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Attorney General Begins Firearms Sign Investigations

A new provision in the handgun licensing law ([Section 411.209 of the Government Code](#)) authorizes the attorney general to seek civil penalties from a city that posts a Penal Code 30.06 notice prohibiting licensed carry if doing so is allowed by law in that area.

As written, the law applies only to a concealed handgun sign under Texas Penal Code Section 30.06. However, Texas attorney general opinion [KP-0049](#) seems to incorrectly expand the attorney general's authority to include *any* sign relating to prohibiting firearms. The opinion also expands the attorney general's authority to investigate *oral* notice that carry is prohibited.

The attorney general's office has a [web page](#) that has been accepting complaints against cities and other political subdivisions for some time now, and it appears the investigations have begun in earnest.

If your city is contacted by the attorney general's office and has questions about whether a sign is in the correct location, contact your city attorney or Scott Houston, TML general counsel, at shouston@tml.org or 512-231-7400.

It appears that the attorney general's office intends to informally resolve any complaints, which means communication with the investigator(s) is critical to avoid litigation.

Bi-Partisan Congressional Municipal Finance Caucus Launched

Last week, Congressmen from Illinois and Maryland launched the Municipal Finance Caucus to act as a forum to discuss the opportunities and challenges for states and local governments relating to bond issuance, including the preservation of the tax exempt municipal bond. They issued the following press release:

Washington, D.C. – U.S. Representative Randy Hultgren (R - IL) and Dutch Ruppersberger (D - MD) announced the creation of the Municipal Finance Caucus to fight for state and local governments’ ability to independently finance projects to keep their communities strong.

“The survival and reinforcement of municipal finance is important to my district in Illinois, and to communities throughout the country. Local infrastructure and improvement projects help the creation of local, good-paying jobs for construction workers, engineers, pipe fitters, welders, and more. At its heart, a municipal bond preserves federalism by allowing local communities to raise their own funds and carry out their own improvements without the help or intrusion of the federal government,” said Congressman Hultgren. “Over the last twenty years, I have had the privilege of serving at the local, state, and federal level, and I saw first-hand how important preserving the strength of municipal finance options can be. This bipartisan caucus will ensure these issues get the attention they deserve in Congress.”

“Now is the time to be investing in infrastructure and the jobs it creates – not limit it,” said Congressman Ruppersberger. “Municipal bonds are the single most important tool in the country for financing new roads, schools, hospitals and more. I am excited to be a founding member of this bipartisan caucus to fight efforts to reduce and even eliminate the tax incentives associated with this common sense, job-creating tool.”

Background:

The purpose of the Municipal Finance Caucus is to act as a forum to discuss the opportunities and challenges for states and local governments to independently fund initiatives that will strengthen their communities, and to advocate for bipartisan policies that enhance their access to the capital markets. Key issues that merit strong consideration include: protecting the tax exempt status of municipal debt, understanding how financial regulations treat such debt, and ensuring there is a robust market for municipal securities.

Last year, Reps. Hultgren and Ruppersberger sent a bipartisan letter to House leadership in support of municipal finance. Joined by 122 of their colleagues (63 Democrats, 61 Republicans in total), the letter asked leadership to reject any proposal to cap or eliminate the deduction on tax-exempt municipal bonds used to finance the vast majority of infrastructure projects in America’s communities. They led a similar letter in the 113th Congress.

Congressman Hultgren, a member of the House Financial Services Committee, has been a leader on additional municipal finance issues while serving in Congress. He introduced the Modernizing American Manufacturing Bonds Act (H.R. 2890) which expands the number of eligible projects using Industrial Development Bonds, which are tax-exempt securities issued by governmental entities to finance growth projects. Hultgren is an original cosponsor of H.R. 2209, which requires the appropriate Federal banking agencies to treat certain municipal obligations as level 2A liquid assets and which passed the House without objection in February.

The National League of Cities is encouraging city officials to ask their House members to show their support for municipal bond authority by joining the caucus.

If your House member is interested in joining the caucus, please advise them to contact Bill Hulse with Rep. Hultgren's office at Bill.Hulse@mail.house.gov or Walt Gonzalez with Rep. Ruppertsbergers office at walt.gonzalez@mail.house.gov.

Comments Sought on 2017 State Water Plan

The public comment period for the draft 2017 State Water Plan is now open. The Texas Water Development Board (TWDB) will receive public comments on the draft plan until 5:00 p.m. on Monday, April 25, 2016.

The TWDB approved the [draft plan](#) at its March 3 meeting in Austin. The plan spells out approximately 5,500 strategies that Texas communities have recommended to meet their water needs over the next 50 years.

A public hearing for the draft plan will be held at 6:00 p.m. on Monday, April 18, 2016, in Austin at the Stephen F. Austin Building, 1700 North Congress Avenue, Room 170.

Written comments can be submitted via email to Public-Comment@twdb.texas.gov.

For questions regarding the draft plan, please contact Matt Nelson at 512-936-3550 or Matt.Nelson@twdb.texas.gov.

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