



February 19, 2016
Number 7

Congress Makes Internet Tax Ban Permanent; Texas Remains Grandfathered

On February 11, Congress passed H.R. 644, the Trade Facilitation and Trade Enforcement Act of 2015, which was amended to include a permanent extension of the Internet Tax Freedom Act. When the Internet Tax Freedom Act was initially signed into law, it established that most local, state, and federal governments couldn't impose taxes on internet access, but did so on a temporary basis such that the law had to be renewed again and again by Congress. With the passage of H.R. 644, the ban on internet access taxes is now permanent. Excluded from the permanent ban on internet taxes are a handful of states—including Texas—that imposed taxes on internet access prior to the passage of the initial legislation. H.R. 644 extends the grandfathering provision for these states, but only through June 30, 2020.

Texas, and Texas cities, currently apply sales taxes to internet access charges in excess of \$25 per month. Assuming that H.R. 644 is signed into law by President Obama, Texas will continue to impose sales taxes on internet access through 2020.

NFPA Fire Standards: NFPA 1730 Open for Public Input

The National Fire Protection Association (NFPA) is seeking public comment on the "1730 standard" which focuses on the elements of fire prevention programs. The NFPA is also drafting a standard for Community Risk Assessments and Planning through NFPA 1300.

NFPA is a nonprofit organization that develops voluntary fire protection standards through the work of technical committees composed of individuals representing various interests. The National League of Cities (NLC) represents cities on the 1730 and 1300 committees. (TML's assistant general counsel, Laura Mueller, is the NLC representative on the 1730 and 1300 committees.)

NFPA standards do not have the force of law, but they do attempt to establish best practices for fire departments. In addition, state legislatures can adopt them as law. As such, the NLC committee members work to ensure that NFPA standards are appropriate for each government fire department's individual needs. They do so by opposing criteria that do not provide the flexibility for each city to make judgments about risks, how to manage those risks, and how to allocate resources that balance fire prevention and intervention with other services.

The 1730 Standard for Fire Prevention is flexible in that it uses a community risk assessment developed by each fire department to determine the fire prevention activities that are most likely to reduce the number of fires in a community. Some examples include building inspections, code enforcement, plan review, investigations, and public education. The standard does not have specific staffing or resource requirements, but does: (1) have sample staffing exercises for different activities; and (2) has a minimum inspection frequency based on the city's own determination of level of risk.

The 1300 Standard for Community Risk Assessment builds from the work on NFPA 1730 to require creation of an individualized community risk assessment and plan. This standard does not have any minimum staffing or resources requirements, but does require the city to follow certain processes when completing its risk assessment, its community risk reduction plan, and in implementing the plan.

To review the NFPA 1730 standard, go to www.nfpa.org/1730, click on the "NEXT EDITION" tab, create an account, and sign in. Written comments on the standard are due by June 29, 2016. The NFPA 1300 standard is still in the process of being drafted but may open for comment later this year.

Please contact Laura Mueller, TML assistant general counsel, at laura@tml.org or 512-231-7400 with questions.

House Committee on Urban Affairs Cybersecurity Hearing

Chairwoman Carol Alvarado has invited all interested city officials to attend the House Committee on Urban Affairs hearing on cybersecurity next Tuesday, February 23 in San Antonio. Please see her invitation [here](#). The Committee will hear invited testimony on the following interim charge:

Identify and address potential gaps in cities' cybersecurity policy and ensure that personal information held by cities and other municipal entities is secure.

The meeting will be held at the University of Texas at San Antonio, Main Campus in the H-E-B University Center, Ballroom, One UTSA Circle, San Antonio, Texas on February 23, 2016 at 10:00 a.m.

Please contact JD Pedraza, the committee clerk, at 512-463-9904 or Shanna Igo, the League's Director of Legislative Services, at 512-750-8718 or sigo@tml.org if you have any questions.

TML member cities may use the material herein for any purpose. No other person or entity may reproduce, duplicate, or distribute any part of this document without the written authorization of the Texas Municipal League.