



CITY OF HOUSTON

Office of the Mayor

Interoffice

Correspondence

To: City Council Members

From: Mayor's Office - Government Relations

Date: July 19, 2017

Subject: 85th Legislative Special Session (1)

Governor Greg Abbott announced a special session for the 85th legislature to commence July 18, 2017. A special session can last for a duration of 30 days. The legislative process will work like a regular session. Filed bills will be assigned a committee, subject to public hearings and, if voted out, will go to the full House/Senate for a vote. If the bill is passed, it will be sent over to the other chamber where a mirrored process will begin.

Governor Abbott has listed 20 items on the call, however legislators can file any piece of legislation they want to pursue. If the Governor notices a bill that was not on his initial call is making progress, he has the ability to add it to the call at any time during the special session.

- On July 10th, Governor Abbott released his Supplemental Call. The specific language is listed underneath each subject area *listed in italics*.

The following measures are what Governor Abbott has announced to be on the 1st called special session for the 85th legislature:

Items that can have an effect on the City of Houston:

1. **Rollback election for property tax increase** (Authors: Representative Dennis Bonnen & Senator Paul Bettencourt)

“Legislation reforming the laws governing ad valorem property taxes.”

- This legislation will look very similar to Senator Paul Bettencourt's SB 2 that was filed during the 85th regular session which intended to move the property tax rollback rate from 8% to 4%. The Government Relations team worked alongside various counties and municipalities to defeat this legislation during the session. David Benson from the city's finance department provided testimony before the Senate Committee on Finance and highlighted the negative impact the City's revenue cap has had on our credit ratings year after year. A complete write up on the City's efforts to defeat SB 2 can be found online at the 2017 Legislative Report.

2. **Caps on state and local spending** (Local spending authors: Representative Jason Villalba & Senator Craig Estes) (State spending authors: Representatives Tan Parker, Michael Schofield & Senator Kelly Hancock)

“Legislation using population growth and inflation to establish a spending limit for political subdivisions.”

- Unlike most of the items listed on the special session call, local and state spending caps was not a topic that was discussed during the regular session. If passed, the spending cap imposed will equal the population growth of the state/municipality plus inflation.

3. **Restrictions on bathroom use for transgender Texans** (Authors: Representative Ron Simmons & Senator Louis Kolkhorst)

“Legislation regarding the use of multi-occupancy showers, locker rooms, restrooms, and changing rooms.”

- Unsuccessful in passing the “bathroom bill” during the regular session, the legislature will reattempt to regulate the use of a bathroom by individuals based on the gender noted on an individual’s birth certificate. In SB 6 by Senator Kolkhorst, political subdivisions were restricted from adopting or enforcing an order, ordinance, or other measures that relate to the designation or use of a private entity’s bathroom or changing facility. A preemption clause will likely be incorporated in the special session legislation as well.

4. **Preventing municipalities from regulating what property owners do with trees on private land** (Authors: Representative Paul Workman & Senator Bob Hall)

“Legislation protecting the private property rights of land owners from political subdivision rules, regulations, or ordinances that interfere with, delay, or restrict private property owners’ ability to use or enjoy their property.”

- Representative Paul Workman authored HB 1572 during the regular session which aimed to preserve property owner rights with regard to tree and vegetation removal. This issue stems from the City of Austin ordinance preventing property owners from removing trees from their property without permission from the city. The City of Houston did not advocate for or against this measure during the session.

5. **Preventing local governments from changing rules midway through construction projects** (Authors: Representative Cecil Bell & Senator Dawn Buckingham)

“Legislation preventing political subdivisions from imposing on private property additional or enhanced regulations that did not exist at the time the property was acquired.”

- During the regular session, HB 3787 by Representative Bell aimed to prohibit a municipality or county from enforcing certain regulations that would prohibit or restrict the use or development of a property owner's property if the regulation was not in effect on the date the property owner acquired title to the property. This is another measure to centralize governance authority in Austin versus allowing city councils to regulate matters in their own city.

6. **Speeding up local government permitting processes** (Authors: Representative Paul Workman & Senator Konnie Burton)

"Legislation expediting the issuance of permits by political subdivisions and reforming the laws governing the issuance of permits by political subdivisions."

- The legislature is under the impression municipalities have redundant and lengthy permits and procedures that prolong the process in obtaining a permit. There are no limits to exactly which permits the legislature will try to mandate a city to expedite. At this point in time we are expecting a wide range of permits to be addressed with this special called item.

7. **Municipal annexation reform** (Authors: Representative Dan Huberty & Senator Donna Campbell)

"Legislation reforming the authority of municipalities to annex territory, to exert control over territory, or to regulate the use of annexed land or land in a municipality's extraterritorial jurisdiction."

- Statewide annexation regulation has been an ongoing fight between the Texas Legislature and local government for many years. What once was looked at as a Houston/Kingwood issue has now gained momentum and become a statewide push to limit local annexation. During the regular session SB 715 by Senator Campbell and sponsored by Representative Huberty, made it all the way to the final second, dying on a filibuster by Senator Menendez from San Antonio. Texas annexation laws have been fine tuned to provide an efficient and orderly way to deal with population growth. Year after year the population in Texas continues to escalate. When a city is prevented from expanding its boundaries, the city core declines and the region enters a slow economic downward spiral.
- The City of Houston's efforts were heavy against this legislation during the regular session. We will continue the fight against municipal annexation reforms during the special session.

8. **Preventing local entities from passing their individual texting-while-driving bans** (Authors: None assigned yet)

"Legislation preempting local regulation of the use of hand-held mobile communication devices while driving."

- Representative Tom Craddick and Senator Judith Zaffirini were successful in passing HB 62, which creates a statewide ban on texting while driving. Governor Abbott has now called on the legislature to pass legislation prohibiting local governments from passing their own texting while driving bans.

9. **Prohibiting the use of taxpayer dollars to collect union dues** (Authors: Representative Jason Isaac & Senator Bryan Hughes)

“Legislation prohibiting state or local government entities from deducting labor union or employee organization membership fees or dues from the wages of public employees.”

- Senator Joan Huffman attempted to prohibit a governmental entity from collecting union dues during the regular session through SB 13. Various union groups ranging from teachers to public safety employees urged the Senate Committee on State Affairs to not take away this avenue for them. Mr. Bill Stephens from the City of Houston’s Administrative and Regulatory Affairs department testified before the committee and advised that the collection of union dues from an employee does not cost the city additional money. He mentioned in his comments that prohibiting the City from doing so will cost us money through the reprogramming of our systems.
- The Government Relations team will continue its opposition on this item during the special session as well.

Items that do not directly affect the operations of the City of Houston

10. Texas Medical Board Sunset (Authors: None assigned yet)
11. Teacher pay raise of \$1,000 (Authors: None assigned yet)
12. Giving school administrators the flexibility in teacher hiring and retention (Authors: None assigned yet)
13. School finance reform (Authors: None assigned yet)
14. School Choice for special-needs students (Authors: Representative Ron Simmons & Senator Larry Taylor)
15. Requiring women to get separate insurance policies to cover non-emergency abortions (Authors: Representative John Smithee & Senator Brandon Creighton)
16. Prohibiting the use of taxpayer funding to subsidize health providers that also perform abortions (Authors: Representative Drew Springer & Senator Charles Schwertner)
17. Increasing existing reporting requirements when complications arise during abortions (Authors: Representative Giovanni Capriglione & Senator Donna Campbell)
18. Strengthening patient protections relating to do-not-resuscitate orders (Authors: Representative Dennis Bonnen & Senator Charles Perry)
19. Cracking down on mail-in ballot fraud (Authors: Representative Adam Goldman & Senator Kelly Hancock)
20. Extending the state’s maternal mortality task force (Authors: Representatives Shawn Thierry, Armando Walle, Cindy Burkett & Senator Louis Kolkhorst)