square frame with a white background inside, centered on the page. The text 'HB 679' is positioned within the frame.

HB 679

HB 679 Workers' Compensation Experience Modifiers in Construction Procurement

- **Effective:** September 1, 2023 (applies to a contract for which a governmental entity first advertises or solicits offers on or after this date)
- “Experience modifier” = number assigned to an employer seeking a workers’ comp insurance policy
 - Based on the employer’s past loss experience
 - Affects the policy’s premium amount



HB 679 Workers' Compensation Experience Modifiers in Construction Procurement

- Governmental entities (including school districts) may not consider a workers' comp experience modifier when soliciting or entering into a construction contract or a contract for a public work
 - Cannot require a specified experience modifier to respond to a solicitation or accept an offer
 - Contract cannot require a specified experience modifier for contractor
- Applies to public and private construction contracts
- Violation = solicitation / contract / offer is voidable



HB 2965

HB 2965 No Waiver of Construction Defect Claim Requirements

- **Effective:** September 1, 2023 (applies only to a cause of action that accrues on or after this date, under a contract entered into on or after this date)



- **Background:** TGC 2272 imposes requirements before action may be brought alleging damages for construction defects against contractors or design professionals
- Clarifies that those provisions may not be waived by contract
 - “Waiver” = void

HB 3485



HB 3485 Contractor's Right Not to Proceed With Additional Work

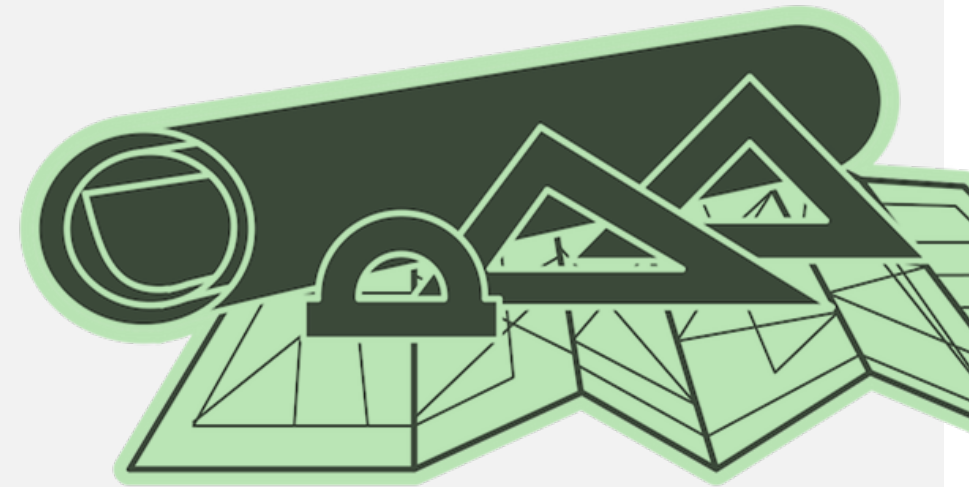


- **Effective:** September 1, 2023 (applies only to a contract entered into on or after this date)
- Grants to vendors and subcontractors certain rights related to the performance of additional work directed by a school district under a public work contract:
 - May elect not to proceed with additional work if:
 - it has not received a written, fully executed change order for the work **AND**
 - the aggregate value of the additional work plus any previous additional work not covered by a change order exceeds 10 percent of the original contract amount
 - Not responsible for damages associated with election not to proceed

HB 2007

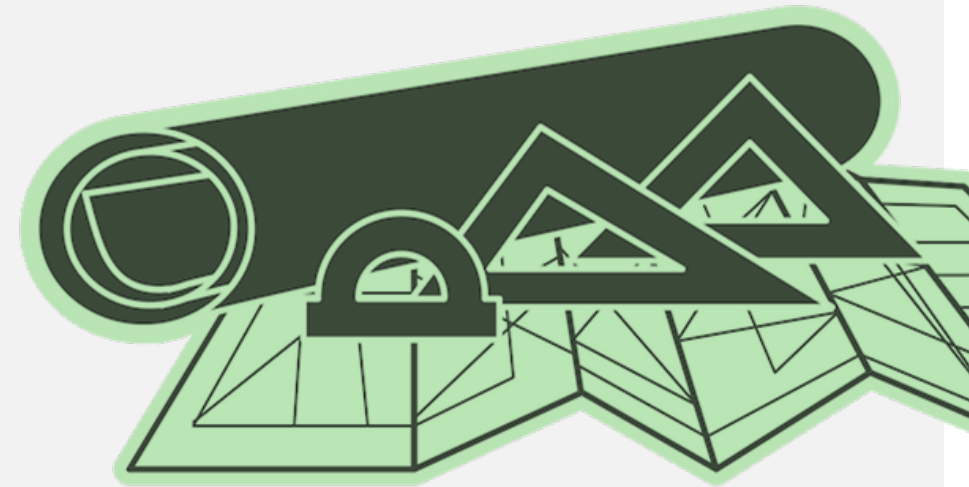
HB 2007 Certificate of Merit for Third-Party Claims Arising from Design-Build Projects

- **Effective:** September 1, 2023 (applies only to an action commenced on or after this date)
- **Background:** Civil Practice & Remedies Code 150.002 requires certificate of merit - affidavit from third-party architect, engineer, landscape architect, or land surveyor (re: professional's knowledge, skill, experience, education, training, and practice) - before pursuing an action against professional



HB 2007 Certificate of Merit for Third-Party Claims Arising from Design-Build Projects

- Creates an exception to certificate of merit requirement when design-build firm makes third-party claim or cross-claim against professional arising from design-build project where school district contracts with single entity to provide both design and construction services





Facilities



HB 1263



HB 1263 School Crossing Zones and Crosswalks at High Schools in Houston

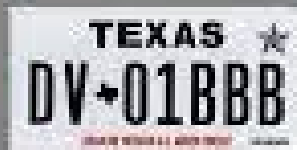
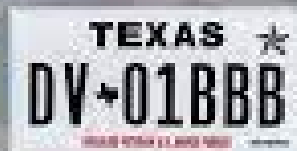
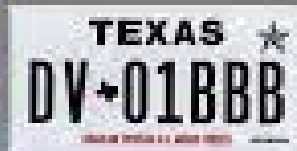
- **Effective:** September 1, 2023
- Local authority authorized to enact traffic laws required, upon request of Houston high school administrator, to designate a school crossing zone or crosswalk at the campus
 - Not applicable to campus undergoing major extension or new construction
- Local authority to update school zone standards by Sept. 1 and post online with clear instructions for making request



HB 1633



DISABLED VETERAN (DV) HANDICAP PARKING

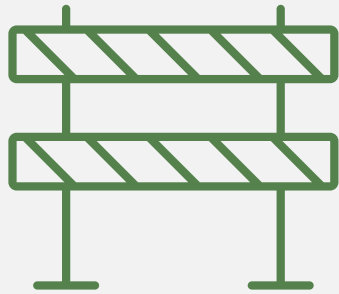


HB 1633 Parking Spaces Designated for Persons with Disabilities



- **Effective:** September 1, 2023 (applies only to offense committed on or after this date)
- **Background:** School district may designate parking spaces / area for use of vehicles transporting persons with disabilities. Parking enforcement may file charge against person using space without displaying international symbol of access on license plate or disabled parking placard.
- Lowers penalty for offense if vehicle displays disabled veteran license plate.

HB 2518



Lien

Bond

HB 2518 Required Terms for Leases of Public Property

- **Effective:** September 1, 2023 (applies to lease entered into or renewed by governmental entity on or after this date)
- Lease of public property by school district must require in any contract for the construction, alteration, or repair of improvement that contractor:
 - execute payment bond and performance bond in an amount equal to the amount of the contract, and
 - provide to governmental entity “notice of commencement” at least 90 days before start date of any construction / alteration / repair



HB 2518 Required Terms for Leases of Public Property

- Notice of commencement must include:
 - Identification of public property
 - Description of work
 - Total cost of work
 - Copies of bonds
 - Contractor's written acknowledgement that will give copies of bonds to all subcontractors.
- Governmental entity has 10 days from receipt of notice to notify leaseholder that construction/ alteration / repair may not proceed.



HB 1825



HB 1825 Alcoholic Beverages at School Districts in Tarrant County

- **Effective:** September 1, 2023
- Board of Tarrant County school district permitted to adopt policy allowing for consumption / possession / sale of alcoholic beverages at event held at district's performing arts facility
 - Facility must be leased to a nonprofit organization for event not sponsored or sanctioned by district **AND**
 - lease must require that event be held outside regular school hours **AND**
 - alcoholic beverages must be sold by person holding appropriate retail license or permit.





HB 915

HB 915 Texas Workforce Commission Notice for Workplace Violence

- **Effective:** September 1, 2023
- Employers to post notice for reporting workplace violence or suspicious activity to DPS. Must include contact information and right to make anonymous report. Must be posted:
 - In a conspicuous place,
 - In sufficient locations to be convenient to all employees, and
 - In English and Spanish, as appropriate.
- TWC to consult with DPS to adopt rules prescribing form and content of notice by March 1, 2024.



HB 1760

HB 1760 Possession of Weapon in Prohibited Places Related to Schools

- **Effective:** September 1, 2023 (applies only to offense committed on or after this date)
- Adjusts list of locations where (absent an exception) a person cannot go with a firearm, location-restricted knife, club, or other prohibited weapon. Cannot take a location-restricted weapon:
 - On premises of a school or postsecondary educational institution,
 - On grounds or building **owned by and under control of school or postsecondary educational institution** where school activity is being conducted, or
 - In passenger vehicle of school or postsecondary educational institution.



HB 1760 Possession of Weapon in Prohibited Places Related to Schools

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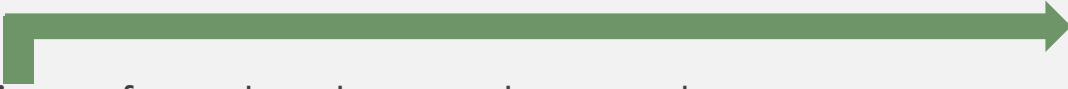
- On premises of a school or postsecondary educational institution,
- On grounds or building **owned by and under control of school or postsecondary educational institution** where school activity is being conducted, or
- In passenger vehicle of school or postsecondary educational institution.

Not an offense if carrying weapon pursuant to written regulations or written authorization of the school or institution

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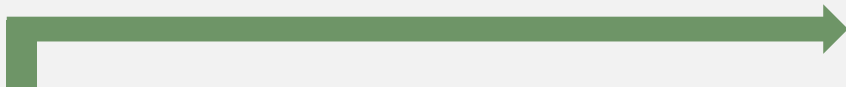
Premises = building or portion of building

- **NOT**
public or private driveway,
street,
sidewalk or walkway,
parking lot, parking garage, or other
parking area.

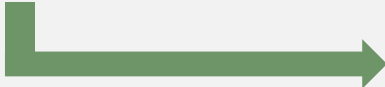
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School = accredited primary or secondary school



Postsecondary educational institution = institution of higher education or private or independent institution of higher education.



Miscellaneous

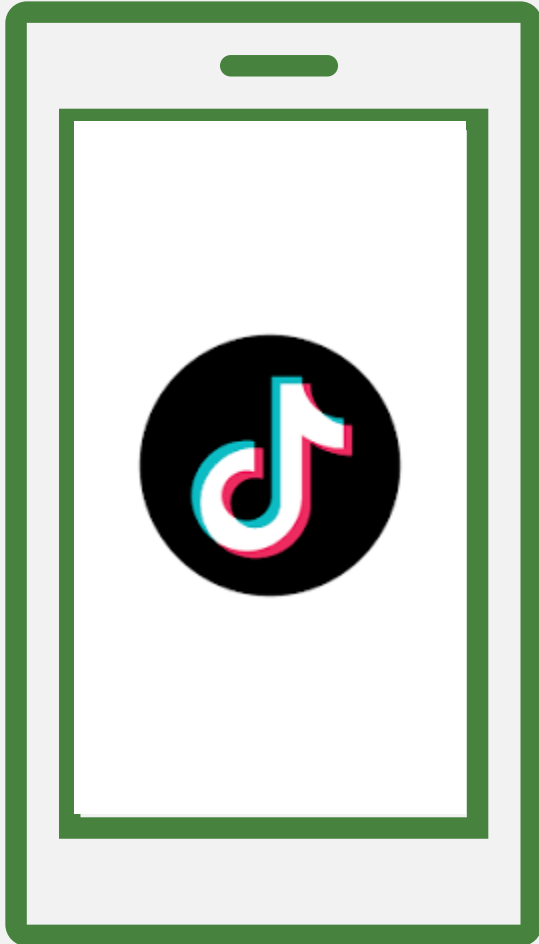


SB 1893



SB 1893 Prohibiting Certain Social Media Applications on Government Devices

- **Effective:** June 14, 2023



- Prohibits use on government devices of social media applications and services deemed to pose risk to the state.
- Requires governmental entities to prohibit on devices owned / leased by governmental entity:
 - TikTok,
 - Any other service developed / provided by ByteDance Limited (owner of TikTok), and
 - Any other social media application or service determined by governor to pose a risk to the state.

SB 1893 Prohibiting Certain Social Media Applications on Government Devices

Professors sue Texas over TikTok ban, signaling First Amendment fight

The professors said the ban immediately halted research projects into TikTok and derailed their plans to lead classes discussing the social media app's benefits and risks.

BY DREW HARWELL, [THE WASHINGTON POST](#) JULY 13, 2023 12 PM CENTRAL

HB 4553

HB 4553 Eligibility of Certain Entities for DIR Services

- **Effective:** September 1, 2023
- **Background:** DIR required to perform a variety of tasks:
 - Telecommunications services,
 - Negotiate contracts for IT commodity items, and
 - Establish statewide tech centers offering tech services.
- State law establishes which entities are eligible to access DIR programs and services, but lists are not uniform. Varying eligibility across programs = confusion.

- **Expands** the list of eligible entities, which includes local governments such as school districts.
- **Aligns** the list across various DIR programs and services.

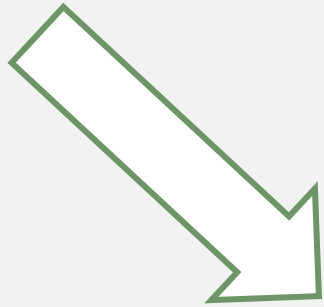
HB 2190



HB 2190 Terminology Used to Describe Transportation-Related Accidents

- **Effective:** September 1, 2023

Accident



Collision



Federal DOL Davis-Bacon Rule Changes



U.S. DEPARTMENT OF LABOR

News Release

US DEPARTMENT OF LABOR ANNOUNCES FINAL RULE TO MODERNIZE DAVIS-BACON ACT

Aided by labor, industry stakeholders' comments, most comprehensive updates in 40 years

The final rule's regulatory changes improve the department's ability to administer and enforce DBRA labor standards more effectively and efficiently. These changes include the following:

- Creating new efficiencies in the prevailing wage update system and making sure prevailing wage rates keep up with actual wages which, over time, would mean higher wages for workers.
- Returning to the definition of "prevailing wage" used from 1935 to 1983 to ensure prevailing wages reflect actual wages paid to workers in the local community.
- Periodically updating prevailing wage rates to address out-of-date wage determinations.
- Providing broader authority to adopt state or local wage determinations when certain criteria are met
- Issuing supplemental rates for key job classifications when no survey data exists.
- Updating the regulatory language to better reflect modern construction practices.
- Strengthening worker protections and enforcement, including debarment and anti-retaliation provisions.

The DBRA requirements apply to an estimated tens of billions of dollars in federal and federally assisted construction spending each year and provide minimum wage rates for hundreds of thousands of U.S. construction workers. The department expects a significant increase in the numbers of industry workers due to the historic investments in federally funded construction projects made possible by legislation such as the Infrastructure Investment and Jobs Act.

“Lagniappe” Bills



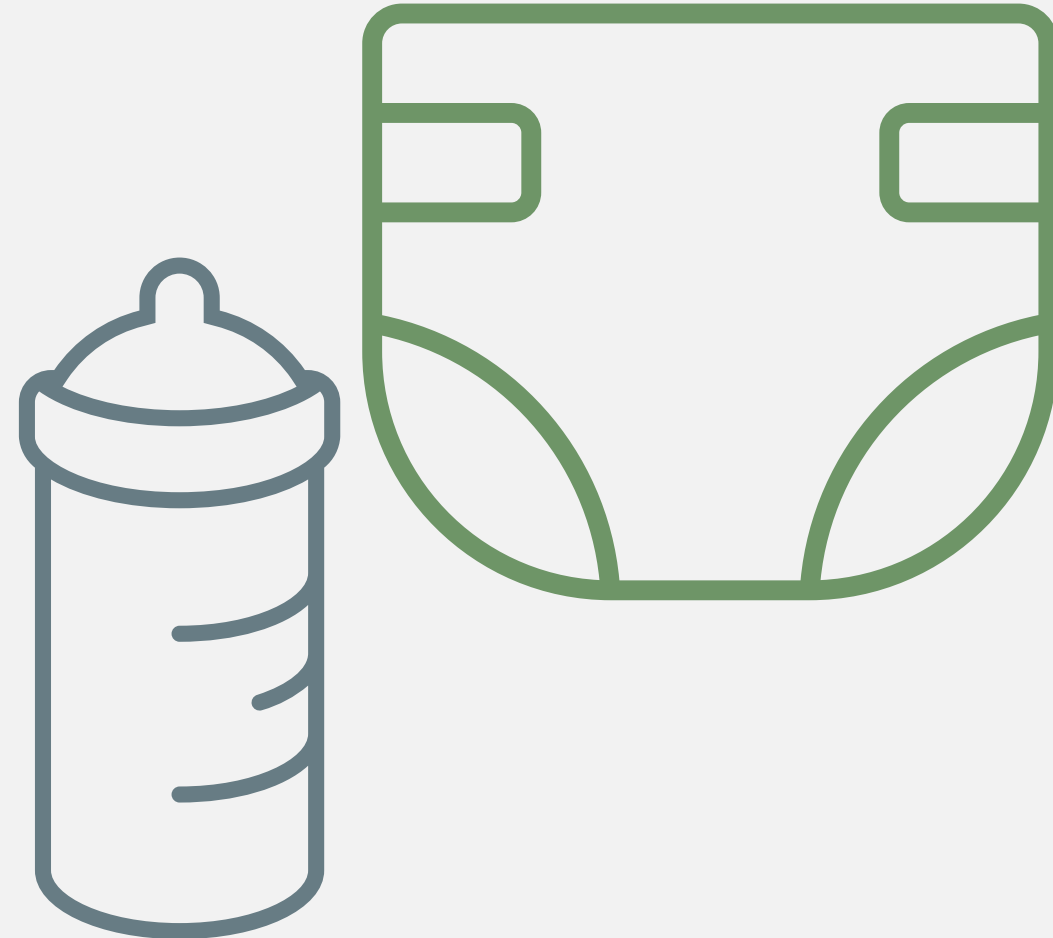
Lagniappe

(LAN-yap)

a little something extra,
something unexpected,
a random mix.

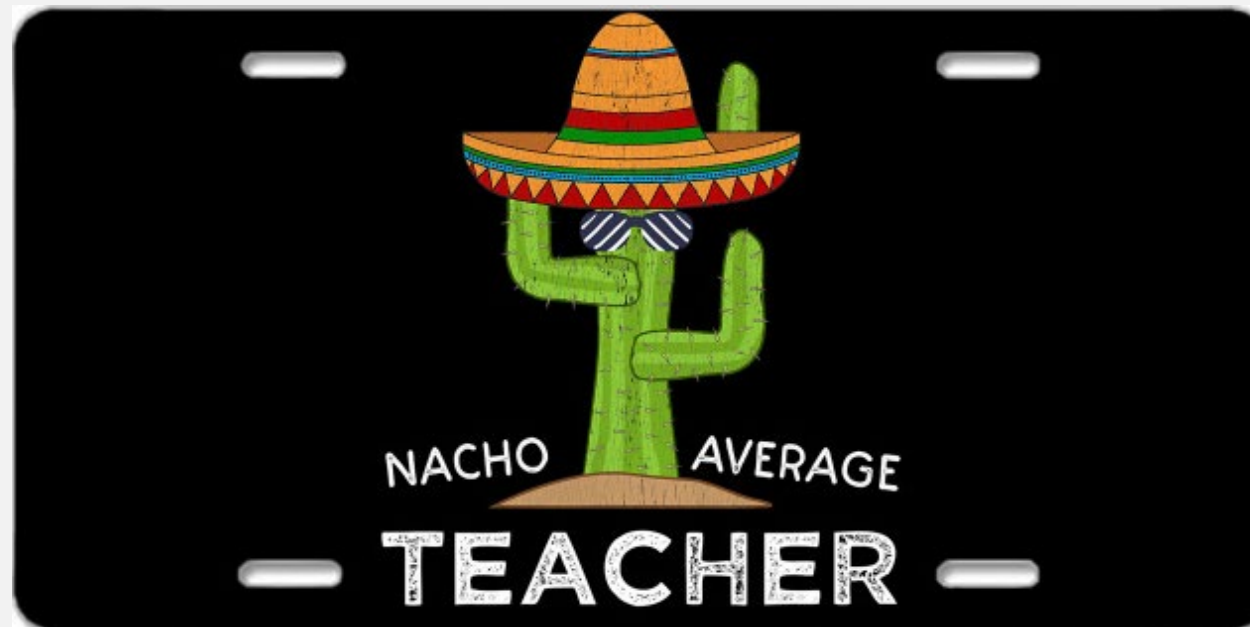
SB 379 Exemption from Sales and Use Taxes for Certain Family Care Items

- **Effective:** September 1, 2023
- Exempts from sales tax:
 - Diapers
 - Wipes
 - Baby bottles
 - Feminine hygiene products
 - Maternity clothes
 - Breast milk pumping products



HB 108 Issuance of Specialty License Plates for Classroom Teachers and Retired Classroom Teachers

- **Effective:** September 1, 2023
- Specialty license plates for classroom teachers with 15 years of service (and retired classroom teachers with 20 years of service) teaching public school students
- “Texas Teacher” or “Retired Texas Teacher,” respectively, and public education logo.



HB 2194 Establishing a “Made in Texas” Labeling Program

- **Effective:** September 1, 2023
- Establishes a “Made in Texas” labeling program to:
 - Set criteria for whether person may sell / advertise / offer for sale in Texas a product using “Made in Texas”
 - All or virtually all significant parts and processing of product must originate in Texas
 - Design and administer use of logo for products to be labeled as “Made in Texas”
 - Adopt application process for use of logo



MADE
in the
USA

HB 3991

Fruit & Vege Day



- **Effective:** beginning 2023-24 school year
- Establishes the first Friday in April as “Texas Fruit and Vegetable Day”
- To promote awareness of the health benefits of fruits and vegetables and to encourage students to consume more fruits and vegetables during Texas Fruit and Vegetable Month under Section 662.103, Government Code.
- Texas Fruit and Vegetable Day shall include appropriate instruction, as determined by each school district.

HB 639 Number of Temporary Licenses to Conduct Bingo

- **Effective:** September 1, 2023
- Increases from **6** to **12** the number of temporary licenses to conduct bingo per year.





Questions?



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