



# Legislative UPDATE

May 14, 2021  
Number 18

## **Bills on the Move**

### **Significant Committee Action**

**H.B. 1925 (Capriglione/Buckingham)**, relating to camping in public. Voted from Senate Local Government.

**H.B. 2404 (Meyer/Zaffirini)**, relating to Chapter 380 Economic Development Agreements. Voted from Senate Natural Resources/Economic Development.

**S.B. 23 (Huffman)**, relating to law enforcement funding. Voted from House State Affairs.

**S.B. 1947 (Springer)**, relating to municipal building permits. Voted from Senate Local Government.

### **Significant Floor Action**

**H.B. 3 (Burrows)**, relating to the Texas Pandemic Response Act. Passed the House.

**H.B. 1686 (Cortez)**, relating to residential food production. Passed the House.

**H.B. 1885 (Harris)**, relating to municipal regulation in certain areas. Passed the House.

**H.B. 1900 (Goldman)**, relating to law enforcement funding. Passed the House.

[H.B. 1929 \(Wilson\)](#), relating to ETJ development agreements. Passed the House.

[H.B. 2242 \(Patterson\)](#), relating to line of duty illness or injury leave. Passed the House. H.B. 2242, as it passed the House, would establish illness or injury leave for police officers, firefighters, and emergency medical services personnel. The leave includes full pay for up to a maximum of one year. This leave policy operates independently of workers' compensation, creating a potential scenario where a police officer, firefighter, or emergency medical services employee collects both workers' compensation benefits and leave under this bill to exceed the first responder's normal rate of pay.

[H.B. 2723 \(Meyer/Bettencourt\)](#), relating to tax rate notice. Passed the Senate.

[S.B. 7 \(Hughes/Cain\)](#), relating to elections. Passed the House.

[S.B. 374 \(Seliger/Shine\)](#), relating to annexation of rights-of-way. Passed the House.

[S.B. 402 \(Johnson\)](#), relating to street maintenance sales tax. Passed the Senate.

## **Don't Forget: Mandated Cybersecurity Training and Reporting Due in June**

Texas Government Code Section 2054.5191 requires city employees and officials who have access to a local government computer system or database to complete a Texas Department of Information Resources (DIR) certified training program. Training must be completed by **June 14, 2021** and cities must certify their training compliance by **June 15, 2021**, using the [Cybersecurity Training Certification for State and Local Governments](#) form.

The Texas Municipal League Intergovernmental Risk Pool (TML IRP) has three DIR-certified options available free of charge. TML IRP's free cybersecurity training program can be accessed on TML IRP's cyber security training [web page](#), through its [YouTube Channel](#), or the [online learning center](#).

Information about other DIR-certified training programs is available on the agency's [web page](#). Once your employees and officials complete the training, your city may choose any method to track the compliance of individual employees and officials. DIR has an optional tool, Texas by Texas (TxT), for cities to track the training compliance of their employees and officials. For cities using TxT, employees will self-report their training completion, and DIR will send a report from the TxT application to each city to verify training compliance. Cities that wish to use TxT should indicate their interest by submitting the [Texas By Texas Self Reporting form](#).

Note: [H.B. 1118](#), as passed by the 87th Texas Legislature and pending the Governor's signature, will amend cybersecurity training requirements for city employees and for elected and appointed officials. The bill has an immediate effective date.

Assuming it is signed by the Governor, this bill: (1) requires training for those employees and officials who have access to a local government computer system or database and use a computer to perform at *least 25 percent* of the employee's or official's required duties; (2) gives cities authority to deny access to a city's computer system or database to those individuals who have not completed the required training; (3) requires cities to report the percentage of employee and official completion; and (4) penalizes cities that do not comply with the cybersecurity training requirements of Government Code Section 2054.5191 by impacting a city's ability to apply for or keep certain grants administered by the state (note: this penalty applies to grant applications submitted on or after September 1, 2021).

## **Stay Engaged During the Legislative Session: Grassroots Involvement Program**

During this legislative session, Texas cities are facing many challenges and opportunities. TML will need to continue mobilizing our membership at key points in the remaining weeks. 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.

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 participation is a highly effective tool.

We ask that you complete the survey as soon as possible.

## **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 attend legislative committee meetings – whether virtually or by traveling to Austin – to speak out on important city issues should be applauded by us all. The League extends its thanks to all those who are vigilantly representing cities during this session. If we missed your testimony, let us know by an email to [ford@tml.org](mailto:ford@tml.org), and we will recognize you in next week's edition.

The following officials testified in committee hearings held May 3 through May 8:

- Michelle Fischer, City Administrator, City of Dripping Springs
- Lysa Gonzalez, Tourism Director, City of Buda
- Bill Kelly, Director of Government Relations, City of Houston
- Chad West, Councilmember, City of Dallas
- Blaire Parker, San Antonio Water System
- John Medina, Assistant City Manager, City of Big Spring

- Jared Miller, City Manager, City of Amarillo
- Shannon Thomason, Mayor, City of Big Spring
- Cynthia Garza Reyes, Director of External Relations, City of Pharr
- Carol Johnson, Civil Rights Officer, City of Austin
- Omar Narvaez, Councilmember, City of Dallas
- Thomas Muir, Mayor, City of Sanger

## **COVID-19 Update (No. 186)**

After more than a year in which we've [amassed hundreds of pages of archives](#), the reduced volume of pandemic-related information no longer necessitates that the League send individual email updates. All pandemic-related information, including information about the American Rescue Plan's city-related provisions, will be in the [Legislative Update Newsletter](#).

### **U.S. Treasury Announces Coronavirus State and Local Fiscal Recovery Funds**

On May 10, the U.S. Department of the Treasury (Treasury) announced the launch of the American Rescue Plan Act's [Coronavirus State and Local Fiscal Recovery Funds](#) program, which provides \$350 billion in emergency funding for eligible governments.

Treasury also released the 151-page [Interim Final Rule](#) for the program that sets forth eligible uses for funding, including responding to acute pandemic-response needs, filling revenue shortfalls, and supporting the communities and populations hardest-hit by the COVID-19 crisis. A [fact sheet summary](#) is also available.

The [portal for larger cities](#) that will receive their money directly from the Treasury is live. This link is for cities classified as Metropolitan Cities under the American Rescue Plan Act – those with a population of 50,000 or more.

One thing that hasn't changed is that smaller, non-entitlement cities (i.e., those with less than 50,000 population) must still get their funds from the state, and we still don't know how that process will work. League staff has reached out to the governor's office, but hasn't received word yet.

### **Permissible Uses of Recovery Plan Funds**

Treasury released a [good FAQ document](#) about permissible uses of the funds. Every city official should review the information linked above with local legal counsel prior to deciding how to spend the funds, but Treasury provided the following in a press release:

“The Coronavirus State and Local Fiscal Recovery Funds provide substantial flexibility for each jurisdiction to meet local needs, including support for households, small businesses, impacted industries, essential workers, and the communities hardest-hit by the crisis. Within the categories of eligible uses listed, recipients have broad flexibility to decide how best to use this funding to meet the needs of their communities. In addition to

allowing for flexible spending up to the level of their revenue loss, recipients can use funds to:

- a. Support public health expenditures, by – among other uses – funding COVID-19 mitigation efforts, medical expenses, behavioral healthcare, mental health and substance misuse treatment and certain public health and safety personnel responding to the crisis;
- b. Address negative economic impacts caused by the public health emergency, including by rehiring public sector workers, providing aid to households facing food, housing or other financial insecurity, offering small business assistance, and extending support for industries hardest hit by the crisis;
- c. Aid the communities and populations hardest hit by the crisis, supporting an equitable recovery by addressing not only the immediate harms of the pandemic, but its exacerbation of longstanding public health, economic and educational disparities;
- d. Provide premium pay for essential workers, offering additional support to those who have borne and will bear the greatest health risks because of their service during the pandemic; and
- e. Invest in water, sewer, and broadband infrastructure, improving access to clean drinking water, supporting vital wastewater and stormwater infrastructure, and expanding access to broadband internet.

For updates from Treasury Department Relief and Recovery Programs, [sign up here.](#)”

### **Prepare Now to Receive Your American Recovery Plan Act Funds**

Each city must follow certain prerequisites to receive funds. Those are described in a [prior article](#).

**Reminder:** TML Coronavirus Updates are archived by subject [here](#).

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