



# Legislative UPDATE

April 16, 2021  
Number 14

## Bills on the Move

### Significant Committee Action

[H.B. 1869 \(Burrows\)](#), relating to debt financing. Voted from House Ways and Means. The committee substitute (not yet available), as modified by a committee amendment, would provide that certain types of debt should continue to be considered “debt” for purposes of property tax rate calculations. The forms of debt that would continue to be financed from a city’s debt service tax rate includes debt that meets one of the following requirements: (1) has been approved at an election; (2) includes self-supporting debt; (3) evidences a loan under a state or federal financial assistance program; (4) is issued for designated infrastructure, which means infrastructure, facilities, or equipment for the purposes of: (a) streets, roads, or highways; (b) telecommunications; (c) cyber security; or (d) as part of any utility system, water supply project, water plant, wastewater plant, water and wastewater distribution or conveyance facility, wharf, dock, or flood control, and drainage project; (5) is a refunding bond; or (6) is issued in response to a hurricane or tropical storm. Other, non-taxpayer approved debt not excepted above would move to the maintenance and operations side of the tax rate.

[S.B. 22 \(Creighton\)](#), relating to disease presumption. Voted from Senate State Affairs.

[S.B. 726 \(Schwertner\)](#), relating to eminent domain. TML provided [written testimony](#). Voted from Senate State Affairs.

[S.B. 1438 \(Bettencourt\)](#), relating to tax rate calculation in disaster area. Voted from Senate Finance.

[S.B. 1922 \(Lucio\)](#), relating to regulation in certain areas. TML provided [written testimony](#). Left pending in Senate State Affairs.

[S.B. 1992 \(Bettencourt\)](#), relating to the extraterritorial jurisdiction. TML provided [written testimony](#). Left pending in Senate Local Government.

[H.B. 1089 \(Reynolds\)](#), relating to governmental liability. TML provided [written testimony](#). Left pending in House Judiciary and Civil Jurisprudence.

[H.B. 1656 \(Murphy\)](#), relating to disaster orders. TML provided [written testimony](#). Left pending in House State Affairs.

[H.B. 2044 \(Leman\)](#), relating to eminent domain. Voted from House Land and Resource Management.

[H.B. 2242 \(Patterson\)](#), relating to line of duty illness or injury leave. TML provided [written testimony](#). Left pending in House County Affairs.

[H.B. 3015 \(Hernandez\)](#), relating to public information. TML provided [written testimony](#). Left pending in House State Affairs.

[H.B. 3519 \(Deshotel\)](#), relating to the extraterritorial jurisdiction. TML provided [written testimony](#). Left pending in committee.

### **Significant Floor Action**

[S.B. 10 \(Bettencourt\)](#), relating to community censorship. Passed the Senate. The [committee substitute](#) for S.B. 10 contains language that would allow a city or county to provide compensation to a nonprofit state association or organization to advocate for or against or otherwise influence the outcome of legislation, so long as the association or organization does not contract with lobbyists or attempt to influence legislation related to property taxation. The committee substitutes also authorizes a city to reimburse an employee or officer of the city for direct travel related to advocacy. The committee substitute passed by the Senate is otherwise nearly the same as the as-filed version, and generally creates liability for a city if city funds are used in any manner to directly or indirectly influence or attempt to influence the outcome of any legislation pending before the legislature.

[S.B. 14 \(Creighton\)](#), relating to employment policies. Passed the Senate.

[S.B. 23 \(Huffman\)](#), relating to law enforcement funding. Passed the Senate.

[S.B. 374 \(Seliger\)](#), relating to annexation rights-of-way. Passed the Senate.

[H.B. 1500 \(Hefner\)](#), relating to firearm regulation. Passed the House.

## **TCEQ Proposes Rules Requiring Alternative Language for Certain Permits**

The Texas Commission on Environmental Quality (TCEQ) is [proposing rules](#) that would require translations for certain proceedings and applications for TCEQ permits. Specifically, the rules would apply to: (1) all air quality permit applications; and (2) water quality or waste permit applications when the closest elementary or middle school nearest to the facility or proposed facility is required by Texas law to provide a bilingual education program. The required translations will result in additional costs for cities seeking these permits.

Under the proposed rules, applicants required to publish an alternative language notice of their permitting action would also be required to: (1) translate notice of any public meeting; (2) provide professional interpretation services at any public meeting; and (3) translate certain information related to a contested case hearing.

The comment period closes on **April 26, 2021**. Written comments may be submitted to Gwen Ricco, MC 205, Office of Legal Services, Texas Commission on Environmental Quality, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to [fax4808@tceq.texas.gov](mailto:fax4808@tceq.texas.gov). Electronic comments may be submitted at: <https://www6.tceq.texas.gov/rules/ecomments/>. All comments should reference **Rule Project Number 2020-018-039-LS**.

TCEQ will also hold *virtual* public hearings on this proposal on **April 20** and **April 22**. TCEQ staff members will be available to discuss the proposal 30 minutes prior to and after the virtual hearings via the GoToMeeting Q&A chat function.

### **Public Hearing Details**

Webinar link for all sessions <https://www.gotomeeting.com/webinar/join-webinar>.

Tuesday, April 20, 2021 @ 9:30 a.m. (CST) Webinar ID 328-027-147

Thursday, April 22, 2021 @ 1:30 p.m. (CST) Webinar ID 627-364-267

For those persons without computer or internet access who would like to participate in the webinars (in English): Call (844) 368-7161 and enter code 435007#.

## **EPA Announces Public Listening Sessions and Roundtables on the Lead and Copper Rule Revisions**

The U.S. Environmental Protection Agency (EPA) announced upcoming public listening sessions and roundtables to ensure that communities and stakeholders have the opportunity to provide their perspectives to the agency on protections from lead in drinking water. Virtual public listening sessions will be held on **April 28, 2021**, and **May 5, 2021**. EPA will then host community-focused virtual roundtables, starting in May of 2021. Additional details are available at [www.epa.gov/safewater](http://www.epa.gov/safewater). Those unable to attend any of the events will be able to submit comments

via the docket at: <http://www.regulations.gov>, Docket ID: EPA-HQ-OW-2021-0255 until June 30, 2021.

## **Stay Engaged During the Legislative Session: Grassroots Involvement Program**

During the upcoming Texas legislative session, Texas cities will face many challenges and opportunities. TML will need to mobilize our membership at key points during session. The Grassroots Involvement Program (GRIP) is one way to do so. Our GRIP survey focuses on a variety of items including your areas of expertise and involvement with other professional organizations. Most importantly, the GRIP survey asks how well you know various state legislators and if you are willing to communicate with those legislators during the session. With many unknowns on how the capitol will operate during a pandemic, TML's grassroots approach will be crucial to our efforts.

If you have a relationship with your legislator(s) or want to be more involved during session, please take the time to complete the [GRIP survey](#). Past efforts have proven that such participation is a highly effective tool.

We ask that you complete the survey as soon as possible.

## **City Officials Testify**

When the legislature is in session, nothing compares to the effectiveness of city officials testifying at the Capitol. City officials who take the time to attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who are vigilantly representing cities during this session. If we missed your testimony let us know by an email to [ford@tml.org](mailto:ford@tml.org), and we will recognize you in next week's edition.

The following officials testified in committee hearings held April 5 through April 9:

- Jamaal Smith, Assistant Director of Government Affairs, City of Houston
- Brandi Youngkin, Director of Governmental Relations, City of Plano
- Sally Bakko, Director of Policy and Government Relations, City of Galveston
- Richard Aubin, Councilmember, City of Garland
- David Billings, Mayor, Fate
- Jeff Coyle, Assistant City Manager, City of San Antonio
- Gil Hernandez, Mayor Pro Tem, City of Corpus Christi
- Bill Kelly, Director of Government Relations, City of Houston
- Connie Schroeder, Mayor, City of Bastrop
- Juan Ayala, Director – Office of Military & Veteran Affairs, City of San Antonio
- Robert Miklos, Mayor Pro Tem, City of Mesquite

- Marie Robb, Councilmember, City of Galveston
- Tyson Thompson, Development Services Manager, City of Fort Worth
- Mary Elliott, Planning Manager – Platting & Annexation Section, City of Fort Worth
- Jonathan Kringen, Chief Data Officer, City of Austin Police Department
- Rob Vires, Chief of Staff, City of Austin Fire Department
- Brian England, Deputy City Attorney, City of Garland
- DJ Harrell, Director of Development Services, City of Fort Worth
- Joe Freeland, San Antonio Water System
- Joseph Chacon, Interim Chief of Police, City of Austin
- Karen Hunt, Mayor, City of Coppell
- Mike Land, City Manager, City of Coppell
- Hilary Shine, Executive Director of Communications, City of Killeen
- David Erb, Director of Finance, City of Lewisville
- Robert Scott, Assistant City Manager/Chief Finance Officer, City of Carrollton
- Shane Shepperd, Economic Development Director, City of Lancaster
- Martha Castex Tatum, Vice Mayor Pro Tem, City of Houston
- Clifford Keheley, City Manager, City of Mesquite
- Meg Oswald, Associate Presiding Judge, Municipal Court, City of Houston
- Ronnie Morris, Assistant Police Chief, City of Grand Prairie
- Mario Gonzalez, Judge, Town of Horizon City
- Drew Corn, Town of Northlake
- Thomas Gwosdz, City Attorney, City of Victoria
- Terry Henley, Board of Adjustment Member, City of Meadows Place
- Bob Brown, Mayor, City of Lufkin
- Justin Berry, Police Department, City of Austin
- Casey Davis, Assistant Fire Chief, City of Burleson

## **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 the legal department for legal assistance at [legalinfo@tml.org](mailto:legalinfo@tml.org); Rachael Pitts for membership support at [RPitts@tml.org](mailto:RPitts@tml.org); and the training team for questions about conferences and workshops at [training@tml.org](mailto: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 an email update each Tuesday with information on new developments. The email updates are our primary means of communication during the pandemic. Those emails are archived [chronologically](#) as well as by [subject matter](#).

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