



Legislative UPDATE

September 9, 2016
Number 33

In Praise of the “Patchwork Quilt”

Once upon a time, nearly all Texas legislators professed admiration for local control (even if the bills they filed didn’t always honor the concept). Beginning with the 2015 legislative session, however, a new dynamic sadly began taking hold in Austin: local control has become a bad word in some circles. In those circles, it’s a concept to be avoided at all costs. Why? Because, we’re told, local control invariably results in local regulatory differences, leading to a dreaded “patchwork quilt” of burdensome city rules.

According to this new philosophy, it’s dangerously inefficient if businesses in one town can’t operate identically to how they operate in all other towns. Worse, it constitutes an assault on “liberty,” which is the new principle that seems to trump local control in all cases.

But when you get right down to it, local differences don’t necessarily hinder a business’s liberty at all. Starbucks and McDonald’s somehow manage to build stores in hundreds of Texas cities, each with unique zoning, sign, and building ordinances, and they’re doing just fine. Industrial plants and gentlemen’s clubs don’t get to locate in some neighborhoods for good reasons, yet there’s no shortage of those either.

Sadly, the truth behind the change in policy is much more pedestrian. The truth is that some national business lobby groups simply want to cut out all perceived “red tape” and operate however they wish. If they can get away with it under the ruse of promoting “liberty,” why not?

Plastic bag bans can serve as an example of why the patchwork quilt is actually a good thing. To date, only a handful of Texas cities have enacted bans on single use retail plastic bags. Each of those cities did so based on legitimate local reasons. Conversely, over 1,200 cities do not regulate such bags, and most of those never will.

If eliminating this “patchwork quilt” is the goal of some state officials, one of two things must happen in regard to the bans. The first would be for the state to ban plastic bags in all locations. Sure, this would provide uniformity, but it would also be regulatory overkill. Why impose such a rule on cities where there isn’t a perceived problem?

The second, more likely, option would be to prohibit all city ordinances on the topic, essentially legalizing bags everywhere. Uniformity would be achieved, but at what cost?

If bags were made legal everywhere, what would a legislator in East Texas say to the citizens of the West Texas town that banned bags because they were drifting into cattle feeders and putting livestock at risk? That the desire for uniformity by retailers hundreds of miles away trumps ranchers' property rights? Seems ridiculous, but that's the logical result of extreme local uniformity.

Or what would a North Texas legislator say to the residents of the coastal town that banned bags because they blew into the surf and onto the beach, endangering marine wildlife and jeopardizing valuable tourism? Too bad, but some retail chains just can't be expected to slightly change their operations to accommodate those local needs

Uniformity may sound good on an abstract level, but that begs the question of why cities should exist in the first place. Why not just centralize all decision-making in Austin and tell the outliers who are harmed by pointless state-imposed rules (or the lack thereof) that it's a small price to pay for a level playing field across the state? That seems to be where we're headed, and it would be a shame.

Most of the proponents of such a power shift probably chafe when Washington tries to impose regulatory uniformity on the states. Such efforts are rightly criticized as an assault on the idea that states are "laboratories of democracy." What works for California is abhorred by Texans, and so forth. City critics say there's a key difference though: the state created cities, and is therefore legally entitled to control them. But that's nothing more than a legal truism. It does nothing to refute the truth that the laboratory of democracy concept is just as compelling on the local level as it is in our system of federalism. Why would the citizens of Muleshoe want to live like those in Houston? They don't, and that's the point.

We face a crucial juncture approaching the 2017 legislative session. Critics of cities' so-called "patchwork quilt" could win the day. If that happens, Texas cities as we know them – incubators of the Texas miracle and champions of property values – could cease to lead the way. Or, the supporters of local control (and there are many remaining at the Capitol) can begin to sing loudly the praises of colorful patchwork quilts. Generations of grandmas can't be wrong.

Mandatory Local Debt Reporting

Recent legislation will require cities and other local governments to put together an annual report on debt information and make the report available to the public. More information is available [here](#).

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