

TML LEGISLATIVE UPDATE



April 28, 2023
Number 17

Bills on the Move

Significant Committee Action

H.B. 5 (Hunter), creating a new economic development program for tax abatement agreements between the owner of a new investment project and a school district. Committee substitute voted from House Ways & Means.

H.B. 1132 (Spiller), increasing the threshold at which competitive bidding is required for city purchases from \$50,000 to \$100,000. TML testified in committee. Voted from House County Affairs.

H.B. 1307 (Toth), authorizing registered voters in a certain area to petition for disannexation of the area in the city limits and the ETJ. TML provided written testimony. Committee substitute voted from House Land & Resource Management.

H.B. 1579 (Canales), prohibiting punitive action against a firefighter without an administrative investigation. Applies to cities with a population of 10,000 or more regardless if the city is covered by meet and confer or collective bargaining agreement. Voted from House Urban Affairs.

H.B. 2023 (**Muñoz**), requiring a city to pay attorney fees if the court determines an ordinance, regulatory decision, denial of an application, or similar measure is unenforceable because it is preempted by the state constitution or state statute. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

H.B. 2198 (**Hefner**), prohibiting a city over 725,000 in population from adopting or enforcing a zoning regulation that limits the height of a building based on the lot's proximity to another lot that is more than 50 feet away. Committee substitute voted from House Land & Resource Management.

H.B. 2232 (**Spiller**), allowing a property located in a portion of the city's ETJ subject to county control over platting may apply to the county commissioner's court for cancellation of certain subdivision plats. Voted from House Land & Resource Management.

H.B. 2665 (**Gates**), prohibiting a city from adopting or enforcing a local law applicable to short-term rentals. The committee substitute modified the bill to create a task force to study the impact of local short-term rental laws. TML provided [written testimony](#). Voted from House Land & Resource Management.

H.B. 2714 (**Thompson**), allowing a city to recalculate its no-new-revenue and voter-approval tax rates after receiving the certified appraisal roll. Left pending after hearing in House Ways & Means.

H.B. 2789 (**Holland**), allowing an accessory dwelling unit (ADU) in a single-family zoning or un-zoned areas by right, and prohibits much of a city's ability to regulate an ADU. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

H.B. 2987 (**Metcalf**), exempting all tangible personal property from the property tax. Left pending after hearing in House Ways & Means.

H.B. 3699 (**Wilson**), requiring the platting of a subdivision only when the landowner intends to lay out certain areas for public use. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

H.B. 3921 (**Goldman**), prohibiting a city from requiring a residential lot to be larger than 1,400 square feet, wider than 20 feet, or deeper than 60 feet, and from adopting certain other requirements on small lots. The bill applies to cities in counties with a population of 300,000 or more. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

H.B. 4878 (**Rogers**), allowing an ESD to have exclusive authority to determine whether another person may provide services within the district that the ESD is authorized to provide, including when the ESD's territory overlaps with the territory of another political subdivision authorized to provide emergency services. Left pending after hearing in House County Affairs.

H.B. 5217 (C. Bell), requiring a city to release an area from the ETJ if the population of an area is less than 200 and upon petition from more than 50 percent of qualified voters. Requires release of an area with a population of 200 or more from the ETJ after a petition and election. TML provided [written testimony](#). Committee substitute voted from House Land & Resource Management.

S.B. 221 (Bettencourt), setting a process for the Secretary of State to review ballot language in initiative, referendum, and charter elections for home rule cities and waives governmental immunity. TML [testified](#) in committee. Left pending after hearing in House Elections.

S.B. 767 (Parker), requiring a fee schedule of new and increased fees to be on the city's budget cover page and for cities over 20,000 in population to establish and maintain an email notification service regarding new or increased fees. Left pending after hearing in House Urban Affairs.

S.B. 929 (Parker), requiring a city to provide written notice containing certain information regarding any proposed zoning change that could result in the creation of a nonconforming use. If a nonconforming use is required by a city to cease operation, the owner or lessee of the property is entitled to receive either payment for costs associated with closing the operation or additional time to engage in the nonconforming use. TML provided [written testimony](#). Voted from House Land & Resource Management.

S.B. 976 (Middleton), modifying the definition of "debt" for purposes of the tax rate calculation, repealing the de minimis property tax rate calculations for taxing units, and repealing the provision that a taxing unit that adopts a higher voter approval rate but doesn't exceed the de minimis rate is not subject to an automatic election but to a petition election. TML provided [written testimony](#). Left pending after hearing in Senate Local Government.

S.B. 977 (Bettencourt), modifying the definition of "debt" for purposes of the tax rate calculation to include only debt approved at an election. TML provided [written testimony](#). Left pending after hearing in Senate Local Government.

S.B. 978 (Bettencourt), repealing the de minimis property tax rate calculation to include cities under 30,000 in population. TML provided [written testimony](#). Left pending after hearing in Senate Local Government.

S.B. 1419 (Birdwell), prohibiting cities from making a loan or grant of public money under a Chapter 380 economic development agreement from the proceeds of property taxes or other city obligations payable from property taxes and adding transparency measures. TML [testified](#) in committee. Committee substitute voted from Senate Natural Resources and Economic Development.

S.B. 1663 (Alvarado), allowing a city to declare a lower speed limit of not less than 20 miles per hour on certain residential roadways without a traffic study. Voted from House Transportation.

Significant Floor Action

H.B. 9 (Ashby), creating the Broadband, Equity, Access, and Deployment program and the Broadband Infrastructure Fund. Passed the House.

H.B. 276 (Cortez), prohibiting cities from regulating the growing of fruits and vegetables and the raising of six chickens or six rabbits, with exceptions. Passed to third reading in the House.

H.B. 2455 (T. King), requiring a fire department to offer an annual occupational medical evaluation to each fire fighter employed at no cost to the firefighter. Passed the House.

H.B. 3053 (Dean), requiring election to be held November 7, 2023, on the question of disannexation of any area that was annexed by a city between March 3, 2015, and December 1, 2017. The committee substitute applies to certain cities over 500,000 in population. Passed the House.

H.B. 4559 (Darby), adjusting population brackets according to the 2020 U.S. Census. Passed the House.

S.B. 491 (Hughes), prohibiting a city over 725,000 in population from adopting or enforcing a zoning regulation that limits the height of a building based on the lot's proximity to another lot that is more than 50 feet away. Passed the Senate.

S.B. 543 (Blanco), allowing a city to transfer real property under a Chapter 380 agreement. Passed the Senate.

S.B. 561 (Sparks), prohibiting a city from issuing debt to purchase or lease tangible personal property if the expected useful life of the property ends before the maturity date of the public security. TML provided [written testimony](#). Passed the Senate.

S.B. 1017 (King), prohibiting a city from adopting or enforcing an ordinance, order, or regulation that limits access to an energy source or an engine. Passed the House.

S.B. 1412 (Hughes), allowing an accessory dwelling unit (ADU) in a single-family zoning or un-zoned areas by right, and prohibits much of a city's ability to regulate an ADU. Passed the Senate.

S.B. 1999 (Bettencourt), defining "foregone revenue amount" as the voter-approval tax rate minus the actual tax rate multiplied by the preceding year's total value, and redefines "unused increment rate" as the sum of the preceding three years' foregone revenue amount divided by current value. Passed the Senate.

S.B. 2035 (Bettencourt), prohibiting a city council from authorizing an anticipation note or certificate of obligation to pay a contractual obligation under certain circumstances, including if a bond proposition on the same project failed to be approved during the preceding five years. Passed the Senate.

S.B. 2038 (Bettencourt), requiring a city to release an area from the ETJ if the population of an area is less than 200 and upon petition from more than 50 percent of qualified voters. Requires

release of an area with a population of 200 or more from the ETJ after a petition and election. Passed the Senate.

S.B. 2350 (Bettencourt), defining “voter-approval tax rate” for the purpose of the unused increment rate calculation as a taxing unit’s voter-approval tax rate in the applicable preceding tax year, as adopted by the taxing unit during the applicable preceding tax year, less the unused increment rate for that preceding tax year. Passed the Senate.

NTIA Seeking Comments on BEAD Broadband Funding Challenge Process

The National Telecommunications and Information Administration (NTIA) is seeking public comments on its proposed Broadband Equity Access and Deployment Program (BEAD) challenge process. NTIA will allocate BEAD funds to states as block grants based on specific statutory criteria, including whether a given location currently has broadband service according to the NTIA’s National Broadband Map. Most of the state’s broadband development program will be funded by NTIA BEAD funds.

NTIA is aware that many people have raised concerns about the accuracy of the current National Broadband Map. Because of this, NTIA asks local governments to submit comments about the BEAD challenge process to ensure that BEAD-fund funding eligibility determinations are accurate.

Specifically, NTIA is seeking comments on 24 questions found [here](#). You can submit comments to NTIA by email at: BEAD@ntia.gov

The NTIA is accepting comments on the proposed BEAD challenge process through **Friday, May 5, 2023**.

BDO Office Seeking Public Input for Texas Digital Opportunity Plan

On April 20, 2023, Comptroller Glenn Hegar [announced](#) that the comptroller’s Broadband Development Office (BDO) is seeking public input on internet accessibility, affordability, and usage. The BDO will use the surveys to help develop the Texas Digital Opportunity Plan, which is necessary for the state to begin drawing down federal broadband funding. The comptroller’s office encourages local governments, organizations, and individual community members to participate. The survey will be open for approximately two months. City officials can find the Texas Digital Opportunity Plan Public Survey [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 provide periodic updates in the Legislative Update on resources for Texas cities on how to access IIJA funding for local infrastructure projects.

U.S. Department of Labor (DOL)

The United States Department of Labor (DOL) [announced](#) the availability of \$80 million in grant funding for infrastructure, manufacturing, and clean energy workforce training programs through its Building Pathways to Infrastructure Jobs Grant program (BPIJG). The BPIJG will help public and private sector entities to develop or scale workforce training programs to prepare people for jobs in advanced manufacturing, information technology, renewable energy, transportation, and broadband infrastructure industries. The grant program contains two tracks: development track programs and scaling track programs. Development track programs will focus on new infrastructure sector-based training programs, emphasizing programs serving people from rural or historically marginalized, underserved, and underrepresented communities. Scaling track programs will focus on expanding existing programs with demonstrated success.

Cities may apply for grants ranging from \$500,000 to \$5 million.

City officials can find more information about the BPIJG program [here](#).

U.S. Department of Transportation (DOT)

The United States Department of Transportation has begun accepting applications for \$1.5 billion in grant funding for airport improvement projects through its Airport Improvement Program (AIP). Public agencies that own or lease public-use airports may apply for AIP grants. Federal matching requirements will vary based on airport size.

More information about the AIP program can be found [here](#). The deadline to apply for AIP grants is **July 14, 2023**.

Reminder for Upcoming Deadlines

Applications for the DOT Charging and Fueling Infrastructure Discretionary Grant Program (CFI) for electric vehicle (EV) charging and alternative-fueling infrastructure projects are due by **May 30, 2023**. The CFI program will provide funding over five years to cities and other governmental entities to strategically deploy EV charging and other alternative vehicle-fueling infrastructure projects in publicly accessible locations in urban and rural communities across the county.

More information about the CFI program can be found [here](#).

Texas Demographic Center to Host Conference

The Texas Demographic Center will host its annual conference on May 23-24 at the Robert E. Johnson (REJ) Conference Center in Austin. U.S. Census Bureau Director Robert Santos and Texas State Demographer Lloyd Potter will kick-off the event. The conference provides city officials with the opportunity to learn about demographic trends in Texas and learn about important data products that can help with local and regional planning in Texas communities. Interested city officials can visit the conference website [here](#).

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 travel to Austin to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who have vigilantly represented cities during this session. If we missed your testimony let us know by an email to alyssa@tml.org, and we'll recognize you in next week's edition.

- Roberto Arredondo, Police Chief, City of Carrollton
- Jeffrey Boney, Councilmember, City of Missouri City
- Kent Cagle, City Manager, City of Killeen
- Rick Carmona, Mayor, City of Terrell
- Wayne Carpenter, Mayor, City of Belton
- Kevin Cole, Mayor, City of Pearland
- Bernie Gessner, Councilmember, City of Navasota
- Dave Martin, Mayor Pro-Tem, City of Houston
- Bert Miller, Mayor, City of Navasota
- Samuel Peña, Fire Chief, City of Houston
- David Rogers, Councilmember, City of Pflugerville
- Daniel Scesney, Chief of Police, City of Grand Prairie
- Rebecca Skillern, Sergeant, City of Houston Police Department
- Jason Weeks, City Manager, City of Navasota

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