

2015-2016 TML Legislative Policy Development Process

City officials across the state are well aware of the fact that many significant decisions affecting Texas cities are made by the Texas Legislature, not by municipal officials. Newly elected mayors and councilmembers quickly realize that cities are indeed “creatures of the state.” This subservient position of cities in the state’s intergovernmental system means that the legislature can address virtually any aspect of city government.

This fact is vividly demonstrated during each legislative session. For example, during the 2015 session, more than 6,000 bills or significant resolutions were introduced; more than 1,600 of them would have affected Texas cities in some substantial way. In the end, over 1,300 bills or resolutions passed and were signed into law; approximately 220 of them impacted cities in some way.

There is no reason to believe that the workload of the 2017 session will be any lighter; it may be greater. And for better or worse, city officials will have to live with all the laws that may be approved by the legislature. Thus, the League must make every effort to assure that detrimental bills are defeated and beneficial bills are passed.

The TML approach to the 2017 session will undoubtedly be guided by principles that spring from a deeply rooted TML legislative philosophy:

- The League will vigorously oppose any legislation that would erode the authority of Texas city officials to govern municipal affairs.
- Cities represent the level of government closest to the people. They bear primary responsibility for the provision of capital infrastructure and for ensuring our citizens’ health and safety. Thus, cities must be assured of a predictable and sufficient level of revenue and must resist efforts to diminish that revenue.
- The League will oppose the imposition of any state mandates that do not provide for a commensurate level of compensation, and resist any attempts to require cities to raise money for the state (reverse intergovernmental aid).

Schedule

Beginning in 2015 and throughout 2016, legislative policy committees will help TML prepare legislative positions. The League’s legislative policy development schedule will be roughly as follows:

September 2015 – the 2015 TML Resolutions Committee met to consider resolutions. The recommendations of the Resolutions Committee went forward for consideration by the TML membership on the final day of the 2015 Annual Conference at the annual business meeting.

January - April 2016 – the chairs, vice-chairs, board representatives, and members of the League’s legislative policy committees were appointed by the TML President.

May - June 2016 – topic-specific committees (e.g., Revenue and Finance, Regulation of Development, etc.) meet for the first time.

August 2016 – the topic-specific committees will combine to form the General Government Committee, at which time they will finish their topic-specific work and consider additional items.

September - October 2016 – the reports of the legislative policy committees will go forward to the 2016 TML Resolutions Committee for consideration. The recommendations of the Resolutions Committee will go forward for consideration by the TML membership on the final day of the 2016 Annual Conference at the annual business meeting.

December 2016 – the TML Board will finalize the League’s 2017-2018 legislative program based on resolutions passed in both 2015 and 2016.

Some Suggestions

As can be seen from the section above, the legislative policy committees provide the framework for the TML legislative policy development process. As an integral part of that committee process, city officials can significantly impact the outcome of the 2017 legislative session. Those officials should keep in mind the following:

1. **There is a practical limit to what the League – or any group, for that matter – can accomplish in any legislative session.** It is obvious that all resources – human, financial, and political – are limited, and no group can hope to achieve all its legislative objectives. The most powerful interest groups in the state sometimes come away from a legislative session bruised and battered. On occasion, the best that can be expected is that no harm be done.
2. **TML will expend the vast majority of its resources killing bad bills.** This has always been so and will probably always be the case. At one point during the 2015 regular session, the League was monitoring more than 1,600 bills or resolutions, many of which were bad for cities. The League’s legislative philosophy has traditionally been, first and foremost, to defeat bad legislation and, secondarily, to seek passage of beneficial legislation as time, resources, and political realities permit.

It is unlikely that any other interest group in the state monitors and opposes as many bills as does the Texas Municipal League. During recent legislative sessions, the League took steps to oppose bad legislation dealing with everything from annexation to zoning and from birth records to cemeteries. The breadth of the League’s legislative focus becomes obvious each year when TML completes and submits its state-mandated lobbyist registration form. One schedule of the form asks which of 83 subject matters are of interest to TML. Of the 83, only four fall outside the League’s areas of interest.

Unfortunately, the number of bad city-related bills grows almost every year. (Please see the chart below.) As a result, the League has been forced to expend an ever-greater percentage of its resources simply fending off bad ideas.

<u>Year</u>	<u>Total Bills Introduced</u> *	<u>Total Bills Passed</u>	<u>City-Related Bills Introduced</u>	<u>City-Related Bills Passed</u>
2001	5,712	1,621	1,200+	150+
2003	5,754	1,403	1,200+	110+
2005	5,369	1,397	1,200+	105+
2007	6,374	1,495	1,200+	120+
2009	7,609	1,468	1,500+	120+
2011	6,303	1,410	1,500+	160+
2013	6,061	1,437	1,700+	220+
2015	6,476	1,329	1,600+	220+

* Includes bills and proposed Constitutional amendments; regular session only.

3. **Given the League’s finite resources, and because vast amounts of those resources are necessarily expended in defeating bad legislation, the League must very carefully select bills that it will support or for which it will attempt to seek passage.** A sharply focused legislative program is more likely to lead to success than is a very large and wide-ranging program. In addition, supporting a bill that has a low probability of passage requires a large amount of time and political resources that can be used more productively in other ways. **Thus, it is important to advocate only those initiatives that are truly important and that have a realistic chance of passage.**
4. How can the committee identify initiatives that are truly significant and that merit a place in the TML legislative program? Committee members may wish to ask the following questions about each discussion item:
 - ◆ **Does the initiative have wide applicability to a broad range of cities of various sizes (both large and small) and in various parts of the state?**
 - ◆ **Does the initiative address a core municipal issue, such as erosion of local control and preservation or enhancement of municipal revenue?**

- ◆ **Will the initiative be vigorously opposed by strong interest groups and, if so, will member cities commit to contributing the time and effort necessary to overcome that opposition?**
- ◆ **Is this initiative, when compared to others, important enough to be part of TML’s list of priorities?**
- ◆ **Is this initiative one that city officials, more than any other group, should and do care about?**

The foregoing suggestions are not meant to imply that TML can’t pass good, solid legislation. It can, it has in the past, and it will again. The suggestions are meant merely to emphasize the fact that any group, to succeed, must use its resources and its political strength wisely and selectively.

Categories

Legislative positions should reflect one of four categories that will direct League staff. Keep in mind that there is a difference between “seek introduction and passage” and “support.”

- **Seek Introduction and Passage** means that the League can attempt to find a sponsor, will provide testimony, and will otherwise actively pursue passage. Bills in this category are known as “TML bills.” **These bills require an enormous amount of time and resources, and the committee should be very cautious about putting items in this category.**
- **Support** means the League will attempt to obtain passage of the initiative if it is introduced by some other entity. **League staff will, based upon the foregoing principles and its knowledge of current legislative realities, determine the amount of time and resources devoted to an item in this category.**

With very few exceptions, any item that makes its way into the 2017-2018 TML Legislative Program should be couched in the two terms above, or by recommending that TML “**oppose**” or “**take no position.**”