

**A. Legislative Issues**



# COMMISSIONERS COURT COMMUNICATION

REFERENCE NUMBER \_\_\_\_\_

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DATE: 03/14/2023

**SUBJECT: LEGISLATIVE ISSUES**

**\*\*\* BRIEFING AGENDA \*\*\***

The Commissioners Court will receive a weekly update concerning legislative activities of the Texas Legislature, along with Federal Government initiatives. Staff will provide materials that summarize the previous week's activities, county legislative initiatives and other issues relating to legislative activities. If needed, the Commissioners Court may take action regarding pending legislative issues.

SUBMITTED BY: Administrator's Office

PREPARED BY: Russell Schaffner  
APPROVED BY:



## TARRANT COUNTY COMMISSIONERS COURT

G. K. MAENIUS  
COUNTY ADMINISTRATOR

**TO:** Tarrant County Commissioners Court

**FROM:** Russell Schaffner, Asst. County Administrator

**DATE:** March 10, 2023

**SUBJECT:** Legislative Update

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### Overview

The unrestricted bill filing period ended on March 10. Only local bills can now be filed until March 24. The House and Senate supplemental appropriations bills (**HB 500** and **SB 30**) have been filed and have only a single difference between them (the Senate includes \$100 million for the Governor's Office Moving Image Industry Incentive Program). The supplemental appropriations act appropriate \$11 billion in all funds and \$5 billion in general funds. The House and Senate appropriation bills are moving forward with rider deadlines having passed this week.

Chairman Meyer filed the House's property tax relief bill, **HB 2**. The bill includes a five (5) percent cap on the growth of appraisals on all real property. The bill also includes a fifteen (15) cent school district tax rate compression. The bill does change an existing permissive statute (may) to a mandate (shall): at the request of a property owner, the Tax Assessor-Collector shall enter into a contract with a property owner to create and maintain an escrow for the purpose of paying property taxes. This bill is set for a hearing on Monday, March 13, and is expected to move quickly through the House with minimal changes.

Several bills have been filed relating to the use of school district property as voting locations. **HB 453** (Schofield)/**SB 824** (Bettencourt) would prohibit a school district from using its facility as a polling location for board of trustee or bond elections for five (5) years if it does not allow the use of the facility if selected as a polling location. **SB 808** (Paxton)/**SB 961** (Campbell) would allow a school board to choose whether to allow its campus facility to be used as a polling place if the use of the building during school hours conflicted with campus security. **SB 143** (Springer) prohibits the use of a public primary or secondary school campus as a polling location.

**SB 823** (Bettencourt)/**HB 2020** (Oliverson) would empower the Secretary of State to enter a written order to "suspend the employment" of an elections administrator "at any time" if an administrative election complaint is filed with the Secretary of State and the Secretary of State has "good cause to believe" that a "recurring pattern of problems" exist in the election of the county including: 1)

malfunctioning of voting system equipment, 2) unfair distribution of election supplies, 3) errors in tabulation of results, 4) delays in reporting election returns, 5) and discovery of voted ballots after the polls close. If the Secretary of State suspends the election administrator, the Secretary then will appoint a replacement until such a time that the Secretary of State determines that the "recurring pattern of problems" has been rectified.

Significant legislation has been filed relating to the selection of the appraisal district chief appraiser, board of directors, and appraisal review board. **HB 808 (Metcalf)/HB 2500 (Bell)/HB 2766 (Slaton)/SB 1377 (Parker)** would require the chief appraiser to be elected at-large in the county and serve a two-year term. **HB 809 (Metcalf)** would require that a five-member appraisal district board of directors be elected. One director each commissioners precinct and one at-large to serve a two-year term. **HB 810 (Metcalf)** would require that a five-member appraisal review board be elected members serving two-year terms. One member would be elected from each commissioners precinct and one member at-large. For counties of a million or more, the elected appraisal review board may appoint auxiliary board members to fill positions on certain appraisal review panels.

**HB 2384 (Leach)** adds additional requirements for judicial offices. The bill requires for all elected judges (including a "county judge who performs judicial functions") to include on the candidates application for a place on the ballot the candidates state bar number and disclose any sanction or censure, disciplinary sanction from a state bar, nature of the candidate's legal practice, professional courtroom experience, and any final conviction of a Class A or Class B misdemeanor in the past two years. The bill also requires additional education for judges (from the chief justice of the supreme court to a county judge who performs judicial functions) of at least thirty (30) hours on the administrative duties of judicial offices and substantive, procedural, and evidentiary laws during their first year in office and an additional sixteen (16) hours of instruction each year thereafter. Not meeting the education requirements is a cause for removal from office. The bill also requires the Office of Court Administration to calculate and report the clearance rate of each district court, statutory county court, and county court (instead of the current aggregate clearance rate).

**SB 1105 (Birdwell)** and the corresponding Senate Joint Resolution (**SJR 60**) would allow the governor to suspend a state officer other than the member of the legislature, an officer of the military forces of the state, a county officer, or a municipal officer. To suspend one of the individuals above, the Governor would issue an executive order stating that the officer is suspended for one of the following reasons: 1) "the office has publicly declared that the officer will not enforce the laws of this state," 2) "the officer has willfully neglected the duties of office," or 3) "the officer has been finally convicted of a felony." If the Governor files an executive order when the Senate is in a regular or special called session, the Senate will set a day and time to vote on the question of removing the officer from office. If the Senate is not in session, the Lt. Governor shall issue a time for the Senate to convene to vote on the question of removal of the officer. If the Lt. Governor does not call the Senate into session within five (5) days of receipt, the Speaker Pro Tempore of the Senate shall issue a proclamation setting the date and time for the vote to remove. If a majority of the Senate present votes to remove the officer, the individual is permanently removed from office and disqualified from holding any future office.

**HB 17 (Cook)/SB 378 (Parker)** allows the Attorney General to bring an action in district court against a district attorney, criminal district attorney, or county attorney with criminal jurisdiction if the attorney 1) adopted or enforced a policy that prohibits or materially limits the enforcement of any criminal offense or 2) demonstrates a pattern or practice that prohibits or materially limits the enforcement of a criminal offense. If a court finds that the attorney has violated bill, then a civil penalty of \$1,000 to \$1,500 for the

first violation and not less than \$25,000 and not more than \$25,500 for each subsequent offense. Each day of a continuing violation constitutes a separate violation for a civil penalty. The Attorney General may sue to collect the civil penalty and may recover reasonable expenses in collecting the penalty. The County's sovereign immunity and governmental immunity is waived. An attorney that adopts a policy or demonstrates a pattern of practice is a cause for removal from office.

**SB 1034 (Middleton)/HB 1372 (Harris)** create a new definition for public nuisance claims in Texas and would likely affect the Commissioners Court's ability to protect its resident's quality of life. The bill limits a public nuisance claim by disallowing a claim if it is 1) an action or condition that is authorized, licensed, approved, or mandated by statute, ordinance, regulation, permit, order, rule, or other similar measure issued or approved by the federal government, a federal agency, a state, a state agency, or a political subdivision; 2) an action or condition that occurs or exists where a statutory cause of action or administrative enforcement already exists to address conduct that is injurious to the public; or 3) a product or a claim based on the manufacturing, distributing, selling, labeling, or marketing of a product regardless of whether the product is defective. The bill clarifies that this definition may not be construed to limit a claimant from relief through other law. This bill would likely affect the County's ability to seek relief from a number of serious harms including but not limited to opioid litigation.