

Statesman

Texas Mayors warn of legislative 'assault'

By Asher Price

Posted Apr 22, 2019 at 6:45 PM

Updated Apr 23, 2019 at 12:30 PM

Decrying proposals that would restrict the ability of cities to prevent some trees from being felled on private property, regulate payday lenders and strip clubs, oversee short-term home rentals, or raise revenue through property taxes, a group of Texas mayors, including Austin's Steve Adler, released a list on Monday of what they consider the most harmful bills.

The Legislature is "more focused on attacking cities than any session I can remember," Adler said at a news conference. "Certainly we have a history of being at odds with the Legislature. ... This assault is being waged against all cities, not just one or two."

Bennett Sandlin, executive director of the Texas Municipal League, which put together the list, said: "We're opposing more than 150 bad ideas for Texas cities at this point."

The jousting by city officials and lawmakers at the Capitol is the latest round in a saga that has grown in intensity over the last few years. In 2015, shortly before being sworn in as governor, Greg Abbott called for doing away with local bans

on plastic bags, fracking and tree-cutting that he says amount to a “patchwork quilt of bans and rules and regulations that is eroding the Texas model.”

Subsequently, a court struck down the plastic bag rules and the Legislature effectively prohibited a ban by the city of Denton on fracking and passed a watered-down version of the anti-tree-cutting rules.

“Cities don’t want local control; they want total control,” James Quintero, director of the Think Local Liberty Project at the conservative Texas Public Policy Foundation, told the American-Statesman. “That is not consistent with conservative values.”

‘Most harmful’ bills

The Texas Municipal League list of “most harmful city-related bills,” all of which have been approved by a House or Senate committee, includes:

- House Bill 969, which would allow landowners to remove “noxious” or “invasive” plants. The Texas Municipal League says it’s a “backdoor” that would “jeopardize tree preservation ordinances.”
- HB 3899 would, in nearly all cases, prohibit cities from imposing a restriction on businesses that operate in more than one Texas city.
- HB 2847 would prohibit cities from enforcing any ordinance regulating the activities of any person or business that holds a license issued by the state.
- HB 3778 would restrict the authority of municipalities to regulate short-term rental units and would cap the allowable fee for registration of these units at the lesser of the amount needed to cover administrative costs or \$450.
- Senate Bill 2 and HB 2 would constrain how much taxing authorities can collect in revenue, one of the top issues Lt. Gov. Dan Patrick, Abbott and House Speaker Dennis Bonnen, R-Lake Jackson, pledged to address this legislative session. SB 2 has passed the Senate; the House is slated to take up its version on Wednesday.

Rep. Drew Springer, R-Muenster, says his HB 969, “would not allow someone to clear cut.”

“The state of Texas is currently paying millions of dollars a year to remove invasive trees,” he continued. “A homeowner should not be prevented from doing so at no cost to the state.”

And he faulted the Texas Municipal League for its interpretation of his HB 3899, which he said “has nothing to do with strip clubs, massage parlors, or billboards.”

“Cities already have the right to regulate sexual oriented businesses,” he continued. “Cities have never had the right to regulate billboards — the state currently has that power. In regard to payday lenders, consumers should not have to worry as they drive across city lines that businesses are operated differently. If there are consumer issues that need to be dealt with, they should be dealt with for all Texans, not just a few.”

Modest tax savings

Adler called the proposals “untethered to sound public policy.”

Rehearsing a theme of the legislative session, the mayors said the marquee legislation aimed at restricting property tax collection would harm their budgets.

Adler said the property tax legislation would cut \$35 million to \$50 million from the amount the city collects in revenue.

He said the average Austin homeowner would see savings on the city portion of the tax bill of \$1.80 to \$2.70 per month — but that new public safety programs would be compromised.

The savings would “not even get a cup of coffee at Starbucks,” said Mary Dennis, mayor of the San Antonio suburb of Live Oak.

Sandlin said his counterparts in other states are facing similar bills, “identical down to the comma.”

He said the legislation was promoted by national business think tanks.

“They’re pushing this idea that it’s too much trouble to go city by city, fighting regulations or even negotiating bills,” he said. “Why not go to the statehouse and cut cities off at the knees?”

He said he calls it the “Goldilocks form of government.”

“The feds are big and bad. Cities are small and bad. Somehow state government gets it just right,” is how he described the Goldilocks theory.

Quintero, whose colleagues have testified on some of the bills on what he called “TML’s hit list,” said the list highlights “bills that empower the individual over the collective, that elevate self-government over city government.”