

2017 Legislative Agenda

- *Legislative Priorities*
- *Critical Issues*
- *Key Topics*
- *Legislative Schedule*



Access to state HOT funds

- State law allows local cities to provide a rebate of a portion of state Hotel Tax revenue for certain hotel projects, but the law is tightly bracketed to benefit only a handful of cities.
- While a strong case could be made for making that option available to all cities as a matter of fairness, at this time Lewisville is most interested in being bracketed into the law.
- This change would enable Lewisville to compete more effectively with such cities as Frisco and Plano.
- Qualifying projects definition could include a full-service hotel with convention space along the Interstate 35E corridor.



Prompt Pay requirements

- Prompt Pay legislation requires cities to pay interest on any invoice paid more than 30 days beyond its due date.
- This sometimes results in extremely small interest payments that require additional staff workload that far exceeds that value of the interest due.
- Current law exempts institutions of higher education (state agencies) from paying interest if it is equal to or less than \$5.
- This same exemption should be extended to all cities statewide as a way to improve efficient use of local government resources.



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ETJ mixed-beverage tax

- Earlier this year, the Comptroller's Office notified the city that it would no longer receive the local portion of Mixed Beverage Tax for sales at restaurants within its ETJ (Castle Hills), stating that the city should not receive the tax money because it does not provide service in the ETJ. The local portion of tax will still be collected, but will be retained by the state.
- Lewisville's relationship with Castle Hills is unique in that the city does, in fact, provide public safety services within its ETJ under contract with the Fresh Water Supply District.
- Legislation tightly bracketed to cities that provide public safety services within an ETJ would allow the city to continue receiving this important revenue stream.



Credit card processing fees

- Current state law allows Texas counties to recover credit card processing fees by assessing a handling fee reasonably related to the county's processing costs and equal to no more than 5 percent of the total charge or a flat rate of \$5 per transaction.
- Cities are allowed to collect a percentage fee, but do not have the option of a flat fee that is available to counties.
- A flat fee is easier and more efficient to administer than a percentage fee.
- State law should be extended to give cities the same options as counties.



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Critical Legislative Issues

- This section will list those legislative items that are deemed to have the most potential impact on Lewisville, and thus will receive the highest level of monitoring and engagement.
- Emphasis will be given to proposed legislation that would hinder the ability of the city to govern itself under Home Rule provisions of the Texas Constitution, or that would shift state responsibilities (and expenses) to cities without funding.
- The list will be compiled after receiving input from City Council members.



Local Authority

- Oppose legislation that would erode local authority over land uses
- **Oppose legislation that would restrict or hinder a city's ability to formally annex property located within its ETJ**
- Oppose legislation that would erode or invalidate a city's ability to establish and enforce reasonable business regulations
- Support continuation of existing eminent domain authority and related tools used for planning and development of projects serving a valid public purpose
- Oppose legislation that would change the current two dates per year on which local elections can be held, unless it is to give cities additional flexibility



Local Authority

- Preserve municipal authority to manage and maintain public rights-of-way, including the right to adequate compensation for their use
- Maintain the ability of municipal government to participate in utility rate cases on behalf of their residents
- Strengthen the ability of cities to regulate placement of pipelines and drilling sites within their municipal boundaries
- Oppose legislation that would expand or mandate meet-and-confer or collective bargaining for any class of municipal employee
- Oppose legislation that would expand civil service law for municipal employees
- Oppose legislation that would further erode local control related to retirement issues for municipal employees



Local Authority

- Revise or eliminate outdated print advertising mandates for cities
- Support state regulation to prevent exploitative payday and vehicle title lending



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Local Revenue

- Oppose any measure that would re-direct existing local revenue to the state
- Oppose legislation that would increase or expand appraisal caps
- Oppose legislation that would erode local taxing authority, including measures that would create new obstacles to funding sources or that would restrict the use of existing revenue streams
- Oppose legislation that would erode the concept of “true market” appraisals
- **Support legislation that would close the “dark box” loophole being used by some large retailers to artificially devalue commercial properties for tax purposes**



Local Revenue

- Oppose increased state fees, or reallocation of existing fees, on municipal court fines and proceedings, or legislation that would have the effect of requiring municipal courts to collect revenue for the state
- Oppose legislation that would permanently eliminate sales tax for online transactions
- Oppose legislation to create new sales tax exemptions, expand current exemptions, or expand the annual “sales tax holiday”
- Support legislation that would extend certain revenue options into a city’s ETJ, such as transit sales taxes or hotel occupancy tax
- Support measures that would expand allowable uses of PEG fee revenue



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Parks Funding

- Encourage the state to adequately fund maintenance and operation of state parks, recreation areas, natural areas and monuments; and ensuring those venues are widely and readily available to the public
- Support expanded state and federal funding to assist with creating, maintaining and operating local parks
- Support dedicating sporting goods sales tax revenues for use in state and local parks that would directly benefit parks, recreation, open space, trails and tourism
- Ensure that parks and recreation agencies are included as eligible partners and beneficiaries in any strategy or guideline aimed at benefitting healthy lifestyles, increasing physical activity, conservation, or preservation



Parks Funding

- Support restoring full funding to the Local Park Grant Program
- Support expanded options for parks, recreation, open space and trails on utility corridors, to include waiving all liability for those purposes to the utilities
- Support increased local access to pass-through federal dollars for parks and related uses



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Public Safety

- Support a statewide prohibition on texting while operating a motor vehicle
- Support adequate funding of state law enforcement agencies on public lakes
- Support discontinuing the redirection of dedicated telephone taxes to purposes other than 911 services
- Oppose efforts to legalize recreational use of marijuana in Texas
- Oppose any legislation that would subject local police to criminal charges for enforcing federal firearms laws, or subject any city that allows such enforcement to a lawsuit by the state's attorney general or to punitive reductions in state funding



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Public Safety

- Make it an offense for a person to post on a publicly accessible website the residence address or telephone number of an individual the actor knows is a public servant or a member of a public servant's family or household
- Clarify the authority of municipalities to enact residency restrictions on registered sex offenders
- Support opt-in state programs to help local governments protect electronic data bases from criminal breach, including state funding mechanisms to assist with cybersecurity priorities
- Oppose proposed state and federal regulations that would increase the maximum size of long-haul trucks on public highways



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Transportation

- Identify and secure full and timely funding for the second phase of Interstate 35E reconstruction
- Seek increased and consistent state funding to build and maintain a high-quality, efficient highway system
- Support ending the diversion of transportation revenues to non-transportation purposes
- Support increased state investment in public transit, including regional rail service
- Seek greater flexibility for cities to fund local transportation projects, including potential new state funding sources for important local and regional roads



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Transportation

- Preserve municipal authority to manage and maintain public rights-of-way, including the right to adequate compensation for their use
- Oppose legislation that impedes local authorities from adopting, implementing, or considering ordinances that regulate traffic controls and safety in their communities
- Allow voluntary “complete streets” participation by cities, but not imposing mandatory “complete streets” requirements on cities
- **Support legislation that grants North Texas counties the ability to adopt a \$10 optional registration fee for transportation projects**



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Water

- Oppose any legislation that would undermine city original jurisdiction, and oppose any efforts to make local water rates subject to approval by any state agency
- Support researching and assessing some level of water re-use, especially for upstream cities in North Texas such as Lewisville
- Support establishing and enforcing water conservation standards at the local level, not at the state or federal level unless adequate ongoing funding is provided
- Oppose state “tap fees” or other state fees on municipal water systems



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Water

- Support fully funding the State Water Plan, and creating future state funding sources
- Oppose any legislation that might restrict Lewisville's ability to continue providing a safe and reliable local water supply
- Support joint efforts by the state, regional partners, and other cities to identify and secure options for new water sources



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85th Texas Legislature

- Nov. 14 – bill pre-filing began
- Jan. 9 – Council adoption of 2017 Legislative Agenda
- Jan. 10 – Texas Legislature opens the 2017 session
- Feb. 28-Mar. 1 – Denton County Days
- March 10 – bill filling deadline
- May 29 – Texas Legislature closes the 2017 session



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