



Legislative UPDATE

October 2, 2020
Number 39

TML Region 6 (Hub Of Texas-Abilene Area) Virtual Legislative Roundtable On October 6

TML will be hosting a virtual legislative roundtable discussion with Region 6 city officials on Tuesday, October 6, at 2:00 p.m. We are excited to be joined by Representatives Drew Darby (R-San Angelo) and Andrew Murr (R- Kerrville) and Representative-Elect Glenn Rogers (R-Graford).

Representative Darby is the Chairman of the House Select Committee on Mass Violence Prevention and Community Safety, Vice-Chairman of the House Business and Industry Committee, and is a member of the House Committee on Energy Resources. Representative Murr serves on the Interim House Committee on Aggregate Production Operations, as Vice-Chairman of the House Committee on Juvenile Justice and Family Issues, and is a member of the House Committee on Criminal Jurisprudence. Dr. Glenn Rogers will represent House District 60 in the 87th Legislature.

We encourage city officials in Region 6 (as well as officials outside Region 6 who are constituents of Representatives Darby, Murr, or House District 60) to join us for this important discussion on the 87th Legislative Session which will provide the opportunity to engage with state elected leaders. Your voices matter most in the legislative process so we hope you will join us.

Please be sure to register [here](#). If you have any questions about the event, contact JJ Rocha at jj@tml.org.

DOL Proposes Independent Contractor Rule

On September 25, 2020, the U.S. Department of Labor (Department) published a [proposed rule](#) that addresses how to determine whether an individual is an employee or an independent contractor under the Fair Labor Standards Act.

In this rulemaking, the Department proposes to:

- Adopt an “economic reality” test to determine a worker’s status as an FLSA employee or an independent contractor. The test considers whether a worker is in business for themselves (independent contractor) or is economically dependent on a putative employer for work (employee);
- Identify and explain two “core factors,” specifically: the nature and degree of the worker’s control over the work; and the worker’s opportunity for profit or loss based on initiative and/or investment. These factors help determine if a worker is economically dependent on someone else’s business or is in business for themselves;
- Identify three other factors that may serve as additional guideposts in the analysis including: the amount of skill required for the work; the degree of permanence of the working relationship between the worker and the potential employer; and whether the work is part of an integrated unit of production; and
- Advise that the actual practice is more relevant than what may be contractually or theoretically possible in determining whether a worker is an employee or an independent contractor.

Written comments on the proposed rule are due on or before October 26, 2020.

Act Soon: Choose Your City’s 2020 TML Business Meeting Delegate!

At the 2020 TML Annual Conference, the membership will consider [several resolutions](#) related to legislative issues and the League’s constitution. Three of this year’s resolutions, if passed, will form the basis of TML’s 2021-2022 Legislative Program, and two relate to amending the [TML Constitution](#) to accurately reflect affiliate organization names. To learn more about the League’s policy development process, check out the introductory section of the resolutions packet linked above.

The resolutions will go directly to the membership at the [TML Business Meeting](#), which will meet using Zoom technology on October 14, 2020, at 3:30 p.m.

Each city is entitled to one delegate at the business meeting. Cities are encouraged to sign up their delegate early [here](#). The delegate isn't required to have any special expertise, and an elected official representative is encouraged but not required. The delegate must sign up electronically prior to 5:00 p.m. on October 9, 2020 for planning purposes.

Legislative Committees Request Information on Interim Charges

Due to the ongoing pandemic and the uncertainty as to scheduling interim hearings, several legislative committees have issued notices of formal "requests for information" ("RFIs") to which the public, including cities, may respond. The following is a non-exhaustive list of RFIs on city-relevant interim charges, sorted by the deadline for submitting comments. Interested city officials may follow the links associated with each committee for more details about the procedure to submit comments:

October 30, 2020 – [House Licensing and Administrative Procedures Committee](#)

- **Interim Charge 1:** Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:
 - HB 892, which relates to county regulation of game rooms. Monitor the status of counties statewide who have chosen to regulate game rooms and implement their own regulatory structure to combat illegal gambling activity via registration and permitting requirements, fees, disclosure of ownership, inspection schemes, and civil and criminal penalties.
 - HB 1545, which is the sunset legislation for the Texas Alcoholic Beverage Commission. Monitor the implementation of the legislation and the agency's progress in the consolidation, repeal, and creation of certain licenses and permits and the adoption of new fees.

November 13, 2020 – [House Ways and Means Committee](#)

- **Interim Charge 1.1:** Monitor the agencies and programs under the Committee's jurisdiction and oversee the implementation of relevant legislation passed by the 86th Legislature. Conduct active oversight of all associated rulemaking and other governmental actions taken to ensure intended legislative outcome of all legislation, including the following:
 - S.B. 2, which is the Texas Property Tax Reform and Transparency Act of 2019. Monitor the implementation of the legislation, including a review of the tax rates adopted by taxing units in 2019 and 2020, the appraisal review board survey

system, and progress in onboarding the tax rate notices and websites. Make recommendations for modifications as necessary and appropriate.

Coronavirus (COVID-19) Updates

The Texas Municipal League is open for business. The building is closed to all but essential personnel and most staff is working remotely, but the League remains open for business and is fully ready to serve. Cities are encouraged to call or email for legal assistance, help with ordinances, or for general advice or assistance. Let us know how we can assist you and your city.

Call TML staff at 512-231-7400, or email Scott Houston for legal assistance at SHouston@tml.org; Rachael Pitts for membership support at RPitts@tml.org; and the training team for questions about conferences and workshops at training@tml.org.

The League has prepared a coronavirus clearinghouse [web page](#) to keep cities updated. In addition, everyone who receives the *Legislative Update* should receive a daily email update each afternoon with information on new developments. The daily email updates will be our primary means of communication during the pandemic. Those emails are being archived [chronologically](#) as well as by [subject matter](#).

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