

TML LEGISLATIVE UPDATE



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Number 47

Lieutenant Governor Reveals Priorities for 88th Legislative Session

On Wednesday, Lieutenant Governor Dan Patrick [released](#) 21 legislative priorities (listed below) ahead of the 88th Legislative Session.

Property Tax Relief

- Raise the homestead exemption for more homeowner tax relief
- Cut taxes for businesses by expanding the personal property tax exemption

Electric Grid Reliability

- Build more natural gas power plants to add needed megawatts
- Level the playing field between renewable energy and dispatchable energy to ensure reliability

Border Security and Law Enforcement

- Rural law enforcement fund
- Sheriff pay enhancement

- 10-year mandatory minimum sentence to criminals who use a firearm in the commission of a crime
- Recall district attorneys and judges who refuse to follow Texas law
- Continue border security funding

Education and School Security

- New fund for non-PUF Schools
- Expand usage of current scholarship programs for teachers and law enforcement
- Increase teacher pay
- 13th check or COLA for retired teachers
- Empower parents by giving them a voice in their children's education
- Continue school safety funding
- Reform tenure in higher education

Moving Texas Forward

- Continued investment in the state mental health system
- Finish Alamo restoration
- Retire debt where it saves state money

Election Integrity

- Restore voter fraud to a felony
- Ensure timely counting of votes and review of machines

Get Involved 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 the 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. 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, preferably before January 10, 2023.

Comptroller Transfers \$7.3B to State Highway Fund and Economic Stabilization Fund

Comptroller Glenn Hegar [announced](#) the transfer of \$7.3 billion into the State Highway Fund and the Economic Stabilization Fund (commonly known as the Rainy Day Fund). Each fund received nearly \$3.64 billion. The current balance of the Rainy Day Fund is now \$14.1 billion.

Voters approved a constitutional amendment in 2015 that allocated at least half of the oil and natural gas production tax revenues to the Rainy Day Fund with the remainder allocated to the State Highway Fund. Those funds can be used for non-toll highway construction, maintenance, and right-of-way acquisition.

DOJ to Host Bipartisan Safer Communities Act Informational Briefing

The Department of Justice's Office of Justice Programs is hosting an [informational briefing](#) on the Bipartisan Safer Communities Act implementation efforts on Thursday, December 8 at 11:00 a.m. (CST).

The webinar will share detailed information on current and future opportunities, including through the:

- National Criminal History Improvement Program
- Community Violence Intervention and Prevention Initiative
- BJA STOP School Violence Program
- Byrne State Crisis Intervention Program
- Extreme Risk Protective Order and Firearm Crisis Intervention Training and Technical Assistance Initiative

Interested city officials can register [here](#). Please contact Melissa Nee at melissa.nee@usdoj.gov if you have any specific questions or issues you want covered in the webinar.

NLC Releases ARPA Investment Tracker

The National League of Cities (NLC), in conjunction with Brookings Metro and the National Association of Counties, released the Local Government ARPA Investment Tracker. The tracker compiles information from local governments (with populations of at least 250,000) to demonstrate how large cities and counties are using the American Rescue Plan Act (ARPA) State and Local Fiscal Recovery Funds.

The online tracker can be found [here](#).

Federal Infrastructure Bill Update

In November 2021, the federal Infrastructure Investment and Jobs Act (IIJA) was signed into law. The IIJA is altogether a \$1.2 trillion bill that will invest in the nation's core infrastructure priorities including roads, bridges, rail, transit, airports, ports, energy transmission, water systems, and broadband.

The League will monitor state and federal agencies and work with the National League of Cities (NLC) to access the latest information relating to the IIJA. We will be providing periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

National League of Cities (NLC)

[The Local Infrastructure Hub](#), sponsored by NLC and the U.S. Conference of Mayors, among others, is designed to help city officials navigate the funding programs made available by the IIJA. Interested city officials can sign up for the mailing list, attend virtual learning events, and access articles and other resources on some of the key IIJA funding opportunities.

There are currently two resources available detailing what cities can do right now to help access IIJA funding:

- Cities with populations of 150,000 residents or fewer are currently able to register for a series of “grant application bootcamps” through the Local Infrastructure Hub, which are designed to help small and mid-sized cities take advantage of the IIJA’s grant opportunities. More information on the bootcamp offerings, an FAQ, and information on how to register can be found [here](#).
- Additionally, NLC recently posted [this article](#) detailing how your city can receive funding under the Thriving Communities Program, which is structured to make sure any city can access the technical tools and capacity to compete for federal infrastructure dollars for their communities. The program is currently seeking letters of interest from cities “to share their transportation goals and vision in exchange for possibly winning support from a team of transportation experts and support staff paid for by [the Department of Transportation] along with the ability to hire local community firms to help with the work for two years.”

House and Senate Committee Interim Hearings

The Texas House and Senate Committees are underway studying interim charges outlined by Speaker Phelan and Lt. Governor Dan Patrick.

Below is a full list of committee hearings set to hear certain city-related charges. All hearings will be held at the Texas Capitol unless otherwise indicated. If a committee has newly posted notice and was not included in last week’s edition of the *Legislative Update*, it is indicated as such.

House Committee on State Affairs

The committee will meet on Monday, December 5 at 9:00 a.m. to hear the following:

Update on the proposed changes to the ERCOT market design.

Information on the hearing, including how to register and submit electronic testimony, can be found [here](#).

City-Related Bills Filed

(Editor's Note: You will find all of this session's city-related bill summaries online at <https://www.tml.org/319/Legislative-Information>.)

Property Tax

H.B. 794 (Schatzline) – Appraisal Cap: would: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.J.R. 55**, below.)

H.J.R. 55 (Schatzline) – Appraisal Cap: would amend the Texas Constitution to authorize the legislature to: (1) reduce the property tax appraisal cap on residence homesteads from ten to five percent; and (2) impose a ten percent appraisal cap on the appraised value of a single-family residence other than a residence homestead. (See **H.B. 794**, above.)

Public Safety

H.B. 799 (Harris) – Officer Misconduct: would, among other things: (1) prohibit a law enforcement agency from disclosing to an attorney representing the state information relating to misconduct by a peace officer who is or will serve as a witness in a criminal proceeding unless the allegation of misconduct has been finally adjudicated as sustained and not on appeal; (2) authorize a peace officer, who is the subject of a report of misconduct submitted to an attorney representing the state by a law enforcement agency or who has been notified of a determination by the attorney representing the state that the officer is not considered credible to testify in a criminal proceeding as a result of an allegation of misconduct, to dispute that report or determination by filing a petition with the State Office of Administrative Hearings (SOAH); (3) require an administrative law judge employed by the SOAH to determine by a preponderance of the evidence whether the alleged misconduct occurred regardless of whether the applicable officer was terminated or whether that officer resigned, retired, or separated in lieu of termination; and (4) provide that if the allegation of misconduct is not supported by a preponderance of the evidence, the administrative law judge shall provide notice of the finding to any attorney representing the state the petitioner identifies as having received a report or as having made a determination and the attorney representing the state may not consider the information when evaluating the peace officer's credibility as a witness.

S.B. 252 (Alvarado) – Licensing Veterans as Peace Officers: would: (1) allow a political subdivision, including a city, to employ, as a peace officer, a legal permanent resident of the United States who is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge; and (2) require that the Texas Commission on Law Enforcement issue a peace officer license to a person who is a legal permanent resident of the United States if the person: (a) meets the requirements to be a peace officer; and (b) is an honorably discharged veteran of the armed forces of the United States with at least two years of service before discharge.

Community and Economic Development

H.B. 780 (Collier) – Homeless Housing: would expand the ability of the Texas Department of Housing and Community Affairs to administer a homeless housing and services program in each city in the state with a population of 285,500 or more to include programs to prevent homelessness resulting from displacement due to economic development activities.

H.B. 783 (Meza) – Cemeteries: would, in a city in a county with a population of more than 750,000 or a city in a county adjacent to a county with a population of more than 750,000, provide that: (1) an individual, corporation, partnership, firm, trust, or association may file a written application with the city council to establish or use a cemetery located inside the city limits; and (2) the city council by ordinance shall prescribe the information to be included in the application in (1), above, and may authorize the establishment or use of the cemetery if the city council determines and states in the ordinance that the establishment or use of the cemetery does not adversely affect public health, safety, and welfare.

H.B. 787 (Patterson) – Tax Incentives: would provide that: (1) a business entity is ineligible to receive a tax incentive if the entity assists an employee to obtain an abortion, including by paying all or part of any charges associated with the procedure or costs associated with traveling to a location for the procedure; and (2) a business entity that is receiving a tax incentive on the date the entity becomes ineligible under (1), above, may not receive an incentive: (a) after December 31 of the calendar year in which the entity becomes ineligible for a property tax incentive; or (b) after the date the entity becomes ineligible for any other incentive other than a property tax incentive.

Elections

H.B. 789 (Rogers) – Candidate Qualifications: would amend current state law by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed to, a public elective office in this state, the person must have paid all child support due and payable by the person unless: (1) the person has made all due payments under a payment plan; or (2) the child support due is being contested or negotiated. (See **H.J.R. 54**, below.)

H.J.R. 54 (Rogers) – State Candidate Qualifications: would, among other things, amend the Texas Constitution by adding a requirement that for a person to be eligible to be a candidate for, or elected or appointed, to certain state offices, the person must have paid all child support due and payable by the person unless: (a) the person has made all due payments under a payment plan; or (b) the child support due is being contested or negotiated. (See **H.B. 789**, above.)

Other Finance and Administration

H.B. 807 (Harrison) – **Vaccines**: would, among other things: (1) prohibit government entities from compelling or requiring an individual to receive a vaccine other than a vaccine for diphtheria, rubeola, rubella, mumps, tetanus, and poliomyelitis; and (2) only allow the list of vaccines in (1), above, to be modified by statute.

Personnel

H.B. 790 (Patterson) – **Workers' Compensation**: would provide that: (1) for purposes of workers' compensation, the first request of a designated doctor's examination by the carrier, injured employee or the state Division of Workers' Compensation must include a request to the designated doctor to provide an opinion of the extent of the compensable injury; (2) not later than the 15th day after the date on which an workers' compensation insurance carrier receives written notice of an injury, the insurance carrier shall also notify the division and the employee in writing of its refusal to pay and advise the employee of the specific reasons why the carrier is contesting the claim, including any disputes in the cause of the injury, the extent of the injury or the treatment of the injury; (3) a workers' compensation insurance carrier who fails to comply with initiation of compensation benefits within 60 days, when the injured employee is a custodial officer, a detention officer, an emergency medical technician, a firefighter, or a peace officer, waives its right to contest or deny the extent of the specific injury claimed by the injured worker or reasonably reflected in a review of the injured workers medical records; (4) if a workers' compensation insurance carrier denies a claim of medical benefits on or before the 60th day on which the insurance carrier had reasonable notice of the specific claimed injury and upon final determination of an administrative law judge that the claimed injury is compensable, the insurance carrier is liable to reimburse the injured worker for any and all reasonable and necessary medical expenses incurred by the injured worker for the specific claimed injury; (5) if good cause exists, a party or witness may attend a workers' compensation contested case hearing telephonically or by videoconference, and the administrative law judge shall determine if good cause exists for a party or witness to attend the contested case hearing telephonically or by videoconference; and (6) an attorney representing a party in a contested case hearing, shall be permitted to represent a party to the case telephonically or by videoconference.

Transportation

H.B. 805 (Toth) – **High Occupancy Vehicle Lanes**: would provide that regardless of the number of occupants in a motor vehicle, an operator of a motor vehicle is entitled to use any high occupancy vehicle lane for the purpose of passing another vehicle that is being operated at a speed that is less than the posted speed limit for the roadway if the operator enters and exits the high occupancy vehicle lane at designated entry and exit points.

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