

City Council Meeting

Agenda Item

Data Sheet

Meeting Date: March 6, 2023

Topic:

Discussion and Possible Action regarding Legislative Items at the 2023 Texas Legislative Session.

Background:

Two recent bills filed seek to prevent cities and counties from adopting or enforcing local ordinances or orders related to any activity contained in six different state codes unless expressly allowed to do so by state law.

H.B. 2127, filed by Rep. Dustin Burrows, and S.B. 814, filed by Sen. Brandon Creighton, would give the state exclusive authority over any activity contained in the Agricultural Code, Finance Code, Insurance Code, Labor Code, Natural Resources Code, and Occupations Code. And unless state law expressly authorizes a city or county to act in these fields, any local ordinance or order that attempts to regulate any activity within these codes would be void and unenforceable by law.

Anyone impacted by a local ordinance or order in these fields may bring suit against a local government or local official. If a court finds that the challenged ordinance or order is not expressly authorized by law, the plaintiff would be entitled to declaratory and injunctive relief, costs, and attorney's fees. Governmental, official, or qualified immunity would not apply to any such claim.

TML encourages city officials to contact your state representatives and senators to discuss how these bills would impact your communities.

Origination: Requested by Councilman Parr

Recommendation:

Party(ies) responsible for placing this item on agenda:

Tracylynn Garcia, City Secretary