



# Legislative UPDATE

October 1, 2021  
Number 38

## **New Item Added to Special Session Call**

On Thursday, Governor Abbott [added](#) the following item to the special session call:

- Legislation increasing the penalties for illegal voting that were reduced in Senate Bill No. 1 that passed in the 87<sup>th</sup> Legislature, Second Called Session.

Other items on the call include:

- Legislation relating to the apportionment of the State of Texas into districts used to elect members of the Texas House of Representatives, the Texas Senate, the State Board of Education, and the United State House of Representatives.
- Legislation providing appropriations from the American Rescue Plan Act of 2021 (ARPA), Pub. L. No. 117-2.
- Legislation identical to Senate Bill 29 as passed by the Texas Senate in the 87<sup>th</sup> Legislature, Regular Session, disallowing a student from competing in University Interscholastic League athletic competitions designated for the sex opposite to the student's sex at birth.

- Legislation regarding whether any state or local governmental entities in Texas can mandate that an individual receive a COVID-19 vaccine and, if so, what exemptions should apply to such mandate.
- Legislation similar to Senate Bill 474 as passed by 87<sup>th</sup> Legislature, Regular Session, but that addresses the concerns expressed in the governor's veto statement.
- Legislation providing additional property-tax relief for Texans.
- Legislation proposing a constitutional amendment to further protect the safety of the community, law enforcement, and victims, from accused criminals who may be released on bail, including by giving magistrates the discretion to deny bail under some circumstances to people accused of certain violent, sexual, or trafficking offenses.
- Such other subject as may be submitted by the governor from time to time after the session convenes.

## **Resolutions for the 2021 Annual Conference and Your City Delegate**

At the 2021 TML Annual Conference in Houston next week, resolutions submitted to the membership will be considered at the TML Business meeting on October 7 at 3:30 p.m.

The full resolutions packet is available [here](#).

Each city is entitled to one voting delegate at the business meeting. The delegate isn't required to have any special expertise, and an elected official is encouraged but not required. Cities are encouraged to sign up their delegate [electronically](#) prior to the meeting. Cities are also able to sign up in person at a table outside of the meeting room. All city officials are welcome to attend the meeting, whether or not they are a voting delegate.

## **TDLR Proposes Amended Rules for Code Enforcement Officers in Training**

On September 24, 2021, the Texas Department of Licensing and Regulation published [proposed rules](#) related to Code Enforcement Officers. The proposed rules would amend the registration term for a Code Enforcement Officer in Training who upgrades to a Code Enforcement Officer from the remainder of the training registration to a full two-year registration from the date of issuance of the upgrade. The proposed amendment eliminates the need for the newly upgraded Code Enforcement Officer to then have to renew his or her new registration, sometimes within days of the upgrade, when the initial one-year registration expires.

The proposed amendment also combines the upgrade and renewal of the Code Enforcement Officer registration, resulting in the elimination of a second application having to be filed and processed so soon after the upgrade. Additionally, the proposed rules increase the registration fee associated with this upgrade from \$25 to \$100.

Comments on the proposed rules may be [submitted electronically](#) on the Department's website at; by facsimile to (512) 475-3032; or by mail to Monica Nuñez, Legal Assistant, Texas Department of Licensing and Regulation, P.O. Box 12157, Austin, Texas 78711. The deadline for comments is October 24, 2021.

## **Texas Joins \$21 Billion Opioid Settlement**

Attorney General Ken Paxton recently [announced](#) that Texas joined the \$21 billion distributor opioid settlement. Texas, along with a broad coalition of states and subdivisions, reached final agreements with four companies to resolve legal claims for their role in the opioid crisis. One agreement is with opioid manufacturer Johnson & Johnson. The other is with three major pharmaceutical distributors: AmerisourceBergen, Cardinal Health, and McKesson. The settlement includes up to \$1.1 billion awarded to Texas and its political subdivisions, including cities.

Local governments need to join the settlement by **January 2, 2022**, in order to maximize the benefits of the settlement. Funding received under the settlement will be used to support opioid abatement strategies. More information, including the steps necessary to formally join the settlement, can be found [here](#). Also, staff from the Attorney General's office will discuss the settlement at the [TML Annual Conference and Exhibition](#) on Wednesday, October 6, from 2:00-3:15 p.m. at the session "Global Opioid Settlement: What It Means for Texas".

## **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 [alyssa@tml.org](mailto:alyssa@tml.org), and we will recognize you in next week's edition.

The following officials testified in committee hearings held September 7 through September 25:

- Tim Davis, Mayor, City of Temple
- Michael Evans, Mayor, City of Mansfield
- Jerry Hendrix, Chief of Staff, City of Kyle
- Jane Hughson, Mayor, City of San Marcos
- Regan Johnson, Mayor, City of Mineral Wells
- Diana Lopez, City Manager, City of Coleman

- Larry McConn, Assistant City Admin/Director of Economic Development, City of Early
- Rudy Metayer, Councilmember, City of Pflugerville
- Spencer Smith, Mayor, City of Harker Heights
- Ruby Faye Wooldridge, Councilmember, City of Arlington

## City-Related Bills Filed

### Property Tax

**3H.B. 102 (Cook)** – **Property Tax Appraisal**: would provide that: (1) if the appraised value of a residence homestead in a tax year is lowered as a result of an agreement between the property owner and the appraisal district or as a result of a protest or appeal, the appraised value of the property as specified in the agreement or as finally determined in the protest or appeal is considered to be the appraised value of the property for that tax year; and (2) if the appraised value of property in a tax year is lowered under the circumstances described in (1), above, the chief appraiser generally may not increase the appraised value of the property in the next tax year in which the property is appraised by an amount that exceeds the lesser of: (a) the market value of the property for the tax year; or (b) the sum of the appraised value of the property in the tax year in which the appraised value of the property is lowered and the market value of all new improvements to the property.

**3H.B. 121 (Craddick)** – **Prohibition on City Property Taxes in Certain Areas**: would: (1) prohibit a city from imposing a property tax in an area that does not receive full city services; and (2) provide that the prohibition in (1), above, may be waived by written agreement between the city and a landowner in the area, and that the written agreement applies only to property owned by the landowner who enters into the agreement. (Companion bill is **3S.B. 42** by **Campbell**.)

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### Sales Tax

**3H.B. 117 (White)** – **Value Added Tax**: would, among other things, repeal local sales and use taxes and authorize a political subdivision that was authorized to impose a sales and use tax to impose a value added tax not to exceed two percent.

### Community and Economic Development

**3H.B. 116 (Huberty)** – **School Property Tax Limitations**: would extend the expiration date of the Texas Economic Development Act from December 31, 2022, to December 31, 2023.

## **Other Finance and Administration**

**3H.B. 104 (Patterson)** – **Unlawful Restraint of Dog**: would, among other things: (1) prohibit and create an offense for the unlawful restraint of a dog; and (2) provide that the prohibition in (1) does not preempt a local regulation relating to the restraint of a dog or affect the authority of a political subdivision to adopt or enforce an ordinance or requirement relating to the restraint of a dog if the regulation, ordinance, or requirement: (a) is compatible with and equal to, or more stringent than, the prohibition; or (b) relates to an issue not specifically addressed by the prohibition.

**3H.B. 110 (Slaton)** – **COVID-19 Vaccination**: would, among other things: (1) prohibit a governmental entity, including a city, from adopting or enforcing a policy that requires an individual to be vaccinated against COVID-19, including a policy requiring a COVID-19 vaccination for the individual to: (a) obtain a service or benefit provided by the governmental entity; (b) gain access to an establishment owned or operated by the governmental entity; or (c) contract with the governmental entity; and (2) provide that an officer or employee of a governmental entity commits an offense if the officer or employee violates (1), above.

**3H.B. 120 (Jetton)** – **Release of Vaccination Information**: would, among other things: (1) prohibit an employee or agent of a health authority from releasing or otherwise disclosing to any person an individual's vaccination or immunization information received by the health authority unless: (a) the health authority obtains the written or electronic consent of the individual or the individual's legally authorized representative; (b) the employee or agent releases or discloses the information to a health care provider in accordance with applicable state and federal laws relating to the privacy, protection, confidentiality, and transmission of health information; or (c) the release or disclosure is otherwise authorized by state law governing certain public health provisions; (2) prohibit a person who obtains an individual's vaccination or immunization information from releasing or otherwise disclosing the information to a third party, including under a contract or subcontract, for the purpose of encouraging individuals to obtain a vaccine or to provide educational materials on a vaccine; and (3) provide that a person who releases or discloses vaccination or immunization information in violation of (1) or (2), above, is liable to the state for a civil penalty in an amount of not less than \$2,000 and not more than \$50,000 for each violation.

**3S.B. 37 (Hughes)** – **Land Development Applications**: would provide that, unless specifically authorized by state law, a municipal planning commission or the governing body of the municipality may not: (1) require a person to fulfill any prerequisites or conditions or obtain any approvals before the person files a copy of a plan or plat with the municipal planning commission or governing body; (2) delay the starting date for calculating any applicable timeframe to approve or disapprove a plan or plat by not considering the date the plan or plat was filed as the starting date; or (3) refuse to accept, acknowledge, process, or act on a filed copy of the plan or plat. (Companion bill is **3H.B. 95** by **Oliverson**.)

**3S.B. 40 (Eckhardt)** – **COVID-19 Public Health Orders**: would require a school district to implement or otherwise comply with health directives outlined in a public health order issued by a health authority with jurisdiction over territory in which the district is wholly or partly located regarding evidence-based practices to reduce or eliminate the transmission of or infection with COVID-19 among district students and staff, including directives requiring the students and staff to wear face masks or face coverings.

## **Personnel**

**3H.B. 109 (Cain)** – **COVID-19 Vaccination**: would, among other things: (1) require an employer, labor organization, or employment agency to allow an individual to claim an exemption from a required COVID-19 vaccination based on a medical condition or reasons of conscience, including a religious belief; and (2) provide that an employer commits an unlawful employment practice if the employer fails or refuses to hire, discharges, or otherwise discriminates against an individual with respect to the compensation or the terms, conditions, or privileges of employment because the individual claims an exemption under (1), above.

## **Utilities and Environment**

**3H.B. 97 (Huberty)** – **Utility Reliability Funding**: would, among other things: (1) require the comptroller and State Energy Conservation Office to establish and administer a program that issues or guarantees loans to be used for improvements that increase the energy efficiency of an promote conservation of natural gas and water by residences and businesses that are not newly constructed; (2) establish the state utilities reliability fund in the state treasury to be used by the Texas Water Development Board (TWDB) to: (a) enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation companies by supporting projects, including projects to weatherize facilities and reduce demand, in order to provide resilience and continuous service during periods of high demand; (b) pay the necessary and reasonable expenses of TWDB in administering the fund; and (c) transfer funds to other TWDB programs or funds; and (3) establish the state utilities reliability revenue fund in the state treasury to be used by TWDB to provide financial assistance for projects that enhance the reliability and resiliency of water, electric, natural gas, broadband, and power generation facilities, including: (a) projects that enhance the ability of facilities to withstand periods of high demand; (b) projects that reduce demand during periods of high demand; and (c) projects to weatherize facilities. (See **3H.J.R. 11**, below.)

**3H.J.R. 11 (Huberty)** – **Utility Reliability Funding**: would amend the Texas Constitution to, among other things: (1) establish the State Utilities Reliability Fund to be administered by the Texas Water Development Board and used only to support projects to enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation companies in this state, including projects to weatherize facilities and reduce demand; (2) establish the State Utilities Reliability Revenue Fund to be administered by the Texas Water Development Board and used only for the purpose of providing financing for projects that enhance the reliability and resiliency of water, electric, and natural gas utilities, broadband providers, and power generation companies, including by supporting projects to weatherize facilities and reduce demand. (See **3H.B. 97**, above).

## **COVID-19 Update (No. 204)**

All pandemic-related updates continue to be found in the [Legislative Update Newsletter](#).

## **Governor Renews COVID-19 Disaster Declaration**

On September 28<sup>th</sup>, Governor Abbott again renewed the statewide disaster declaration that he first issued March 13, 2020, in response to the COVID-19 pandemic. The proclamation can be found [here](#).

## **Texas Supreme Court Issues Two Emergency Orders**

On September 21<sup>st</sup>, the Supreme Court of Texas issued Emergency Orders Nos. 42 and 43:

**Emergency Order No. 42:** This Order renews the [Texas Eviction Diversion Program](#) for tenants and landlords under a statewide rental assistance program intended to avoid evictions for tenants behind on rent and outlines the related court procedures. A copy of the Order can be found [here](#).

Eligibility for rental assistance under the program will be administered by the Texas Department of Housing and Community Affairs. More information and online application for rental assistance is available at the [Texas Coronavirus Relief Bill Rental Assistance Program website](#).

**Emergency Order No. 43:** This Order renews and amends prior Emergency Order No. 40. This Order allows all courts in Texas to continue to take reasonable precautions in response to COVID-19, including holding hearings by videoconference. It discontinues the blanket authority provided by prior emergency orders for all courts to modify or suspend any and all deadlines and procedures but continues justice and municipal courts' authority to modify or suspend trial-related or pretrial hearing-related deadlines and procedures through April 1, 2022. The Order also suspends or modifies other procedures related to CPS and other specific types of hearings. The Order can be viewed [here](#).

**Reminder:** TML Coronavirus materials are archived by date [here](#) and by subject [here](#).

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