



Legislative UPDATE

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Let's Get to Work: *Our Home, Our Decisions*

The Texas Municipal League's "Our Home, Our Decisions" campaign is ready to roll! The goal of the campaign is to raise awareness about the State of Texas eroding the ability of Texans to have a voice in developing local solutions to local problems that affect their neighborhoods and their communities.



The League has developed informational materials for city officials to use in meetings with local groups and organizations. While the materials are suitable for any public use, they will likely be of greater interest to city residents who are already actively engaged in civic affairs through membership in

business, professional, social, charitable, and neighborhood organizations and individuals who serve on city boards and commissions.

The first components of "Our Home, Our Decisions" are now available for download and use by TML member cities. They are: (1) a three-minute video production; (2) a PowerPoint Presentation that can be customized by cities for local presentations; and (3) a two-sided handout

in PDF format. The video production can be used as an introduction to the slide presentation, and the handout can be photocopied and distributed to attendees. The components, as well as a document with tips on how to use them, are available at www.tml.org/ourhomeourdecisions.

Please feel free to modify all or parts of the materials to suit your city's needs. If you have questions about the materials or want additional advice on how to use them, contact legislative@tml.org.

FCC Releases Preemptive Small Cell Order

The Federal Communications Commission released a long-awaited [order](#) last Wednesday that further preempts city authority over small cell deployment. One of the key components of the order is a cap of \$270 on annual right-of-way rental fees. That amount is higher than the \$250 in Texas law, but the Texas amount is currently being challenged in state court. If the state suit is successful, further litigation may be necessary to overcome the federal cap.

League staff will coordinate with the National League of Cities and others to review the 100-page document in the coming days and report further on details.

Attorney General: Election Judges Carrying Guns

The Texas attorney general has concluded, in [Opinion No. KP-0212](#), that a presiding election judge who is licensed to carry a handgun may do so at most polling places during the voting period.

Section 46.03 of the Penal Code provides that a “person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm...on the premises of a polling place on the day of an election or while early voting is in progress.” However, the same section exempts “active judicial officers” from the prohibition. The judge of a district court is such an officer under state law. Interestingly, state law grants a presiding election judge “the *power of a district judge* to enforce order and preserve the peace.”

All that is to say that a presiding election judge with a license to carry may do so “from the time the judge arrives at the polling place on election day until the judge leaves the polling place after the polls close.” Regarding location, the presiding election judge’s law enforcement authority exists “in the polling place and in the area within which electioneering and loitering are prohibited.”

Other prohibitions could limit when a licensed presiding judge can carry. For example, a private business owner has the authority under other law to prohibit carry by the posting of so-called 30.06 and/or 30.07 signs. Thus, a grocery store owner still has the authority to prohibit a presiding judge from carrying on the premises if proper notice is given.

Senate Interim Charges: League Submits Land Use Issues Letter

The Senate Intergovernmental Relations Committee has met twice this interim to consider charges related to land use issues, including [annexation](#), extraterritorial jurisdiction authority, and [housing affordability](#).

Some legislators and witnesses continue to malign cities for their efforts to sustain the quality of life that makes Texas the envy of the nation. In response, the League [penned a letter](#) to the committee explaining why cities are uniquely suited to maintain the “Texas Miracle.”

The League will continue to advocate for cities throughout the interim and into the 2019 legislative session.

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