

# GFOAT Legislative Update

## April 10, 2017

Bennett Sandlin

# Where We're At

- 53 days remaining out of 140
- 2017: 6,829 filed; 1,929 tracked by TML
- 2015: 6,476 filed; 1,683 tracked by TML
- Estimates of many more bills didn't materialize
- Legislators filed more of their bills earlier

# Governor Takes on City Authority

- “As opposed to the state having to take multiple rifle-shot approaches at overriding local regulations, I think a broad-based law by the state of Texas that says across the board, the state is going to pre-empt local regulations, is a superior approach,” Abbott said.
- Such an approach, Abbott added, “makes it more simple, more elegant, but more importantly, provides greater advance notice to businesses and to individuals that you’re going to have the certainty to run your lives.”

# Revenue Caps

- SB 2 (Bettencourt): 5% rollback rate + automatic election; passed Senate, not yet heard in House Ways and Means.
- HB 15 (Bonnen): 4% rollback rate + automatic election + parcel-specific info to comptroller. Not heard yet.
- Not clear which bill will be the one heard in Ways in Means, or perhaps both.
- Time to contact House members is NOW. Engage law enforcement and fire.

# Debt

- HB 151 (Simmons) – November election date only
- HB 1356 (Goldman) – Increased notice for COs
- SB 200 (Campbell) – Political Subdivision Public Information Warehouse
- SB 245 (Burton) – public hearing, notice, voter information document
- **SB 461 (Lucio) – financial info on ballot – voted from Senate IGR**
- SB 702 (Huffines) – 33 percent of registered voters must vote in election to approve debt

# Annexation

- SB 715 (Campbell) – voter approval – voted from Senate IGR Committee Wednesday
- HB 424 (Huberty); HB 299 (Larson); HB 2272 (Schofield) – voter approval
- HB 655 (Bettencourt) – requires city to create digital map of area to be annexed – voted from Senate IGR Wednesday

# Small Cell Deployment

- SB 1004 (Hancock) – caps rental fee at \$250 (down from \$1,000 in as filed) per node annually and caps permitting fee – Passed Senate yesterday
  - Access to right-of-way
  - Compensation
  - PUC pending action
  - FCC pending action

# Small Cell Deployment



**Can you  
see me  
now?**

SB 1004  
would let cell  
phone companies  
put eyesores  
like this in  
your front yard  
and all over  
your  
neighborhood.



# Sales Tax Swap “Fix”

- H.B. 3046 (Dale)
- Allow single ballot switching of any city sales taxes.

# Preemption

- Governor pushes for blanket preemption of cities—tired of trying to accomplish that one bill at a time
- Short term rentals (S.B. 451 by Hancock—voted from committee; H.B. 2551 by Parker)
- Can't prohibit 6 or fewer chickens in back yards (S.B. 1620 by Taylor) – passed Senate

# ...and More Preemption

- TNCs and taxis (H.B. 100 by Paddie; S.B. 361 by Nichols, both have passed their respective committees)
- Affordable housing “linkable fees (H.B. 1449 by Simmons) – voted from House committee
- SB 1172 (Perry) – seed ordinances! – Passed Senate
- SB 88 (Hall) – red light cameras, passed the Senate

# Newspaper Notice / Transparency

- SB 622 (Burton) – Budget must have line item showing newspaper notice costs. May be good first step despite being a mandate. Passed Senate.

# Email Notice and Hearings Regarding New Fees

- SB 737 (Hancock) – city must maintain an email notification system and hold one hearing 30-60 days in advance of adopting new fees. Exempts cities in counties under 30,000 population from email process. Passed the Senate on Wednesday.

# PFIA

- HB 2647 (Stephenson) – allows investment in interest bearing bank deposits if FDIC or NCUSIF guaranteed
- HB 2648 (Stephenson) – allows investement in certain obligations issued by Federal Home Loan Bank

# Hotel Tax Reporting

- Report all categories of expenditures to Comptroller (SB 1221 by Watson) – passed Senate committee

# Lobbying

- SB 445 (Burton) – Reporting and council vote required – On Senate Intent Calendar



# Tree Ordinances

- SB 744 (Kolkhorst) – tree mitigation, being negotiated by League to an acceptable form

# Eminent Domain

- SB 740 (Kolkhorst) – omnibus, including appraisals, 20 percent fee trigger, deed requirements for electric/pipeline, taxable value
- SB 626 (Schwertner) – bill of rights, reasonably necessary for project, reported from Senate committee
- SB 627 (Schwertner) – bill of rights, permission to enter form, reported from committee
- SB 628 (Schwertner)/HB 528 (Schofield) – actual progress/repurchase, reported from committee
- HJR 40 (Schofield) - repurchase

# Manufactured Homes

- SB 1248 (Buckingham) – city can't regulate nonconforming status, expirations periods, amortization, # of spaces – Passed Senate Committee

# Sanctuary Cities

- SB 4 (Perry); has passed Senate
- More of a county issue than city
- Serious penalties: crime; civil fine; loss of grants; 10 years of liability
- Watch for mandates: HB 2191 (Dale) – no police grants unless city joins 287(g)

# Bathroom Bill / Civil Rights Ordinances

- Bathrooms (SB 6 by Kolkhorst)
  - Preempts city bathroom ordinances
  - Few if any cities have them
  - Passed Senate
- Civil Rights (SB 92 by Hall)
  - Many more cities these
  - Key to many economic development deals

# Ballot Propositions

- SB 488 (Bettencourt) – Secretary of State must review city ballot propositions, and ballot propositions can't be misleading. Passed Senate Wednesday.

# Sex Offender Residency

- HB 387 (Murphy) – Heard in House Urban Affairs; SB 76 (Nelson); SB 197 (Nichols)

# Texting While Driving

- HB 62 (Craddick) – Passed House