

TML LEGISLATIVE UPDATE



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Number 21

Legislative Update “Wrap-Up” Edition Coming Soon

With the regular session of the 88th Texas Legislature set to draw to a close on May 29, the hard work of city officials across the state to promote good policies that benefit city residents is evident. No session produces 100 percent positive results, but city officials should be proud of the level of engagement they maintained with elected state leaders over the past 136 days and encouraged by the results.

The focus of League staff will soon shift to summarizing the city-related legislation that has passed. Additional details about that legislation will be included in future Legislative Update articles, including the “wrap-up” edition containing summaries of every city-related bill that passed.

Bills on the Move

Significant Floor Action

H.B. 471 (Patterson/Schwertner), requiring cities to provide paid illness and injury leave for first responders for up to one year. Passed the Senate.

H.B. 1526 (Cody Harris/Hughes), limiting parkland dedication requirements and fees in lieu of dedication for cities over 800,000 in population. Passed the Senate.

H.B. 3492 (Stucky/Springer), prohibits cities from using the cost of constructing or improving public infrastructure as a factor in determining certain value-based fees related to engineering, inspection, and subdivision. Passed the Senate.

H.B. 3613 (Cain/Bettencourt), requiring a city that is divided into districts, wards, or other areas to elect all councilmembers following each apportionment on the first uniform election date. Passed the Senate.

H.B. 3699 (Wilson/Bettencourt), making numerous changes to the approval process for plats and plans, including limiting city authority regarding completeness checks for applications. The bill also prohibits a city from “directly or indirectly” regulating use and density of buildings in the ETJ, including a new prohibition on regulating minimum lot sizes in the ETJ. Passed the Senate.

H.B. 4082 (Goldman/Bettencourt), allowing for use of certificates of obligation for “public works” but prohibits their usage for certain new stadiums, convention centers, civic centers, hotels, and arenas. Passed the Senate.

S.B. 379 (Huffman/Howard), permits a sales tax exemption for feminine hygiene products, maternity clothing, and children’s diapers. Passed the House.

S.B. 1015 (King/Spiller), relating to periodic rate adjustments by electric utilities. Passed the House.

S.B. 1999 (Bettencourt/Hefner), 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 House.

S.B. 2035 (Bettencourt/Capriglione), 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 House.

S.B. 2350 (Bettencourt/Shine), 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 House.

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 Energy (DOE)

In May, the DOE began accepting applications for over \$50 million in grants for electric vehicle (EV) charging infrastructure and equipment through the Joint Office of Energy and Transportation [Ride and Drive Electric \(RDE\) Funding Opportunity](#). The RDE seeks to help develop convenient, affordable, reliable, secure, and equitable EV charging networks nationwide by funding projects that:

- Enhance EV charging resiliency
- Provide equitable electrification access and opportunities
- Improve EV charging performance and reliability

Eligible applicants include state and local governments, institutions of higher learning, and non-profit organizations.

Concept papers are due by **4:00 pm CDT on June 16, 2023**. Full applications are due by **4:00 pm CDT on July 28, 2023**.

Interested city officials can find more information about the RDE program and application requirements [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.

- Kent Cagle, City Manager, City of Killeen
- Ryan Haverlah, City Manager, City of Copperas Cove
- David Mitchell, City Manager, City of Harker Heights

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