



Legislative UPDATE

October 15, 2021
Number 39

New Addition to Call as Legislature Enters Last Week

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

Legislation establishing that no entity in Texas can compel receipt of COVID-19 vaccine by any individual, including an employee or a consumer, who objects to such vaccination for any reason of personal conscience, based on religion belief, or for medical reasons, including prior recovery from COVID-19.

The third called special session is set to conclude on October 19. The legislature will have until then to consider and pass legislation on any of the [topics](#) on the governor's call. Redistricting has largely been the focus at the capitol where both chambers have approved their respective maps. In the final days ahead, the legislature will still have many issues to sort out including how the state will spend its federal coronavirus relief funds from the American Rescue Plan Act.

TML Resolutions Approved

During the TML Annual Conference and Exhibition last week, delegates assembled to consider resolutions submitted by the membership. The delegates approved one resolution to be included in the legislative program. The resolution can be found [here](#).

Governor's Broadband Council Releases Annual Report

Last month, the Governor's Broadband Development Council released its [2021 Annual Report](#), which includes a number of recommendations and findings of interest to Texas cities. The report's recommendations include the following, among others:

- *Allocate a portion of the state's ARPA allotment, Coronavirus Capital Projects Fund dollars, and upcoming federal broadband infrastructure/digital equity dollars toward meaningful broadband projects, which include PPPs, middle mile and last mile investments, digital literacy training programs, and cybersecurity awareness.*
- *A multi-sector statewide study on the costs associated with the lack of broadband.* Studies of the economic impacts of broadband expansion into rural areas can be broadly categorized into local labor market effects, benefits accruing to consumers, benefits accruing to businesses and homeowners, benefits in healthcare including the support of Critical Access Hospitals and the accessibility of telemedicine, and benefits accruing to participants distance learning. However, there is limited information on the economic costs of not having broadband.
- *A study on the existence of any specific regulatory barriers general law cities may be facing when addressing the digital divide in their communities.* Home rule cities and general law cities may be operating under a separate set of rules when it comes to public private partnership opportunities and other connectivity initiatives. Identifying and addressing these barriers, if they exist, may help our smaller communities become better connected.
- *Partner with local communities, community anchor institutions, and the private sector to promote digital inclusion initiatives that help to advance broadband access, adoption, and use in Texas.* The issue of the digital divide is not one that the government can tackle alone because it reverberates across communities, sectors and families - and has the capacity to impact economic development, education, workforce development, and the quality of life in Texas. Therefore, it is imperative that each stakeholder play an important role in bridging the digital divide. For example, anchor institutions such as libraries and critical access hospitals have played an important role in advancing adoption and working with local communities to eliminate barriers to adoption. Anchor institutions are critical because of their proximity to Texans and their ability to customize programs to fit specific communities and get things done efficiently and effectively. In addition to deploying infrastructure, broadband providers also provide affordable services for low-income communities and have funded digital inclusion programs via philanthropy that help to increase adoption and education.

Railroad Commission Proposes Rules for Designation of Critical Infrastructure

The Railroad Commission (RRC) is [proposing rules](#) relating to designating critical natural gas infrastructure during energy emergencies. The rules implement S.B. 3's requirement that the RRC adopt rules to establish a process to designate certain natural gas facilities and entities associated with providing natural gas in Texas as critical customers or critical gas suppliers during energy emergencies. The League previously reported on S.B. 3 [here](#).

Interested persons may submit comments in the following ways: (1) by mail to Rules Coordinator, Office of General Counsel, Railroad Commission of Texas, P.O. Box 12967, Austin, Texas 78711-2967; (2) [online](#); or (3) by electronic mail to rulescoordinator@rrc.texas.gov. Comments must be filed by 5:00 p.m. on **November 1, 2021**.

COVID-19 Update (No. 205)

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

Governor Abbott Issues New Executive Order

On October 11, Governor Abbott issued his [40th executive order](#) related to the on-going COVID-19 pandemic. The order states that no entity in Texas can compel any individual to receive a COVID-19 vaccine if that individual objects to such vaccination for any reason of personal conscience, based on a religious belief, or for medical reasons, including prior recovery from COVID-19. Violation of the order carries possible penalties of up to \$1,000 in fines and up to 180 days in jail. This is a broad order that purports to apply to all public and private entities and prohibits all vaccination requirements for any individual who objects.

Coronavirus Fiscal Recovery Funds: Updated Treasury Reporting Guidance

On September 30, the Treasury Department updated the Compliance and Reporting Guidance regarding Project Expenditure Reports related to State and Local Fiscal Recovery Fund recipients. States, territories, counties, cities, and Tribal governments will report project and expenditure data next on January 31, 2022 (instead of October 31, 2021). The first reporting deadline for non-entitlement units of government will be April 30, 2022 (instead of October 31, 2021). Treasury will provide recipients with user guides prior to the reporting deadlines.

Additionally, the National League of Cities has received correspondence from the Treasury indicating that NEUs will not be required to use ID.me for reporting. Treasury is working on rolling out an alternative, more user-friendly method for NEUs to login to the Treasury portal, and guidance will be developed in the near future.

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

City-Related Bills Filed

Property Tax

3H.B. 130 (Crockett) – **Property Tax Credit**: would provide that a person who owns real property and installs a solar energy device on the property is entitled to a credit against the property taxes imposed on the property by each taxing unit that taxes the property. (See **3H.J.R. 18**, below.)

3H.B. 132 (Allison) – **Appraisal Cap and Homestead Exemption**: would, among other things: (1) establish a five percent appraisal cap on all residential real property; (2) generally provide that if an individual qualifies property as the individual's residence homestead for at least 25 consecutive tax years, a taxing unit may not impose taxes on that residence homestead in a subsequent tax year in an amount that exceeds the lesser of: (a) the amount of taxes calculated for the taxing unit for the current tax year; or (b) the amount of taxes imposed by the taxing unit for the 25th tax year; and (3) provide that an individual who purchases property and qualifies the property as the individual's residence homestead is entitled to a property tax exemption of the total appraised value of the property for the first tax year the individual qualifies the property as the individual's residence homestead if the property: (a) is the first property the individual has ever qualified as the individual's residence homestead; and (b) has an appraised value of less than \$300,000 for the first tax year. (See **3H.J.R. 19**, below.)

3H.B. 144 (Schofield) – **Property Tax Limitation**: would establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **3H.J.R. 21**, below.)

3H.B. 148 (Krause) – **Property Tax Rate Adjustment for Federal Funds**: would decrease the no-new-revenue rate and voter-approval rate for a city or county for the 2022 and 2023 tax years based upon the amount of federal coronavirus relief money received by the city or county under the Coronavirus Local Fiscal Recovery Fund established under the American Rescue Plan Act of 2021.

3H.J.R. 18 (Crockett) – **Property Tax Exemption**: would amend the Texas Constitution to provide that a person who owns real property and installs a solar energy device on the property is entitled to a credit against the property taxes imposed on the property by each taxing unit that taxes the property. (See **3H.B. 130**, above.)

3H.J.R. 19 (Allison) – **Appraisal Cap and Homestead Exemption**: would amend the Texas Constitution to, among other things: (1) establish a five percent appraisal cap on all residential real property; (2) generally provide that if an individual qualifies property as the individual's residence homestead for at least 25 consecutive tax years, a taxing unit may not impose taxes on that residence homestead in a subsequent tax year in an amount that exceeds the lesser of: (a) the amount of taxes calculated for the taxing unit for the current tax year; or (b) the amount of taxes imposed by the taxing unit for the 25th tax year; and (3) provide that an individual who purchases property and qualifies the property as the individual's residence homestead is entitled to a property tax exemption of the total appraised value of the property for the first tax year the individual

qualifies the property as the individual's residence homestead if the property: (a) is the first property the individual has ever qualified as the individual's residence homestead; and (b) has an appraised value of less than \$300,000 for the first tax year. (See **3H.B. 132**, above.)

3H.J.R. 21 (Schofield) – **Property Tax Limitation**: would amend the Texas Constitution to establish a mandatory property tax freeze for all taxing units on the residence homesteads of individuals who are disabled or over 65 and their surviving spouses. (See **3H.B. 144**, above.)

Community and Economic Development

3H.B. 127 (Davis) – **Parks Grants**: would: (1) require the Texas Department of Parks and Wildlife to develop and administer a grant program for outreach to underserved populations to provide money to cities, counties, and nonprofit partners for use to increase: (1) access to and use of the department's parks, recreational areas, cultural resource sites and areas, and open space areas by underserved populations; and (2) participation of underserved populations in the outdoor, historical, cultural, and recreation safety activities of the department; and (2) appropriate \$180,000,000 from the general fund to the Parks and Wildlife Department for the state fiscal year beginning September 1, 2021, for the purpose of funding the grant program.

3H.B. 156 (K. King) – **Major Events Reimbursement Program**: would, among other things, make the following events eligible for funding under the Major Events Reimbursement Program: (1) the Formula One United States Grand Prix; (2) the Professional Bull Riders World Finals; (3) the Professional Golfers' Association Championship; (4) the Ryder Cup; (5) The Senior Professional Golfers' Association Championship; (6) the South by Southwest Conference and Festivals; and (7) the Women's Professional Golfers' Association Championship.

Elections

3H.B. 146 (Crockett) – **Residence of Incarcerated Persons**: would, among many other things: (1) provide for the determination of an incarcerated person's residence for voter registration; (2) require, not later than the 14th day following the date on which the tract-level population counts from the federal decennial census are released, the comptroller, in coordination with the Texas Demographic Center, the Texas Legislative Council, and the Texas Department of Criminal Justice, to prepare and disseminate adjusted population counts for each geographic unit included in the census counts based on information reported by state and local governments that operate a facility for incarcerated persons; and (3) require state and local government entities that operate a facility for incarcerated persons to prepare a report with certain information that will be used to adjust the decennial census based on the residence of the incarcerated persons for redistricting purposes.

3S.B. 47 (Bettencourt) – **Election Audit**: would, among other things: (1) authorize certain individuals to issue a written request to the county clerk or other authority conducting an election for an explanation and supporting documentation for: (a) an action taken by an election officer that appears to violate the Texas Election Code; (b) irregularities in results in a precinct or at a polling place or early voting polling place; or (c) inadequacy or irregularity of documentation required to be maintained under the Texas Election Code; (2) require the county clerk or other authority to provide the requested explanation and any supporting documentation not later than the 20th day

after the date a request is received under (1), above; (3) provide that if a requestor is not satisfied with the explanation and supporting documentation provided by the county clerk or election authority, the requestor may issue a request for further explanation and supporting documentation; (4) if the requestor is not satisfied with the follow-up explanation and supporting documentation from the county clerk or other election authority, the requestor may issue a request to the secretary of state for an audit of the issue; (5) require the secretary of state to audit the identified irregularity at the expense of the county or other authority conducting the election if the information provided in response to the initial request is deemed to be insufficient; (6) provide that if a county clerk or other authority conducting an election does not remedy a violation found by the secretary of state in an audit by the 30th day after the date the clerk or other authority receives the notice, the secretary of state shall assess a civil penalty of \$500 for each violation not remedied and, if possible, remedy the violation on behalf of the county clerk or other authority; (7) provide that if the secretary of state is not able to remedy the violation on behalf of the county clerk or other authority, the secretary of state shall assess an additional penalty of \$500 for each day the county clerk or other authority does not remedy the violation until the violation is remedied; and (8) authorize the attorney general to bring an action to recover a civil penalty that has not been paid.

Other Finance and Administration

3H.B. 125 (Slaton) – **COVID-19 Vaccination:** would, among other things: (1) provide that a person is not required to comply with a federal statute, order, rule, or regulation mandating or purporting to mandate COVID-19 vaccinations if that vaccination requirement does not exist in state law; (2) prohibit a governmental entity, including a city, or an officer, employee, or other individual under the direction or control of the entity from enforcing or attempting to enforce any federal statute, order, rule, or regulation; (3) prohibit a governmental entity or an officer, employee, or other individual under the direction or control of the entity from requiring a person to respond to or make an appearance in court for an action or suit filed against the person based on a violation of a federal statute, order, rule, or regulation; (4) require the attorney general to defend a governmental entity in any action or suit filed against the entity based on a violation of federal statute, order, rule, or regulation; and (5) provide that an officer, employee, or other individual under the direction and control of a governmental entity who violates (2), above, commits a third degree felony.

3H.B. 137 (Harris) – **COVID-19 Vaccination:** would, among other things, prohibit a state agency or political subdivision from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not, and will not during the term of the contract, require, as a condition of employment, an employee to receive a COVID-19 vaccination.

3H.B. 140 (Minjarez) – **Federal Coronavirus Relief Appropriation:** would make supplemental appropriations of money received from the Coronavirus State Fiscal Recovery Fund established under the American Rescue Plan Act of 2021 to include, among other appropriations: (1) the amount of \$3,000,000,000 to the comptroller of public accounts for the purpose of providing funding for grants, loans, and incentives for broadband services in areas of the state currently in need of those services; (2) the amount of \$2,000,000 to the Texas Historical Commission for the purpose of providing funding for downtown and main street revitalization projects in small and

rural cities designated as part of the Main Street Program, including projects for infrastructure improvement, to encourage tourism and economic development in rural areas impacted by the COVID-19 pandemic; (3) the amount of \$5,000,000 to the Department of Public Safety for the purpose of providing targeted COVID-19 testing and purchasing personal protective equipment for law enforcement officers and other public safety employees; (4) the amount of \$2,000,000 to the Texas Department of Agriculture for the purpose of supporting downtown and main street revitalization projects, including infrastructure improvement, in rural cities and towns to encourage tourism and economic development in rural areas affected by the COVID-19 pandemic; (5) the amount of \$100,000,000 to the Water Development Board for the purpose of providing loans and grants and issuing bonds to support clean drinking water and flooding and wastewater infrastructure; (6) the amount of \$500,000,000 to the Department of Housing and Community Affairs for the purpose of addressing housing issues caused by the COVID-19 pandemic, including by providing access to and availability of safe, affordable housing through initiatives that may include new housing development, upgrades to infrastructure, and weatherization of existing affordable housing units; and (7) the amount of \$1,000,000,000 to the Public Utilities Commission for the purpose of providing funding for grants, loans, and incentives to support electrical grid and infrastructure weatherization, hardening, resiliency, and improvements.

3H.B. 145 (Bonnen) – **Federal Coronavirus Relief Appropriation:** would make supplemental appropriations of money received from the Coronavirus State Fiscal Recovery Fund established under the American Rescue Plan Act of 2021 to include, among other appropriations, the amount of \$500,475,163 to the comptroller of public accounts for the purpose of providing funding for broadband infrastructure.

3H.B. 155 (Oliverson) – **COVID-19 Vaccination:** would: (1) require any law, policy, or other measure requiring an individual to be vaccinated against COVID-19 to enter or gain access to, receive a service from, or be employed by an establishment to allow the individual to claim an exemption from the vaccination requirement based on: (a) the individual’s acquired immunity against COVID-19 through post-transmission recovery; (b) a medical condition; or (c) reasons of conscience, including a religious belief; (2) authorize an employee of an establishment who is the subject of a violation under (1), above, to bring an action in district court in the county in which the violation occurred for injunctive or equitable relief for compensatory or punitive damages for a violation as if the establishment engaged in a discriminatory or unlawful employment practice; and (3) provide that a complainant may recover reasonable expenses incurred in bringing an action, including court costs, attorney’s fees, investigation costs, witness fees, and deposition expenses.

3H.B. 168 (Harrison) – **COVID-19 Vaccination:** would, among other things, prohibit a person from compelling or coercing an individual lawfully residing in Texas into obtaining a medical treatment involving the administration of a COVID-19 vaccine, including a COVID-19 vaccine approved or authorized by the United States Food and Drug Administration, contrary to the individual’s vaccination preference.

3H.B. 169 (Toth) – **COVID-19 Vaccination:** would prohibit a state agency or political subdivision from entering into a contract with a company for goods or services unless the contract contains a written verification from the company that it does not, and will not during the term of

the contract, require, as a condition of employment, an employee to receive a COVID-19 vaccination.

3S.B. 8 (Nelson) – **Federal Coronavirus Relief Appropriation:** would make supplemental appropriations of money received from the Coronavirus State Fiscal Recovery Fund established under the American Rescue Plan Act of 2021 to include, among other appropriations, the amount of \$500,475,163 to the comptroller of public accounts for the purpose of providing funding for broadband infrastructure.

3S.B. 51 (Hughes) – **COVID-19 Vaccination:** would, among other things: (1) prohibit a governmental entity from requiring an individual to provide any documentation certifying the individual’s COVID-19 vaccination or post-transmission recovery on entry to, to gain access to, or to receive service from the governmental entity; (2) prohibit a political subdivision from issuing an order, adopting an ordinance, or otherwise requiring an individual to be vaccinated against COVID-19; (3) 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 (4) 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 (3), above.

Personnel

3H.B. 134 (Middleton) – **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, reasons of conscience, a religious belief, a disability or other status, or previous recovery and immunity to COVID-19 as evidenced by the detection of antibodies for COVID-19; 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.

3H.B. 164 (Holland) – **COVID-19 Vaccination:** would, among other things, provide that: (1) 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 has not received a COVID-19 vaccine; and (2) an employer, labor organization, or employment agency is not liable for a claim arising from exposure to COVID-19 on the basis that the employer, labor organization, or employment agency failed to require an individual to receive a COVID-19 vaccine.

3H.B. 165 (Slaton) – **COVID-19 Vaccination:** would authorize an employee or the immediate family member of an incapacitated or deceased employee to bring an action against the employee’s employer for damages incurred by the employee’s injury or death sustained as a result of the employer requiring the employee to receive a vaccine against COVID-19 as a condition of employment.

3H.B. 167 (Slawson) – Vaccine Requirement: would authorize: (1) an employee to bring an action against an employer for actual damages caused by a vaccine if: (a) the employer requires the employee to receive the vaccine as a condition of employment or incentivizes the employee's receipt of the vaccine through any form of remuneration, compensation, or benefit; and (b) the employee receives the vaccine on account of the employer's requirement or incentive; and (2) an individual to bring an action against a person for actual damages caused by a vaccine if: (a) the person requires the individual to receive the vaccine as a condition or receiving goods or services offered by the person or incentivizes through any form of remuneration, compensation, benefit, or discount, the individual to receive the vaccine in connection with the provision of goods or services to the individual; and (b) the individual receives the vaccine on account of the person's requirement or incentive.

3H.B. 170 (Toth) – COVID-19 Vaccination: would, among other things, 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 has not received a COVID-19 vaccine.

3S.B. 53 (Eckhardt) – COVID-19 Vaccination: would: (1) authorize a local governmental entity to, as a condition of employment, require an employee to provide to the entity in the form and manner prescribed by the entity documentation of the employee's COVID-19 vaccination, including any recommended booster dose of the vaccine; (2) provide that a local governmental entity that requires an employee to be vaccinated against COVID-19 must allow the employee to claim an exemption from the required vaccination based on a medical condition or a religious belief if the employee submits an affidavit form developed by the Texas Workforce Commission claiming an exemption; and (3) provide that an executive order, proclamation, or regulation issued under the Texas Disaster Act may not suspend, limit, or alter an employment condition established by a local governmental entity under (1), above.

Transportation

3H.B. 153 (Cain) – High Occupancy Vehicles: would provide that an operator of a motor vehicle who is pregnant is entitled to use any high occupancy vehicle lane in the state regardless of whether the vehicle is occupied by a passenger other than the operator's unborn child.

Utilities and Environment

3H.B. 154 (Rosenthal) – Weatherization of Certain Natural Gas Facilities: would require the facility used for producing natural gas to implement measures to prepare to operate during a weather emergency.

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