



March 23, 2017

Legislative Update to City Council Members

Overview

In this report, the Government Relations Team seeks to provide information on when important hearings will be occurring in the House and Senate, progress on the City of Houston's Legislative Priorities, and how you can help advocate for legislation.

Pension Bill Update

Senate Hearing and Related Meetings

On Monday, March 20th Mayor Turner appeared before Senator Huffman's Senate State Affairs Committee to testify on behalf of the Houston Sustainable Pension Plan (bill analysis link [HERE](#)). Although Senator Huffman and the Mayor disagree on one provision requiring voter approval for the issuance of Pension Obligation Bonds, her office continues to work with the Government Relations team in producing a bill that will work for the City of Houston. The measure passed out of the committee on a 7-1 vote, with one Senator voting "present." As the Houston Chronicle noted (link to Morris piece), this was a big first step in getting the plan passed. Senator Huffman's bill now moves on to the full Senate.

After the morning hearing, the Mayor was joined by Controller Chris Brown in visiting Senate offices and addressing the Harris County House Delegation hosted by Chairman Gary Elkins. The Mayor and Controller were able to talk about the consequences the city faces if a bill does not pass and address House Members' concerns about cost and durability.

Read more about the hearing in the [Houston Chronicle](#).

On Monday, March 27th the Mayor will return to Austin to lay out House Bill 43 by Chairman Dan Flynn of the House Committee on Pensions. Chairman Flynn's version represents agreed to language between the city and pension boards and does not include any restrictions on POBs.

Website Update

GR continues to update its website for sustainable pensions, houstonpensionsolution.org. Check on the site for detailed information on the Mayor's Pension proposal.

Additionally, for a comprehensive document explaining the plan, [click here](#).

Pre-Emption Bills

The Texas Legislature is hearing several bills that would pre-empt local authority, removing the power to regulate away from the government closest to the people. The City of Houston opposes these bills on principle. Here are some of significant bills pertaining to pre-emption:

- **Senate Bill 1004 – Small Cell Networks**

"Small cell wireless networks" utilize small antennae-like structures to enhance cellular telephone reception. These facilities can be built in the public right-of-way. SB 1004 would prohibit city regulation of where these

How We Can Help Your Office

For every bill on the Legislative Priorities list, the Government Relations Team can provide background from city departments and where the bill is in the legislative process. If your office would like to write a letter of support, visit with offices of members in Austin, or testify for a measure, please contact Kris Banks to help coordinate. We are happy to help with anything from scheduling to submitting testimony. In fact, our office has worked to produce a list of overlap for every District Council Member and your member of the State House and State Senate. For a full list of those representing your Council District to the State Legislature, contact Ande Mattei.



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structures are built. Providers would be able to build these structures anywhere in the city right-of-way so long as they comply with state law.

SB 1004 was heard in the Senate Business and Commerce Committee on March 21. It was left pending. The chair may take it up for a vote in a future meeting.

The Legal Department testified against the bill.

- **House Bill 100, Senate Bill 176, et al – Transportation Network Companies**

Cities currently have the power to regulate most aspects of vehicles for hire, including cabs and transportation network companies (TNCs) like Uber. Several bills would remove this power pertaining to TNCs. TNCs would be regulated by state law without regard to the specific needs of communities. They have lax background check requirements for drivers and could have a significant revenue impact.

SB 176 was heard in the Senate Business and Commerce Committee on March 14. It was left pending. The chair may take it up for a vote in a future meeting. HB 100 was heard in the House Transportation Committee on March 16. It was left pending. The chair may take it up for a vote in a future meeting.

ARA testified against the bills at hearings.

- **Senate Bill 2 – Property Tax Rollbacks**

Senate Bill 2 will reduce the property tax rollback rate from 8 percent to 5 percent. Additionally, instead of the rollback rate permitting a petition process when reached, reaching the rollback rate will trigger an automatic election. It is essentially placing all local jurisdictions under a revenue cap like the City of Houston's.

SB 2 was heard in the Senate Finance Committee March 14. It passed out of committee, and was passed by the full Senate on March 21.

Finance testified against it, and HPD registered its opposition.

- **Senate Bill 4 – “Sanctuary Cities”**

Senate Bill 4 addresses so-called “sanctuary cities.” Sanctuary cities are not firmly defined in the bill. If passed into law, the bill would deny state funds to jurisdictions “adopt, enforce or endorse a policy under which the entity, agency or department prohibits or discourages the enforcement of immigration laws” or “by consistent actions prohibit or discourages the enforcement of immigration laws”:

SB 4 was heard by the Senate State Affairs Committee on February 2. It passed the full Senate February 7. The House State Affairs Committee heard the bill March 15. It was left pending in committee. The chair may take the bill up for a vote at a future date.

Chief Acevedo submitted [written testimony](#) in opposition.

- **Senate Bill 6 – Bathroom Bill**

Senate Bill 6 requires public entities to restrict bathrooms to use by the user's sex listed on his or her birth certificate. It also prohibits cities from establishing non-discrimination ordinances pertaining to gender identity in public accommodations. The bill is similar to House Bill 2 in North Carolina, which had devastating effects on the state's tourism and conventions business.



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SB 6 was heard by the Senate State Affairs Committee on March 7. It passed out of committee the same day. It passed the full Senate March 14. House State Affairs Committee Chairman Byron Cook said he will give the bill a hearing, but did not say he would give it a vote. He called the bill unnecessary.

The Mayor submitted [written testimony](#) against the bill.

- **House Bill 577 – Ban the Box Ordinances**

Across the nation, “Ban the Box” ordinances have become more common. These ordinances prohibit employers from certain actions pertaining to criminal background checks. The intent is to give people a second chance at finding gainful employment after incarceration. The City of Houston does not have such an ordinance and there are no immediate plans to introduce one. However, House Bill 577 would remove the City’s power to enact such an ordinance.

HB 577 was considered by the House Business and Industry Committee on March 20. It was left pending in Committee. The chair may take it up for a vote at a future date.

Mayor Turner submitted [written testimony](#) in opposition.

Behavioral Health Advocacy

As part of the Mayor’s 6 Point Plan to address Homelessness in Houston, specific advocacy is needed for increased capacity for Mental Health and Substance Use funding. Fortunately, many of our local state officials sit on the House Appropriations Subcommittee for Health & Human Services (Article II). They are as follows:

- Rep. Sarah Davis, Chair
- Rep. Greg Bonnen, Vice Chair
- Rep. Dawnna Dukes
- Rep. Sergio Munoz
- Rep. Kevin Roberts
- Rep. J.D. Sheffield
- Rep. Gene Wu

In addition, the Government Relations Team is working with other advocacy organizations involved in behavioral health legislation. Our office is updating the list of bills moving related to behavioral health reforms, including an update meeting on March 16th with Rep. Four Price, Chairman of the House Public Health Committee. Rep. Price chaired the House Select Committee on Mental Health during the Interim, and the committee’s report can be found [here](#).

We hope you can join us in Austin to advocate for Houston!

Bills We Support

In addition to our pension bill and the City’s legislative priorities (see below), there are many bills the City of Houston is supporting in the Texas Legislature. See below for a few:

- **House Bill 27 – Dark Stores**

Recently, certain retailers have pushed for interpretation of appraisal laws in which the value of the goods in the store are not considered in the appraisal. Under this interpretation, the store is appraised as if nothing is inside, hence the nickname “dark stores.” House Bill 27 clarifies that properties are to be appraised as the



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“highest and best use” for that property.

House Bill 27 was heard March 15 in the House Ways and Means Committee. It was left pending. The chair may take it up in the future for a vote.

- **Senate Bill 256**

Victims of family violence, sexual assault, human trafficking and stalking may obtain protective orders against their predators, but public records such as appraisal rolls and voter registration still reveal their home addresses. Senate Bill 256 will include these victims in the classes of people eligible to keep their records confidential.

SB 256 was reported favorably out of the Senate Criminal Justice Committee on March 21. It has been recommended for the local and uncontested calendar.

- **House Bill 748**

If a person is found guilty of animal cruelty, the City may seek a court order to seize the animal. The City may recover administrative costs, but cannot recover attorney's fees. House Bill 748 would allow the City to recover reasonable attorney's fees.

HB 748 was heard in the House Judiciary and Civil Jurisprudence Committee on March 21. It was left pending. The chair may take it up for a vote at a future date.

Update on Legislative Priorities

For an update on the City's legislative priorities, please reference the chart on the following page.

Bill	Author	Subject	Progress
HB 43	Rep. Flynn	Pensions: Relating to the public retirement systems of certain municipalities.	Referred to Pensions 2/13/17
HB 1368	Rep. Israel	Speed Limit: Relating to the prima facie speed limit in an urban district.	Referred to Transportation 2/27/17
HB 998	Rep. Alvarado	Campaign Report: Relating to the confidentiality of certain information stored as part of the preparation of campaign finance reports required to be filed with the clerk of certain counties or municipalities.	Referred to General Investigation & Ethics 2/28/17
HB 256	Rep. Hernandez	TABC: Relating to the authority of a city attorney to seek an injunction to abate a common nuisance under the Alcoholic	Referred to Judiciary & Civil Jurisprudence 2/21/17
HB 2476	Rep. Davis	Contingency Fee: Relating to approval by the comptroller of public accounts of certain contingent fee legal services contracts entered into by public agencies.	Filed 2/27/17
HB 1749	Rep. Thompson	Expunction: Relating to the expunction of arrest records and files relating to an offense punishable by fine only; authorizing	Filed 2/10/17
N/A	Rep. Allen	48 Hours: provide a 48 hour window for presenting the person to a magistrate; clarify that the 10-day clock for a person arrested on an out-of-county warrant who also has a local charge/local warrant begins once the local warrant has been disposed and/or adjudicated.	Drafting
HB 812	Rep. Wu	Panhandling: Relating to standing in a roadway; amending provisions subject to a criminal penalty.	Referred to Transportation 2/21/17
HB 913	Rep. Alvarado	Pipe Bombs: Relating to the prosecution of the criminal offense of the possession, manufacture, transport, repair, or sale of certain prohibited explosive weapons.	Referred to Criminal Jurisprudence 2/21/17
HB 2046	Rep. Walle	Tippling Fee: Relating to the amount of the solid waste disposal fee and the allocation of revenue from that fee.	Filed 2/17/17
SB 570	Sen. Rodriguez	Scrap Tires: Relating to the regulation of the retention, storage, transportation, and disposal of used or scrap tires; providing a civil penalty; creating a criminal offense.	Referred to Natural Resources & Economic Dev. 2/8/17
HB 2477	Rep. Davis	Towing: Relating to the authority of certain municipal employees to request the removal and storage of certain illegally parked or operated vehicles.	Filed 2/27/17
HB 714	Rep. Wu	Yard Parking: Relating to the authority of certain municipalities to create a presumption in a prosecution for certain offenses involving the parking of a motor vehicle.	Referred to Urban Affairs 2/20/17