LB
04/16/15
Item 4A

A RESOLUTION 2015-04-16-0029R

SUPPORTING THE PRESERVATION AND PROTECTION OF LOCAL CONTROL DURING THE 84TH STATE LEGISLATIVE SESSION.

WHEREAS, as part of the City's adopted 84th State Legislative Program, City Council set out as an objective the protection of municipal interests and opposition to legislation that diminishes the fundamental authority of cities to operate in a manner consistent with the best interest of the health, safety, and welfare of the general public; and

WHEREAS, over 60 bills have been introduced in the 84th State Legislative Session that seek to severely curtail local control, including SB 343 and HB 1556, and a copy of the list of bills is set out in Attachment I; and

WHEREAS, SB 343 provides that "unless expressly authorized by a state statute, a local government shall not implement an ordinance, rule, or regulation that conflicts with or is more stringent than a state statute or rule regardless of when the state statute or rule takes effect;" and

WHEREAS, HB 1556 provides that "a county, municipality, or other political subdivision may not adopt or enforce a local law that creates a protected classification or prohibits discrimination on a basis not contained in the laws of this state;" and

WHEREAS, the members of City Council were elected to pass and enforce local ordinances and rules for the benefit of the citizens of San Antonio and have adopted ordinances preserving trees, banning smoking, regulating payday lending, and prohibiting discrimination on the basis of sexual orientation, gender identity, or veteran status, regulating Transportation Network Companies (TNC's), and annexing areas within the extra territorial jurisdiction of the City; and

WHEREAS, the City Council desires to reaffirm its rights as a home rule municipality to address issues affecting its citizens at the local level and to oppose legislative efforts that would erode this fundamental authority; **NOW THERFORE:**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. City Council supports efforts aimed at the protection and preservation of local control and opposes legislation that would impair the ability of a home rule city such as San Antonio from enforcing existing ordinances or adopting future ordinances addressing the health, safety, and welfare of its citizens.

SECTION 2. This Resolution is effective immediately upon the receipt of eight affirmative votes; otherwise, it is effective ten days after passage.

PASSED AND APPROVED THIS 16th day of April, 2015.

Ivy R. Taylor

M A Y O R
Ivy R. Taylor

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Martha G. Sepeda, Acting City Attorney

Agenda Item:	**4A**
Date:	04/16/2015
Time:	10:45:34 AM
Vote Type:	Other: To Suspend Rules
Description:	A Resolution supporting the passage of legislation that protects military installations through regional efforts to ensure compatible development, development review coordination, and real estate disclosure.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor			x			
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x				
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x			x	
Joe Krier	District 9			x			
Michael Gallagher	District 10			x			

Agenda Item:	**4A**
Date:	04/16/2015
Time:	10:46:30 AM
Vote Type:	Other: Approve Version 1 With Friendly Amend
Description:	A Resolution supporting the passage of legislation that protects military installations through regional efforts to ensure compatible development, development review coordination, and real estate disclosure.
Result:	Passed

Voter	Group	Not Present	Yea	Nay	Abstain	Motion	Second
Ivy R. Taylor	Mayor			x			
Roberto C. Trevino	District 1		x				x
Alan Warrick	District 2		x				
Rebecca Viagran	District 3		x				
Rey Saldaña	District 4		x			x	
Shirley Gonzales	District 5		x				
Ray Lopez	District 6		x				
Cris Medina	District 7	x					
Ron Nirenberg	District 8		x				
Joe Krier	District 9			x			
Michael Gallagher	District 10			x			

Attachment I

84th Legislative Session – Local Control Bills

HB 40 (Darby | Keffer | King, Phil | Thompson, Senfronia | Oliveira)
Relates to city regulation of oil and gas drilling, and represents a compromise agreement.

HB 91 (Flynn)
Cities can't regulate the temperature of raw milk products

HB 132 (Flynn)
Cities can't adopt any regulation that would interfere with the right to produce agricultural products.

HB 142 (Stickland)
Cities can't use cameras for traffic light enforcement.
HB 3817 (Elkins)
SB 1340 (Huffines | Bettencourt | Birdwell | Burton | Campbell)

HB 154 (Johnson)
Limits what a police officer can do when inquiring about nationality or immigration status
SB 160 (Rodriguez)

HB 165 (Larson)
Any officer attempting to enforce certain federal laws commits a crime punishable by fine and jail time.

HB 172 (Stickland | Rinaldi)
Cities can't adopt regulations on electric stun guns, knives or personal defense sprays.

HB 540 (King)
Cities must pre-submit a measure proposing the enactment or repeal of an ordinance to the AG

HB 738 (Larson)
Cities can't adopt regulations prohibiting the refusal to lease property because of source of income.
HB 2909 (Springer | Burkett | Larson)
SB 267 (Perry | Hall | Huffines)

HB 748 (Isaac)
Cities can't prohibit use of propane tanks on residential property

HB 905 (Frullo)
Cities can't adopt regulations related to knives

HB 910 (Phillips; Flynn; White, James; Riddle; Guillen)
Cities can't prohibit open carry of guns on city-owned or city-leased property
SB 17 (Estes)
SB 346 (Estes)

HB 961 (Farias)
Exemption of school district property from infrastructure fees charged for the control of storm water.

HB 1131 (Elkins | Herrero)
Cities can't use cameras for traffic light enforcement
SB 340 (Huffines)

HB 1257 (Shaheen)
Cities can't hire lobbyists
SB 1862 (Burton)

HB 1556 (Miller)
Cities can't adopt ordinances that create a protected class or prohibit discrimination on a basis not contained in state laws

HB 1751 (Simpson)
Cities can't enforce any federal law that the legislature finds is in violation of the state constitution

HB 1792 (Springer)
Cities must regulate short-term rental units like commercial lodging establishments

HB 1911 (Leach | Smithee | Shaheen | White, James | Laubenberg))
Cities can't prohibit any practice that is not unlawful under state law

HB 1939 (Rinaldi | Springer)
Cities can't adopt plastic bag ordinances
SB 1550 (Hall)

HB 1983 (Laubenberg)
Officers can't take DNA, skin samples, blood samples, etc. unless there is specific, explicit state statutory authority or the person gives written consent.

SB 628 (Taylor, Van)

HB 2049 (Darby)
Cities can't put "duty to defend" in a contract with architects and engineers if there is indemnification
SB 799 (Eltife)

HB 2269 (Metcalf)
Police officer commits a crime if officer seizes a firearm under federal laws if there is no state law allowing it, with certain exceptions.
SB 229 (Creighton)

HB 2440 (Paddie)
State regulation of transportation network companies

HB 3592 (Guillen)
Registration and regulation of dangerous wild animals

HB 2595 (Keffer)
Prohibiting to the use of municipal initiatives or referendums to restrict property rights

HB 2855 (Darby)
Railroad Commission can prevent a city from enforcing an ordinance that conflicts with commission regulations.

HB 3044 (Dale)
Cities can't enforce any regulation relating to any aspect, facility or phase of the pipeline industry.

HB 3217 (Dale)
Cities can't regulate anything within jurisdiction of the Railroad Commission.

HB 3263 (Guillen)
Cities can't regulate business activities of a state license without express authority under state law.

HB 3266 (Guillen)
Preempts cities from adopting construction standards for RV parks and campgrounds.

HB 3567 (Sanford | Krause | Miller, Rick | Keough | Riddle)
Cities can't penalize or withhold benefits including tax exemptions, government contracts, grants or licenses from organizations or people because they have religious belief that a marriage is between one man and one woman.

HB 3713 (Schaefer)
Cities can't require licensing for occupations unless expressly authorized by state.

HB 3827 (Elkins)
Creates termination period for Tax Increment Financing zones

HB 3866 (Isaac)
Cities can't prohibit gun shows in facilities owned by them.

HB 3916 (Stickland)
Cities can't provide water or electric service to a federal data collection and surveillance agency

HB 4117 (Fallon)
Relates to city regulation of oil and gas drilling, and represents a compromise agreement.

HB 4061 (White, James)
Cities can't regulate firearms

HB 4070 (Shaheen)
Cities can't adopt ordinances, rules and regulations of a city relating to employment.

SB 182 (Bettencourt)
Lowers the property tax rollback rate from eight percent to four percent and a city must hold a ratification election to adopt a tax rate that exceeds the four-percent rollback rate

HB 365 (Elkins)
SB 185 (Perry)
Cities can't adopt a policy, rule or order that prohibits the enforcement of state or federal laws related to immigration.

SB 303 (Hancock)
Cities can't prohibit, require, discourage or encourage a bidder on a public project from entering into or adhering to a collective bargaining agreement.
HB 996 (Parker, Tan)

SB 343 (Huffines)
Cities can't adopt any regulations that aren't expressly authorized by state law.

SB 434 Burton
Cities prohibited from conducting economic development negotiations in executive session.

SB 438 (Hall | Kolkhorst | Perry | Estes)
Cities can't enforce any federal firearms laws that are not also state laws.

SB 440 (Burton)
Cities can't prohibit fracking.
SB 720 (Burton)

SB 445 (Hall)
Cities can't enter into agreements, contracts, accept money from or grant money to any organization accredited by the United Nations to implement policy that originated in Agenda 21.
HB 1654 (Huffines)

SB 625 Hinojosa
Police officers can't use stun guns or tasers to subdue students at school or school activities unless the student has a

SB 1165Fraser | Campbell | Eltife | Lucio | Seliger
Limits city regulation of oil and gas drilling.

SB 1288Estes
Cities can't enforce ordinances that conflict with or is inconsistent with requirements specified by TCEQ.

SB 1537Burton
Cities can't enforce a smoking ordinance on a business that gets 20% of its revenue from cigars or tobacco.

SB 1555Eltife
Cities can't regulate transportation network companies.

SB 1673Huffines
Cities can't adopt licensing that is more stringent or inconsistent with state law.

SB 1684Huffines
Cities can't prohibit first responders from carrying concealed handgun while on duty.
HB 3496 Schofield

SB 1766Creighton

Cities can't regulate small honey production operations.

HB 3764 Metcalf

SB 1799 Taylor, Larry

Cities can't take adverse action against a person based on that person's sincerely held religious belief that marriage is between one man and one woman.

HB 3602 Bell | Springer

SB 1806Estes

Cities can't enforce ordinances and charter provisions that conflict with state law.

SJR 10 Campbell | Perry | Taylor, Van

Constitutional amendment - Cities can't burden in any way the exercise of religion unless there is a compelling governmental interest and it is the least restrictive means.

HJR 55 Villalba

HJR 125 Krause

Note: This is not intended to be an exhaustive list; the City of San Antonio may oppose any legislation that runs counter to protection of municipal interests.

84th State Legislature Session Update

Jeff Coyle, Director
Intergovernmental Relations

Agenda Item No. 4
April 16, 2015

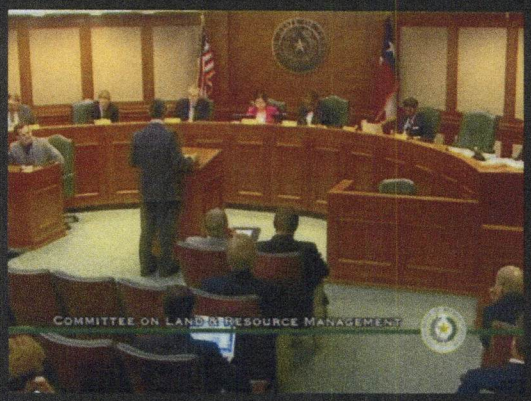
COSA Initiatives

Initiative	Bill	Status
Municipal Court	HB 897 & SB 290	HB 897 - Passed House Committee on 3/25 SB 290 - Referred to Committee
Military Funding	HB 1 ($75 M) SJR 65 & HJR 138 ($250 M) SB 318 & HB 2728	HB 1 – Passed House SJR 65 – Pending in Committee HJR 138 – Referred to Committee SB 318 - Passed Senate HB 2728 - Pending in Committee
3rd Trimester Syphilis Testing	SB 1128 & HB 2906	SB 1128 – Pending in committee HB 2906 – Hearing on 4/14

COSA Initiatives

Initiative	Bill	Status
G.J. Sutton Building	HB 1 ($162 M in G.O. debt in Article XI) SB 2 ($ amt. for debt service only)	Article XI to be settled in Conference Committee HB 1255 – hearing on 4/8
Missions Resolution	HR 892	Adopted by House on 3/12
Local Procurement Preference	HB 3193 & SB 1998	HB 3193 – Hearing expected on 4/21 SB 1998 – Hearing on 4/15

Hearings this week



HB 3620 – Edwards Aquifer Protection Program

Hearings this week

HB 2968 – Alamo funding

Hearings this week

SB 1781 – Animal shelter euthanasia

Hearings this week

Revenue caps

- SB 182

Hearings this week

Fire sprinklers

- HB 3089
- HB 4011

Hearings this week

VIA election
- SB 1837

TNCs
- HB 2440
- HB 3358
- HB 1733

Bills of interest

Open carry
- HB 910 – point of order

Session Timeline

January 13, 2015	Legislative session began
March 13	Bill filing deadline
June 1	Last day of regular session
June 21	Last day governor can sign or veto bills

84th State Legislature Session Update

Jeff Coyle, Director
Intergovernmental Relations

Agenda Item No. 4
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