

## **BILL ANALYSIS**

C.S.H.B. 3899  
By: Springer  
State Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Concerns have been expressed that a patchwork of differing local government ordinances, rules, and regulations has impaired the free flow of statewide commerce and has resulted in regulatory barriers and inefficient regulatory burdens on certain commercial activity conducted in more than one municipality. C.S.H.B. 3899 seeks to address these concerns by prohibiting municipalities from adopting or enforcing regulatory requirements on the purchase or sale of goods or services by a person who engages in such commercial activity in more than one municipality, subject to certain exceptions to preserve municipalities' authority to regulate inherently local concerns.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 3899 amends the Local Government Code to prohibit a municipality from adopting or enforcing an ordinance, rule, or regulation that imposes a restriction, condition, or regulation on the purchase or sale of goods or services of any kind or quantity by a person who engages in that activity in more than one Texas municipality. The bill establishes that such an ordinance, rule, or regulation impairs the free flow of commerce across Texas and is inconsistent with general state law. The bill, in exception to that prohibition, authorizes the adoption and enforcement by a municipality of certain ordinances, rules, and regulations that are essential to directly regulating certain uniquely local concerns, to necessary regulation of local land use, or to protecting citizens' physical safety; that are expressly authorized to be adopted by a state statute; or that require nondiscrimination in the provision of employment or service to any person on the basis of any state or federally protected class, sexual orientation, or gender identity. The bill sets out requirements related to certain ordinances, rules, or regulations.

C.S.H.B. 3899 defines "uniquely local concern" as a particularized concern unique to the physical conditions in the municipality, other than a commercial activity that is subject to state or federal regulation. The bill defines "citizens' physical safety," "commercial activity," and "regulation of local land use." The bill prohibits a state statute that provides the statute does not preempt or affect municipal regulatory authority from being construed to expressly authorize an ordinance, rule, or regulation for purposes of determining a municipality's applicable authority.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 3899 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes a provision authorizing a municipality to adopt and enforce an ordinance, rule, or regulation that requires nondiscrimination in the provisions of employment or service to any person on the basis of any state or federally protected class, sexual orientation, or gender identity.

The substitute does not include a specification relating to applicable municipal police regulations.

The substitute changes the bill's caption and effective date.