



Legislative UPDATE

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MAN YOUR SPECIAL SESSION BATTLE STATIONS: **Contact Your Legislators Now**

As the special session approaches, the governor has been setting up House and Senate “teams” of legislators to move forward an agenda full of items that would limit city authority. Each time a senator and representative agrees to author related legislation, the governor’s office issues a press release on this [website](#). Here are some excerpts from, and comments on, those releases:

- **Spending Cap (Population Plus Inflation):** “The bill I will be filing during the special session *will rein in irresponsible spending by local elected officials* and grant the taxpayers with the ultimate authority to make the final call on government growth that exceeds that of growth plus inflation,” said Jason Villalba (R – Dallas).

Public safety spending makes up a huge portion of most cities’ budgets. A local spending cap will hit law enforcement the hardest. Police officers certainly can’t do their jobs without the local funding needed for salaries, training, and equipment. Moreover, Colorado enacted the nation’s only population-plus-inflation spending cap in 1992, but that state *suspended it for five years in 2005 in response to a sharp decline in public services*. At least 30 states have seen similar proposals since 2004, but no other state has adopted them.

- **Annexation:** “Cities abusing their authority with forced annexation practices is nothing more than a form of taxation without representation,” said Governor Abbott. “Cities that annex property without the approval from those affected is *piracy by government*, and it must end.”

The governor recently tweeted about Texas cities ranking in the top 15 for the most high-tech jobs. Austin, Round Rock, Houston, and Sugar Land are on that list. What else do they have in common? All prudently use annexation to deal with the resultant population growth and to keep their communities thriving. He also tweeted: “more jobs and new truck plant coming to Texas. Great work by McKinney Economic Development Corp.” McKinney also uses annexation to ensure a sustainable economy and quality of life for its residents.

The only way cities will retain their ability to provide adequate public safety, economic development, and economic prosperity is if you “man your battle stations.” You should call your legislators and tell them “thanks, but no thanks.” You know best how to run your city, and you don’t need this type of “help” from Austin.

Future editions of the *Legislative Update* will continue to inform you of your state leaders’ thoughts on your ability to respond to citizen needs.

Support Caps on City Revenue while Cutting Funding?

On June 12, the governor issued a [proclamation](#) that, pursuant to his constitutional powers as governor, he planned to veto specific sections of Senate Bill 1 (the state budget for the biennium).

Of particular interest to cities, the governor struck down a section of the budget that would have provided air quality planning funding to the Texas Commission on Environmental Quality (TCEQ). The funding allows TCEQ to provide programs for air quality planning activities aimed at reducing ozone levels. The programs include bicycle use programs, carpooling awareness, environmental awareness campaigns, and locally-enforceable pollution reduction programs. The funding also allows TCEQ to provide grants for cities to use in implementing pollution controls.

In his explanation for vetoing this specific line item, the governor stated that these air quality programs “*can be funded at the local government level.*”

At the same time, the governor has called a [special session](#) urging legislators to pass a local revenue cap. So, not only do some state leaders support limiting cities’ ability to raise revenue to provide adequate services, they also cut state funding in a way that shifts responsibility for programs to cities.

The special session begins on July 18. City officials should visit with their legislative delegation before the special session to discuss the following: (1) thank them for leaving local decision making largely intact during the 2017 regular session; (2) urge them to continue that trend during the special session by focusing on core state issues and not on local ones; and (3) invite them to come take a tour of your fire and police facilities so they can better understand that caps and other artificial restrictions will have the greatest effect on public safety.

Post Session Update: **General Law City Sex Offender Regulation**

House Bill 1111, one of several [priority bills](#) that TML worked to pass this session, authorizes a general law city by ordinance to restrict a registered sex offender from going in, on, or within a specified distance of a child safety zone in the city. The bill is effective September 1.

If your general law city has a sex offender residency restriction ordinance or is considering adopting such an ordinance, you should consult with your local legal counsel about House Bill 1111.

You can find more details about this issue in a legal Q&A [here](#). Contact Christy Drake-Adams, TML assistant general counsel, with questions at 512-231-7400 or christy@tml.org.

Post Session Update: **Volunteer Emergency Services Personnel and Licensed Carry**

[House Bill 435](#) passed during the Eighty-Fifth Legislative Session and is effective September 1, 2017. The bill, codified in Chapter 112 of the Civil Practices and Remedies Code, provides certain liability protections to a governmental unit (including a city) that allows volunteer emergency services personnel (with a license to carry a handgun) to carry a handgun while engaged in providing emergency services. The bill *does not mandate that a city allow its volunteer emergency services personnel to carry a handgun while engaged in providing emergency services*.

More specifically, the bill provides – among other things – that:

1. “volunteer emergency services personnel” includes a volunteer firefighter, an emergency medical services volunteer, and any individual who, as a volunteer, provides services for the benefit of the general public during emergency situations;
2. a governmental unit is not liable in a civil action arising from the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun;
3. the discharge of a handgun by an individual who is volunteer emergency services personnel and licensed to carry the handgun is outside the course and scope of the individual’s duties as volunteer emergency services personnel (this provision is an attempt to protect a city from federal civil rights liability);
4. the bill may not be construed to waive the immunity from suit or liability of a governmental unit under the Texas Tort Claims Act or any other law; and
5. volunteer emergency services personnel who are engaged in providing emergency services: (a) enjoy a defense to prosecution for carrying into a place under which an owner has lawfully excluded licensed carry by providing notice under current law, bars, jails, sporting events, hospitals that provide notice, open meetings if notice is provided, amusement parks, or places of worship; and (2) are permitted to carry into a school,

institution of higher education, polling place, court or court offices, racetrack, secured area of an airport, or place of execution.

An updated version of the League's guns and cities paper is available [here](#).

TCEQ Workshops on Total Coliform Rules

The Texas Commission on Environmental Quality (TCEQ) [recently adopted](#) the Revised Total Coliform Rule (RTCR). The RTCR establishes a maximum contaminant level (MCL) for E. coli and uses E. coli and total coliforms to initiate a “find and fix” approach to prevent fecal contamination from entering the distribution system of a public water supply. To assist cities in understanding and complying with the new rules, they are offering a number of [free workshops](#) throughout the state.

Topics covered during the workshop include an overview of the RTCR, Site Sampling Plan preparation, monitoring and reporting, field assessment, and corrective actions. Licensed water operators can receive up to 4 hours of CEUs for attending.

To register to attend a workshop, go to www.TexasEnviroHelp.org and click on the RTCR Workshop link or contact the Small Business and Local Government Assistance Hotline at 800-447-2827.

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