



TEXAS MUNICIPAL LEAGUE

Empowering Texas cities to serve their citizens

President **Karen Hunt**, Mayor, Coppell
Executive Director **Bennett Sandlin**

March 24, 2021

The Honorable Jeff Leach
Chairman, Judiciary and Civil Jurisprudence
Texas House of Representatives
P.O. Box 2910
Austin, TX 78768-2910

Dear Chairman Leach:

I am writing on behalf of the Texas Municipal League to express our opposition to **H.B. 610** by **Swanson**. The bill would authorize a person who, or entity that, holds a state license in order to practice the individual's occupation or conduct the entity's business to bring legal action against a city to enjoin the enforcement of a local law that: (1) establishes requirements for, imposes restrictions on, or otherwise regulates the occupation or business activity of the license holder in a manner that is more stringent than the requirements, restrictions, and regulations imposed on the license holder under state law; or (2) results in an adverse economic impact on the license holder.

A single state agency, the Texas Department of Licensing and Regulation, licenses over 25 individual occupations. Add to all the licensed individuals the entities that must be licensed by state agencies (such as the Texas Commission on Environmental Quality) in order to operate in Texas and one begins to see the astounding breadth of this bill.

Under this bill, almost any state-licensed individual (e.g., realtor) or business (e.g. pest control) that is required to comply with almost any city regulation (e.g., parking) can claim that the regulation has some adverse economic impact on them or is more stringent than the requirements imposed on them under state law. For instance, under this bill a restaurant with a license from the Texas Alcoholic Beverage Commission could attempt to enjoin the enforcement of a city's health code regulations. A state-licensed daycare could seek to enjoin city building codes that impose more stringent fire regulations than provided under state law.

Even if the bill were narrowed to focus on so-called "dual licensing requirements" it would present serious public health and safety concerns. For example, under this bill:

1. Sexually oriented businesses could seek to enjoin city regulations, such as "no touch" ordinances, if the business also obtains a license from the Texas Alcoholic Beverage Commission.

2. State-licensed contractors could seek to enjoin city contractor registration programs that work to protect elderly residents from unscrupulous contractors that sometimes descend upon a city after a disaster.
3. Businesses that obtain a license from the Texas Alcoholic Beverage Commission to sell alcohol could seek to enjoin a city ordinance that regulates alcohol sales near churches and schools designed to protect youth.

Thank you for your consideration and please do not hesitate to contact me with questions about the vital role city government plays in Texas.

Sincerely,

A handwritten signature in black ink, appearing to read 'Monty Wynn', with a stylized flourish at the end.

Monty Wynn
Director, Grassroots and Legislative Services
Texas Municipal League