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Governor-Elect Wants to End “Patchwork” of City Regulation

In a speech Thursday to the Texas Public Policy Foundation (TPPF), Governor-elect Greg Abbott said he plans to do away with a “patchwork quilt” of city regulations concerning such diverse issues as fracking, tree preservation ordinances, and plastic bag bans, all of which he contends are threatening to turn Texas into California.

According to Mr. Abbott, “[t]his is a form of collectivism.” He said his “vision is one where individual liberties are not bound by city limits. I will insist on protecting unlimited liberty to make sure Texas will continue to grow and prosper,” and he said that “unchecked overregulation by cities will turn the Texas miracle into the California nightmare faster than you can spell TPPF.”

The League will reach out to the Governor-elect in the coming weeks to stress that liberty is enhanced, rather than curtailed, by local control through the government closest to the people (cities). In the meantime, it is disappointing to hear that the new leadership in Austin wants to overrule the will of city voters on a range of issues. Doing so would amount to the same kind of governmental overreach at the state level that the governor-elect opposes when it comes from Washington.

Concerned city officials should reach out to their state legislators with the message that Texas cities are at the front-line of the Texas miracle, and that a top-down, big state government solution to local authority is more akin to California than anything any city has enacted.

Texas Legislature Convenes on Tuesday: How to Track a Bill

The Texas Legislature convenes on Tuesday, January 13, for its 84th session. “Pre-filing” of bills began last November, and filing will continue until March 13.

League staff reviews each bill and summarizes those that are city-related each week in the *Legislative Update*. In addition, a “master list” of summaries by topic area is available at www.tml.org under the “Legislative” tab.

While good old-fashioned paperwork is still part of its tracking system, the League also uses complex, online software to assist in tracking and monitoring bills. At the peak of the session, it is likely that League staff will be monitoring more than 1,500 bills.

Monitoring so many bills requires a customized system, but anyone can check the status of a bill on the [Texas Legislature Online](http://www.tml.org) (TLO) for free. The website is very quickly updated, and provides all of the pertinent information on a bill, including text, bill analyses, actions taken, and more.

Creating an account allows the user to track bills and add email alerts showing the bill’s movement through the process. While League staff will engage the membership at appropriate times, city officials interested in specific bills can follow them on the TLO website.

TML E-List Project: Choose Your Area of Interest

The Texas Municipal League is once again implementing the TML E-List project by gathering email addresses from city officials (elected and appointed) who: (1) may be willing to provide testimony during the 2015 legislative session; (2) want to be kept “in the loop” on certain subject matters; and/or (3) are willing to simply provide their perspective on a particular legislative matter.

The “E-lists” are one way TML staff contacts city officials regarding harmful legislation and are an invaluable grassroots tool. In many cases, bills will be set for committee hearings with essentially no notice. When that happens, an email will go out to the appropriate E-list asking for information or action on your part. Legislators need to hear from their city officials more than from TML staff.

To participate in the E-List project, go to <http://www.tml.org/genform/E-List.asp> and fill out the online form. If you have any questions, please contact JJ Rocha at jj@tml.org or 512-231-7400.

City-Related Bills Filed This Week

Each week, League staff summarizes in this section the city-related bills filed during the previous week. For a cumulative list of all city-related bills filed to date, click [here](#).

Property Tax

H.B. 590 (Elkins) – Tax Exemption: would, among other things, authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales and use taxes. (See **H.J.R. 51**, below.)

H.B. 591 (Ashby) – Property Tax: would provide that land owned by a deployed member of the armed services remains eligible for appraisal as qualified open-space land, even if the land ceases to be devoted principally to agricultural use to the degree of intensity generally accepted in the area, if the service member intends to use the land in that manner upon returning to the property.

H.J.R. 64 (Munoz) – Tax Exemption: would amend the Texas Constitution to authorize institutions of higher education to create research technology corporations that would be exempt from both property taxes and sales and use taxes. (See **H.B. 590**, above.)

Sales Tax

No sales tax bills were filed this week.

Purchasing

H.B. 582 (C. Turner) – State Agency Contractors: would provide that a state agency shall require its contractors – which could include cities – to adopt and apply an employment policy under which the contractor and any subcontractor may not, because of sexual orientation or gender identity or expression, take adverse employment action against an employee.

Elections

No elections bills were filed this week.

Open Government

No open government bills were filed this week.

Other Finance and Administration

S.B. 219 (Schwertner) – Health and Human Services Commission: This 2,200 page bill reorganizes the Health and Human Services Commission and other agencies related to the commission. Of interest to cities, the bill would: (1) repeal the local advisory committee related to strategic planning for the Health and Human Services Commission; and (2) change funding, occupational titles, and administrative hearings for emergency medical personnel.

Municipal Courts

No municipal courts bills were filed this week.

Community and Economic Development

No community and economic development bills were filed this week.

Personnel

H.B. 589 (Burkett) – Unemployment Compensation: would disqualify a former employee from receiving unemployment compensation if he or she applies for work but: (1) refuses a pre-employment drug screen without good cause; or (2) fails a pre-employment drug screen based on a positive result for drugs not prescribed to the individual.

Public Safety

H.B. 579 (Giddings) – Animal Encounter Training: would require a peace officer to complete an animal encounter and behavior training program established by the Texas Commission on Law Enforcement: (1) not later than the second anniversary of the date the officer is licensed or the date the officer applies for an intermediate proficiency certificate, whichever date is earlier; or (2) in any case by September 1, 2017.

H.B. 592 (Krause) – Immigration Status of Arrestee: would: (1) require a law enforcement agency, not later than 48 hours after a person is arrested and before the person is released on bond, to: (a) review any information available under the federal Secure Communities Program or a successor program; or (b) request information regarding the person's immigration status from a federal immigration officer or Texas peace officer or law enforcement officer who is authorized under federal law to verify a person's immigration status; (2) excuse a law enforcement agency from the duties described in (1), above, with respect to a person who is transferred to the custody of the agency by another law enforcement agency that has already performed those duties; and (3) require a law enforcement agency that has custody of a person subject to an immigration

detainer to detain the person and provide notice of the detainer to the judge or magistrate authorized to grant or deny the person's release on bail.

H.B. 597 (Clardy) – Synthetic Cannabinoids: would designate certain chemicals commonly referred to as synthetic cannabinoids as controlled substances and controlled substance analogues under the Texas Controlled Substances Act.

H.B. 611 (Davis) – Ebola: would add the Ebola virus to the list of communicable diseases that certain entities must report to a local health authority and the Texas Department of State Health Services.

S.B. 273 (Campbell) – Concealed Handguns: would provide that: (1) a state agency or a political subdivision of the state may not provide notice that a concealed handgun licensee is prohibited from entering or remaining on a premises or other place owned or leased by the governmental entity unless license holders are actually prohibited from carrying a handgun on the premises; (2) a state agency or a political subdivision of the state that improperly posts notice is liable for a civil penalty; (3) a citizen of this state or a person licensed to carry a concealed handgun may file a complaint with the attorney general that a state agency or political subdivision has improperly posted notice; (3) before a suit may be brought against a state agency or a political subdivision of the state for improperly posting notice, the attorney general must investigate the complaint to determine whether legal action is warranted; (4) if legal action is warranted, the attorney general must give the chief administrative officer of the agency or political subdivision charged with the violation a written notice that gives the agency or political subdivision 15 days from receipt of the notice to remove the sign and cure the violation to avoid the penalty; (5) if the attorney general determines that legal action is warranted and that the state agency or political subdivision has not cured the violation within the 15-day period, the attorney general or the appropriate county or district attorney may sue to collect the civil penalty, and the attorney general may also file a petition for a writ of mandamus or apply for other appropriate equitable relief; and (6) a state agency or political subdivision may only prohibit a concealed handgun licensee from carrying in a meeting room where a governmental body that is subject to the Open Meetings Act is meeting. (Companion bill is **H.B. 226** by **Guillen**.)

Transportation

No transportation bills were filed this week.

Utilities and Environment

No utilities and environment bills were filed this week.

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