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Texas not alone in its efforts to limit local control

Special session promises fight over local rule

By **Mike Ward** | June 22, 2017 | Updated: June 23, 2017 9:17am



IMAGE 1 OF 2

The challenge to local control in Texas started in earnest in 2015 in the city of Denton, when Gov. Greg Abbott and Republican leaders challenged a ban on fracking passed by the city council.

AUSTIN - In eight years as mayor of Amarillo, Republican Kel Seliger was always wary of big-footing from Austin and Washington, with mandates that would cost his constituents money and limit the ability of local officials to decide local issues.



He was elected to the Texas Senate in 2003, joining state government as a staunch champion of local control.

Now, with a special legislative session scheduled to start in less than a month with about a dozen agenda items that could limit or strip local control on a variety of issues, the Republican Party, and its newfound zeal to overrule local governments, is becoming unrecognizable to many, including Seliger.

The controversial agenda was chosen by Texas' top Republican, Gov. Greg Abbott, who insists that state authority is needed to prevent the "California-zation" of Texas in which local officials are becoming their own version of Big Government.

The session promises to be the biggest showdown between state and local officials in years, as Abbott wants lawmakers to set spending caps on local governments, reform property taxes in a way that could force budget cuts, and limit the ability of cities to control annexation, tree-cutting, texting while driving, construction permits, bathroom access, even the collection of union dues in government paychecks.

"We used to be the party of small government. Now, we're looking like we're the party of big government, even though we deny it," said Seliger. "When the Democrats were in control in Austin, they were the big government. The only difference between then and now is they never denied it."

The state already is being sued by three of its largest cities over the so-called "sanctuary cities" law passed by the Legislature this year that will allow police to ask people their immigration status if detained, even for a routine traffic stop, and threatens jail time for sheriffs and police chiefs who refuse to comply with federal requests to hold immigrants in the country illegally for deportation. Houston City Council this week voted to join the lawsuit.

"I haven't said very much up to this point in time, but it seems as though the governmental overreach in Austin is continuing to grow and grow and there comes a point when you have to say enough is enough," Mayor Sylvester Turner said. "I think people need to respect the will

TRANSLATOR

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of people in different cities to vote on their mayors, to vote on their city council and allow the mayors and city council members to do their jobs as it relates to their respective cities."



Tropical Storm Cindy pushes ashore in southern Louisiana, largely

Other states acting

Texas is not alone. Legislatures and leaders in more than two dozen other states are moving to limit the ability of local governments to set minimum wages, ban plastic grocery bags, enact anti-discrimination ordinances or levy additional taxes on their citizens.

"This is happening all over the country, and it's about which level of government has the power," said Peverill Squire, a political scientist and expert on state legislatures at the University of Missouri. "What's happening is a significant trend ... It's probably going to take a generation to sort this out."

In Texas, the challenge to local control started in earnest in 2015, when Abbott and Republican leaders challenged a ban on fracking passed by the Denton city council, as well as city ordinances elsewhere banning plastic bags and short-term rentals.



Local restrictions on ride-sharing services such as Uber and Lyft sparked debate, too, but it was not until this year that lawmakers passed a law sweeping away local ordinances in Houston, Austin and other locales in favor of statewide rules.

"Pre-emption of cities, of local control on many issues, is like the Goldilocks rule: Federal control is big and bad. Local control is bad. State control is just right," said Bennett Sandlin, executive director of the Texas Municipal League, an association that represents more than 1,100 cities. "From all appearances, respect for local control is officially a thing of the past in Texas."

For years, Washington was the overreaching oppressor decried by state officials. Two months after Republicans took the White House and both chambers of Congress, city and county officials in Texas say they found themselves in the crosshairs when the Legislature opened in January.

City ordinances targeted

Lawmakers filed numerous bills to block cities' authority to enact ordinances on ride-sharing, tree-trimming and business regulation, even to allow city elections to become partisan races after decades of nonpartisan contests.

Other bills proposed property-tax reform that local officials claimed could trigger budget cuts that would bring layoffs of police and firefighters, constrict funding for local schools and hamper local entities' ability to keep up with booming population growth in many urban areas.

Abbott cut off state grants to the Travis County Sheriff's Office and blasted the sheriff as "Sanctuary Sally" Hernandez for sometimes refusing to keep people in the country illegally behind bars until Immigration and Customs Enforcement authorities could take custody of them. He repeatedly complained that Austin and other local governments were "doing everything they can to overregulate."

"It used to be that local control was one of the most important points of discussion, but that appears to be different now," said Dale Craymer, president of the nonpartisan Texas Taxpayers and Research Association, an Austin-based organization that monitors tax and public policy issues.

"Part of that is that the state is different now. Fifty years ago Houston and Dallas might as well have been in different states, compared to what the rest of Texas was like. The distances between our cities has shrunk, and businesses operate now in many places in the state, not just one or two. Businesses don't want a patchwork quilt of local regulations to deal with, so they want the state to have the same regulations statewide."

While state officials point to regulatory uniformity, political scientists insist that party politics also is a big part of it.

"Opposition by Republican states to the Obama administration's policies was seen by cities as an opportunity, because many of the mayors in large cities across the country were and are Democrats," said Mark Jones, a political scientist at Rice University.

"Now that they no longer have an ally in Washington, Republican legislatures are seeing an opportunity to take power from local governments. It's never happened like this before, as stark as it is now."

Wages, guns, refugees

State officials in North Carolina, Missouri and Alabama have blocked cities from setting their own minimum-wage rates. Other states have overruled local restrictions on gun control, blocked multibillion-dollar transportation projects, even on such issues as allowing the resettlement of Syrian refugees.

In South Dakota, lawmakers overturned an ethics law voters had approved last November. Indiana legislators approved a law allowing the governor to appoint judges in Indianapolis, rather than have them elected by voters. Tennessee lawmakers passed a bill to make judicial races nonpartisan, much as the Texas Legislature approved a bill to do away with straight-ticket voting, despite opposition from local officials.

The push for more state control is not confined to GOP-dominated states. The Democratic-controlled California Legislature changed the redistricting process for seats on the Los Angeles County Board of Supervisors and may do the same thing for San Diego this year.

"It's all about power," said Brandon Rottinghaus, a University of Houston political scientist who has been watching the push against local control grow across the country. "It's discordant with the ethos of the Republican Party in the past that stressed local control, but that's when Democrats were in control. You also have to realize that much of the progressive legislation and programs are coming out of the cities, which are run

by Democrats. Limiting local control allows the GOP to put limits on the abilities of local governments to innovate and keeps potential challengers at bay."



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