



Legislative UPDATE

January 24, 2020
Number 4

Post-Session Update: Notice of Election

On January 21, the House Elections Committee held a hearing on its first interim charge. As [previously reported](#), the charge includes monitoring [H.B. 933](#), an election law that became effective September 1, 2019.

Among other things, H.B. 933 requires that counties post on the county website the notice of election (including polling locations) of any political subdivision in the county, regardless of whether the county is contracting with the entity. A spokesperson from the Office of Secretary of State testified that local jurisdictions that conduct their own elections have a low rate of compliance with the new law.

All cities, but especially those that do no contract with the county to run their election, should be sure to deliver the notice of the election to the county clerk/elections administrator and voter registrar of each county in which the city is wholly or partly located not later than the 60th day before Election Day.

Cybersecurity Training Update

[State law](#) mandates that most city officials and employees complete cybersecurity training by June 14, 2020, and annually thereafter. The Texas Department of Information Resources (DIR), in consultation with the Texas Cybersecurity Council, is required to certify cybersecurity training programs required by the bill and to create a method to self-report completion

DIR has published its initial list of certified cybersecurity training programs for state and local government employees. (Additional programs will be certified on a continuing basis.) The agency's cybersecurity awareness training certification [web page](#) has additional details.

City officials and employees can take any of the [certified programs](#), but may wish to wait until the Texas Municipal League Intergovernmental Risk Pool – which has been certified to provide the training – gets their program up-and-running and available to members.

Local government employees will self-report their training compliance using Texas by Texas (TxT). The expected launch date for this application is February 2020. Although the self-reporting capability will not be available until early February, employees can satisfy the requirement by taking their certified cybersecurity training at any time prior to June 14, 2020.

City officials with questions should contact DIR at TxTrainingCert@dir.texas.gov or the TML legal department at legalinfo@tml.org.

Beneficial Federal Small Cell Legislation

Senator Dianne Feinstein (D – CA) has introduced federal legislation that would “undo” a harmful Federal Communications Commission (FCC) Order from 2019.

Early in 2019, the FCC's “Declaratory Ruling and Third Report and Order” relating to state and local management of small cell wireless infrastructure deployment became effective. The order enacts substantial new limits on wireless siting review. It preempts cities in many areas, such as: (1) imposing shot clocks on permit applications; (2) capping right-of-way rental fees; and (3) limiting local aesthetic requirements.

Senator Feinstein's legislation, the [Restoring Local Control Over Public Infrastructure Act \(S. 2012\)](#), would reverse the order above, as well as other harmful FCC actions. In Texas, legislation from 2017 imposed restrictions similar to those in the FCC's order.

Litigation to overturn the order is moving forward in federal court, as are state court proceedings to remove the \$250 rental fee cap in state law.

Sales Tax Sourcing Rule Changes:
Comptroller Sets Public Hearing and Extends Deadlines
House Committee on Ways and Means Sets Interim Hearing

After receiving several requests from interested parties, the comptroller has scheduled a [public hearing](#) on [recently-proposed](#) sales tax rule changes that would alter sourcing for internet orders under certain circumstances. The hearing will be held in Austin on February 4, 2020, from 9:00 a.m. to 3:00 p.m. in Room 1.111 of the William B. Travis Building, located at 1701 Congress Avenue.

Interested city officials may register to testify beginning at 8:30 a.m. and will be heard on a first-come, first-served basis. Those testifying must limit their remarks to no more than ten minutes in length and are required to provide their testimony in writing prior to their oral testimony.

Additionally, the comptroller has extended the deadline to file written comments on the proposed rule change to Monday, February 17, 2020.

The House Committee on Ways and Means has also set a [public hearing](#) at 10:00 a.m. on February 5th on one of its interim charges:

Charge 1.2: HB 1525 and HB 2153, which relate to the collection of sales and use taxes by marketplaces and out-of-state businesses. Monitor the Comptroller of Public Accounts' rules regulating the collection of sales, use, and franchise tax to ensure compliance by marketplace providers and out-of-state businesses and monitor any revenue increases as a result of implementation of these bills

Please contact Bill Longley, TML Legislative Counsel, with questions at bill@tml.org or 512-231-7400.

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