



Legislative UPDATE

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Number 29

Post Session Update: Public Comment on Agenda Items

House Bill 2840 by Representative Terry Canales (D – Edinburg) is effective on September 1, 2019. The bill amends the Texas Open Meetings Act to provide that “a governmental body shall allow each member of the public who desires to address the body regarding an item on an agenda for an open meeting of the body to address the body regarding the item at the meeting before or during the body’s consideration of the item.” Before the passage of the bill, the public had only the right to observe, rather than speak at, an open meeting of a governmental body. League staff has prepared a [legal Q&A](#) on the bill.

Post Session Update: Annexation

House Bill 347 by Phil King (R – Weatherford) became effective May 24, 2019, and ends most unilateral annexations by any city, regardless of population or location. Specifically, the bill: (1) makes most annexations subject to three consent annexation procedures that allow for annexation: (a) on request of the each owner of the land; (b) of an area with a population of less than 200 by petition of voters and, if required, owners in the area; and (c) of an area with a population of at least 200 by election of voters and, if required, petition of landowners; and (2) authorizes certain narrowly-defined types of “consent exempt” annexations (e.g., city-owned airports, navigable streams, strategic partnership areas, industrial district areas, etc.) to continue using a service plan, notice, and hearing annexation procedure. A detailed paper on the state of the law following the passage of the bill is available [here](#).

Post Session Update: Website Posting Requirements

Several bills passed by the legislature require a city to post various information on its website.

Most notably, House Bill 305 by Representative Dennis Paul (R – Houston) requires any city in a county with 25,000 or more population, and a city with a population of 5,000 or more in a county with less than 25,000 population, to post the following additional information on its website: (1) each notice of a meeting of the city’s governing body under the Open Meetings Act (i.e., the meeting agenda); and (2) the minutes of a meeting of the city’s governing body (presumably after they have been approved by the city council).

Several other bills are included in the League’s updated “[website posting memo](#),” which shows every provision in state law that requires website posting.

Post Session Update: Cybersecurity Training in the Works

House Bill 3834, which became effective on June 14, 2019, mandates cybersecurity training for city officials and employees. Specifically, it provides that: (1) the Department of Information Resources (DIR) with the cybersecurity council and industry stakeholders shall annually: (a) certify at least five cybersecurity training programs for state and local government employees; and (b) update standards for maintenance of certification by the cybersecurity training programs; (2) a certified training program must: (a) focus on forming information security habits and procedures that protect information resources; (b) teach best practices for detecting, assessing, reporting, and addressing information security threats; (3) DIR may identify and certify training programs provided by state agencies and local governments that satisfy the above requirements; (4) DIR shall annually publish on its website the list of certified cybersecurity training programs; (5) a local government that employs a dedicated information resources cybersecurity officer may offer a cybersecurity training program that satisfies the certified requirements described in (2) to its employees; (6) at least once a year, a local government shall identify employees who have access to a local government computer system or database and require those employees and elected officials of the local government to complete a certified cybersecurity training program; and (6) the governing body of the local government may select the most appropriate certified cybersecurity training program for employees to complete and shall: (a) verify and report on the completion of a cybersecurity training program by employees of the local government to DIR; and (b) require periodic audits to ensure compliance.

League staff and representatives from the Texas Association of Government Information Technology Managers have been in communication with DIR staff regarding the bill. Even though it is effective now, DIR needs time to implement it. To that end, DIR staff is working on several initiatives to help government agencies throughout the state meet the bill’s requirements.

DIR is creating and defining the process to certify security awareness training programs, including a course certification checklist. DIR is in the process of presenting its proposed plan to the Texas Cybersecurity Council, and it will share the plan publicly soon. In addition, DIR is creating the process for state and local governments to report their training completion to DIR.

Finally, DIR is defining several terms in the bill, which is necessary to clarify who needs to take the training. No action on the part of city officials is required right now. More details will follow.

FCC Moves Forward with Cable Franchise Fee Order

Late last year, the League joined a coalition of associations and cities to file [comments](#) with the Federal Communications Commission. The comments were filed in response to an FCC proposal that would allow cable companies to deduct the fair market value of a wide range of franchise obligations, including PEG channel capacity and other PEG-related franchise requirements, from their existing franchise fee payments.

If the FCC's proposed new rules are adopted, cities that operate PEG channels will see reductions in franchise fee payments from cable operators. The FCC has issued its [proposed order](#), which could be considered as soon as August 1, 2019. The League is participating in additional, response comments, and will continue to report on developments.

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