

TML LEGISLATIVE UPDATE



September 15, 2023
Number 37

Resolutions Submitted for Consideration at the 2023 Annual Conference and Your City Delegate

Several cities submitted legislative resolutions for consideration at the 2023 TML Annual Conference in Dallas. The topics relate, among other things, to:

1. Emergency Service Districts
2. Rural Water Supply Corporations
3. TxDOT Toll Road Improvement Projects
4. Legal Notices
5. TML Member Services Fees

The full resolutions packet can be found [here](#). The resolutions will be debated at the TML business meeting on October 5 at 3:30 p.m. An additional resolution relating to the TML Constitution may be added to the packet after a Tuesday TML Board meeting at the Conference.

Each city is entitled to one voting delegate at the business meeting. The delegate isn't required to have any expertise, and an elected official delegate is encouraged but not required. The delegate

can sign up electronically [here](#) prior to the meeting or sign up in person at a table outside of the meeting room. Cities are encouraged to sign up their delegate early using the link above.

All city officials are welcome to attend the meeting, whether or not they are a voting delegate.

New DIR Cyber Incident Reporting Requirement

[S.B. 271, which went into effect on September 1](#), requires state agencies and local governments – including cities – that experience a cybersecurity incident to:

1. report to the Department of Information Resources (DIR) within 48 hours after discovery (or to notify the Secretary of State if the incident involves election data); and
2. comply with the notification requirements of [Business & Commerce Code Section 521.052](#) to the same extent as a person who conducts business in this state.

The law also requires a local government to report to DIR the details of the security incident and an analysis of the cause of the incident within ten days after incident eradication, closure, and recovery.

DIR has launched a portal for local governments to report an incident and has provided the [following information](#) about the reporting requirement:

- **Who is required to report:** State and local governments that own, license, or maintain computerized data that includes sensitive personal information, confidential information, or information the disclosure of which is regulated by law – and that experience a security incident – are required to report. (The reporting requirement does not apply to a security incident that a local government is required to report to ERCOT under [Utilities Code Section 39.151](#).)
- **What is a security incident:** A “security incident” is defined as:
 - a. a breach or suspected breach of system security as defined by [Business & Commerce Code Section 521.053](#); and
 - b. the introduction of ransomware, as defined by [Penal Code Section 33.023](#), into a computer, computer network, or computer system.
- **How to Report:** Incident reports are submitted via the [Archer Engage](#) secure webform. To submit an incident:
 1. Create an Engage account.
 2. Log into Engage (enter username and password; submit one-time verification code – if after logging in you are not redirected to the incident form, please click the Engage link again.)

3. Submit incident report and receive email confirmation, this email may be delayed by up to 30 minutes from when you submit your report (retain email confirmation with incident ID).
 4. Submit incident closure and receive email confirmation.
- **If you have problems:** If you are unable to submit an incident using the reporting form, contact the DIR Incident Response Hotline at (877) DIR-CISO for assistance. In addition, DIR has prepared the [Local Government Incident Reporting User Guide](#) with more information.

U.S. Department of Labor Proposes New Salary Threshold

On September 8, 2023, the U.S. Department of Labor (DOL) published a [notice of rulemaking](#) that proposes to revise regulations issued under the Fair Labor Standards Act (FLSA) relating to, among other things, the minimum salary an employee must be paid to qualify as an exempt executive, administrative, or professional employee.

Currently, the FLSA regulations provide that an employee who earns less than \$684 a week or \$35,568 a year is automatically entitled to overtime pay, regardless of the employee's position or duties. The DOL proposes to increase the minimum salary to \$1,059 per week or \$55,068 a year. If the rule is adopted, employees who earn less than those amounts will be entitled to overtime pay regardless of whether they perform executive, administrative or professional duties.

Additionally, the rule proposes to increase the salary threshold for "highly compensated employees" to \$143,988. Currently, employees who earn more than \$107,432 a year are considered "highly compensated employees" and are exempt from overtime compensation regardless of whether they perform executive, administrative or professional duties.

Although most city employees hold positions that are subject to overtime pay, this rule would significantly impact those cities that have exempt employees. Interested cities may submit written comments on the proposed rulemaking on or before November 7, 2023, by either of the following methods:

- *Electronic Comments:* Submit comments through the Federal eRulemaking Portal at <https://www.regulations.gov>. Follow the instructions for submitting comments.

- *Mail:* Address written submissions to: Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW, Washington, DC 20210.

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