



January 29, 2021

To All Urban Counties:

The Urban Counties Policy Analysis Project is an information resource for urban county officials. The project provides summaries of legislative and administrative items of interest.

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1. There were three attorney general opinions issued last week. They were of interest.
 - [KP-0349](#) - A local government must provide a specific reason or reasons for denying or conditionally approving a plat. A failure to adequately explain the reasons for denial or conditional approval within 30 days of filing of a plat application results in the plat automatic approval of the plat. A court is unlikely to prohibit a local authority from requiring a report or study not expressly set forth in statute prior to submission of a plat application.
 - [KP-0350](#) - Hotel occupancy tax revenue may be used in the direct promotion of tourism and the convention and hotel industry. An expenditure to provide public space for the benefit of residents of an apartment complex likely is not permitted.
 - [KP-0351](#) - A court would likely conclude that posting a campaign sign on public property enacts the “resign to run” provision of the Texas Constitution. A person cannot rescind a public announcement of candidacy in order to avoid the application of the “resign to run” provision.
 2. There were no requests for an attorney general opinion issued this week.
 3. There were seven state agencies proposing rule changes that were reviewed this week in the Texas Register. One was of interest.
 - a) The Texas Forensic Science Commission proposes an amendment which describes the requirements for forensic analyst and forensic technician license renewal. The current provision inadvertently omits the requirement that analysts upgrading to a higher level of licensure at renewal must complete continuing forensic education requirements. The Commission amends the section to clarify continuing forensic education requirements are required of all analysts biennially, whether renewing or upgrading a license.

4. There were six state agencies adopting rule changes that were reviewed this week. Two were of interest:
 - a) One was of interest. The Texas Health and Human Services Commission adopts an emergency order extending requirements that allow alternative methods other than face-to-face contacts for behavioral health services.
 - b) The Texas Forensic Science Commission (Commission) adopts an amendment to the requirements for forensic analyst license reinstatement. The amendments provide an exemption from elevated coursework requirements for license candidates who have expired and are reinstating a license after an indefinite period of absence from employment at an accredited laboratory. Candidates must be employed at an accredited laboratory to be eligible for licensure. Under the current rules, if a person departs employment from an accredited laboratory and his or her license expires, the candidate may be subject to elevated college coursework and other requirements that did not exist when the candidate was initially licensed.
5. The following announcement of interest was published:
 - a) The FY 2021 Second Chance Act grant is open. The goal of this program is to assist states and localities in developing or expanding services that meet the needs of incarcerated parents and their minor children to prevent violent crime, reduce recidivism, and provide support for minor children.
<https://ojjdp.ojp.gov/funding/fy2021/O-OJJDP-2021-41001>
6. The attached bills of interest were filed between January 21, 2021 – January 27, 2021. To date, there have been 2,110 bills and constitutional amendments filed. Urban Counties is tracking 974 of these.

Please contact me if I may be of additional assistance on this or any other matter.

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