



City of San Antonio

Agenda Memorandum

File Number: 17-4379

Agenda Item Number: 1.

Agenda Date: 8/9/2017

In Control: Intergovernmental Relations Committee

DEPARTMENT: Government and Public Affairs

DEPARTMENT HEAD: Jeff Coyle

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT: 85th Texas Legislature - Special Session

SUMMARY:

The Government and Public Affairs Department (GPA) will provide a briefing on the first called special session of the 85th Texas Legislature.

BACKGROUND INFORMATION:

The Texas Legislature meets every two years in odd numbered years. The 85th Texas Legislative Session began on January 10, 2017, and ended on May 29, 2017. The Regular Session of the legislature is constitutionally mandated; however, the Governor has the authority to call special sessions to address any pending issues at the Governor's discretion. Governor Abbott called a special session to begin on July 18 to consider legislation to extend the authorization of several state agencies, including the Texas Medical Board, which licenses doctors. In his proclamation for a special session the Governor also included nineteen additional items to consider.

The City has been actively engaged in the special legislative session, meeting with legislators and/or their staff, testifying at committee hearings and providing feedback on proposed legislation.

ISSUE:

GPA will provide a briefing on the first called special session. The special session call includes issues that failed to pass during the regular session, several of them harmful to municipalities. The Senate passed most of the items on the Governor's agenda in the first ten days and the House is currently considering these same issues on the floor or in committee hearings. The following issues being considered restrict local government revenue or authority, directly impacting the City:

Revenue Caps

HB 4 (Bonnen) *Passed House Ways & Means Committee*

- Lowers the rollback rate from 8 to 6% on all cities that bring in more than \$25 million in maintenance

and operations property taxes, which would affect 50 to 60 cities statewide. The bill also requires a mandatory election to approve a local government going over the six percent cap.

SB 1 (Bettencourt) *Passed Senate; Passed House Ways & Means Committee as substituted with HB 4 language*

- As it passed the Senate, SB 1 lowers the rollback rate from 8 to 4% with a mandatory automatic election when local entities (cities, counties or special districts) exceed the 4 percent. The version of SB 1 that was approved by the House Ways & Means Committee and will be considered by the full House mirrors HB 4 with a 6% cap.

Bathroom Bill

SB 3 (Kolkhorst) *Passed Senate; Received in House and awaiting referral to House Committee*

- Requires that each multiple-occupancy restroom, shower, and changing facility of a political subdivision be designated for and used only by persons of the same sex as stated on a person's birth certificate or driver's license, personal identification certificate, or license to carry a handgun, issued to the person by the Department of Public Safety of the State of Texas.

HB 46 (Simmons) *Referred to House State Affairs*

- Impacts local government bathrooms, prohibiting a political subdivision from adopting or enforcing an order, ordinance, policy, or other measure to protect a class of persons from discrimination to the extent the order, ordinance, policy or measure regulates access to multiple-occupancy restrooms, showers, or changing facilities.

Annexation

SB 6 (Campbell) *Passed Senate; Passed House Land & Resource Management Committee as substituted*

- Rewrites the Municipal Annexation Act to severely curtail the ability of cities to annex property. The bill, as passed by the Senate, only provides a buffer of one-quarter of a mile around active military bases. SB 6, as approved by the House Committee, replaced the one-quarter mile buffer with a five-mile buffer, as recommended by the Joint Land Use Study.

HB 6 (Huberty) *Left pending in House Land & Resource Management*

- Companion bill to SB 6 but as filed, included a half-mile buffer around active military bases.

Expedited Permitting

SB 13 (Burton) *Passed Senate; Received in House awaiting referral to House Committee*

- Mandates an expedited permitting process for city permits. If the City fails to act on a permit application within the required time, the permit application is considered approved and the city may not collect any permit fees.

HB 164 (Workman) *Referred to House State Affairs Committee*

- House Companion bill to SB 13.

Tree Ordinance

SB 14 (Hall) *Passed Senate; Received in House awaiting referral to House Committee*

- Pre-empt the provisions of the City's current tree ordinance. An amendment was adopted on the Senate floor to limit application of the bill to residential subdivisions less than 25 "parts," which could still severely limit the applicability of the City's tree ordinance.

HB 70 (Workman) *Left pending in House Urban Affairs Committee*

- House Companion bill to SB 14.

HB 7 (Phelan) *Passed House; Referred to Senate Business & Commerce Committee*

- Regulates local government tree planting credits to offset tree mitigation fees. This bill mirrors legislation that passed the House and the Senate during the regular legislative session but was ultimately vetoed by the Governor. During the regular session, the City, the Texas Municipal League, Association of Builders, Nature Conservancy and other cities negotiated the final language to ensure this bill would not impact the City's tree ordinance.

Texting While Driving

SB 15 (Huffines) *Passed Senate; Received in House awaiting referral to House Committee*

- Preempts cities from having ordinances that go beyond the recent statewide ban on texting while driving making other activities covered in the City's hands free ordinance unenforceable, such as switching music or watching video.

HB 171 (Goldman) *Left Pending in House Transportation Committee*

- House Companion to SB 15.

HB 117 (Uresti) *Left Pending in House Transportation Committee*

- Creates statewide hands free while driving law, closely mirroring the provisions in the City's current hands free ordinance.

The following items also impact cities but have not passed the Senate nor been considered by the House.

SB 12 (Buckingham) Property Rights/"Super-Vesting"

- A city or county may not enforce an ordinance, order, or other regulation that prohibits or restricts the use or development of real property that has been platted if the ordinance, order, or other regulation was not in effect on the date the owner of the property acquired title to the property. HB 188 (Bell) is the House companion of SB 12.

SB 18 (Estes) Spending caps on local government expenditures

- Limits the amount of city expenditures based upon a statewide (and not city-specific) formula reducing the city's ability to manage its services and annual operating costs.

ALTERNATIVES:

This is a briefing for informational purposes only.

FISCAL IMPACT:

This is a briefing for informational purposes only.

RECOMMENDATION:

This is a briefing for informational purposes only.