

Memorandum



CITY OF DALLAS

DATE August 15, 2008

TO Members of the City Council Legislative Ad Hoc Committee: Dr. Elba Garcia, Linda Koop, Pauline Medrano, Ron Natinsky, Dave Neumann, Mitchell Rasansky, and Steve Salazar

SUBJECT State Legislative Program

On Tuesday, August 19, 2008, you will be briefed on the proposed state legislative program for the 81st session of the Texas Legislature. Attached are the briefing materials for you to review prior to Tuesday's discussion. Many of you submitted suggestions to Councilmember Hill for inclusion in the draft program, and most of these items have been incorporated. Staff is currently researching the remaining items for further development.

Please contact me if you have any questions.

A handwritten signature in black ink, appearing to read 'MSuhm'.

Mary K. Suhm
City Manager

**BRIEFING TO THE
CITY COUNCIL LEGISLATIVE AD
HOC COMMITTEE**

**DEVELOPMENT OF THE CITY'S
LEGISLATIVE PROGRAM FOR THE
81st SESSION OF THE TEXAS
LEGISLATURE**

August 19, 2008

2009 STATE LEGISLATIVE PROPOSALS

	LEGISLATIVE PROPOSAL	SUMMARY	PRIORITY/SUPPORT	DEPARTMENT
KFA: Clean Healthy Environment-Dallas is a sustainable community with a clean, healthy environment.				
	1 Regional Transportation	Support regional efforts to establish funding mechanisms for transportation initiatives, including regional rail.	PRIORITY	PWT
	2 Air Quality Management Committee	Form a state recognized air quality committee in the Dallas-Fort Worth Area comprised of representatives from local governments, counties, agencies, environmental groups and the business sector. The purpose of the committee would be to work collaboratively with the Texas Commission on Environmental Quality (TCEQ) and the Environmental Protection Agency (EPA) to develop and implement the region's State Implementation Plan (SIP).	SUPPORT	OEQ
	3 Regional Transportation Council	Support the transportation and environmental legislative strategies adopted by the DFW Regional Transportation Council.	SUPPORT	PWT/IGS
	4 Homelessness/Mental Health Issues	Provide resources to assist with homeless and mental health initiatives.	SUPPORT	EHS
	5 Plastic Bags	Pass legislation which would provide incentives to reduce the use of plastic shopping bags.	SUPPORT	OEQ
	6 Scrap Tire Program	Implement a statewide scrap tire program to provide for the collection and proper disposal of used scrap tires.	SUPPORT	SAN
	7 Cement Kilns	Pass legislation which would lower current cement kiln caps in the State Implementation Plan as well as require additional control technologies.	SUPPORT	OEQ
	8 Foreclosure of Demolition Liens	Amend legislation to eliminate the requirement that ad valorem taxes be delinquent in order for a municipality to foreclose on a demolition lien that has not been paid in more than 180 days.	SUPPORT	CAO

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9	Junk Motor Vehicles	Amend state law to provide more specific criteria in defining a junk motor vehicle.	SUPPORT	Code Compliance
10	TxDOT Road Maintenance	Support funding for TxDOT maintenance of roads and rights-of-way.	SUPPORT	PWT
11	Solar Incentives	Provide incentives for the use of solar panels as an alternative energy source.	SUPPORT	OEQ
12	Anti-idling Ordinances	Expand the ability of cities to enforce anti-idling ordinances to year round, rather than just during ozone season.	SUPPORT	OEQ
13	Strengthen Receiver Statute	To support legislation that will expand when a home-rule municipality may bring a receiver action and broaden who may serve as a receiver for a non-historic property.	SUPPORT	CAO
KFA: Economic Vibrancy- A growing economy sustained by a healthy mix of local and international business opportunities, housing choice, visitor attraction and city services.				
14	Dallas Water Initiatives	Protect the legislative successes achieved during the 80th Session of the Texas Legislature, specifically the important steps taken to assist the development of dependable and cost effective water sources needed by the North Texas Region. All efforts should be made to protect the state-sanctioned reservoir designations and to oppose all attempts to increase the costs associated with reservoir construction, including attempts to modify existing law as it relates to eminent domain.	PRIORITY	DWU
15	Housing Trust Fund Dedicated Revenue Source	Increase funding for the Texas Housing Trust Fund by establishing a \$10 state-wide document fee for real estate transactions, a plan for state-wide distribution of the funding, and a set of criteria for use by local governments.	SUPPORT	Housing
16	State Land Bank	Seek statutory changes to the State Urban Land Bank Demonstration Program Act to increase the number of eligible properties and extend the timeline for redevelopment.	SUPPORT	Housing

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17	Hospital District/Activity Zone	Leverage Dallas hospital assets as an economic driver by providing tax or other incentives to assist in the movement to develop health science complexes (with direct medical care and research laboratories) and family-oriented services, such as short-term housing for families of patients.	SUPPORT	EDD
18	Film Incentives	Amend state law to provide incentives for filmmakers and media companies to make films in Texas.	SUPPORT	CAO
KFA: E3 Government-A responsible customer-focused government working collectively to provide excellent services that will visibly enhance the quality of life in Dallas				
19	Public Recording of Real Property Sales Prices	Publicly record all real property sale prices to accurately determine the market value of properties.	PRIORITY	CAO
20	Fuel Surcharge Fee	Add a fuel surcharge fee for moving violations.	SUPPORT	IGS
21	Job Order Contracting for Demolition Services and Curb, Gutter, and Sidewalk Repair to be performed	Allow job order contracting to be used when performing 1) demolition services to demolish substandard structures 2) repairing curb, gutter, and sidewalks.	SUPPORT	CAO
KFA: Educational Enhancements-Recognizing that education is the foundation of achieving prosperity, health, and well being, the City of Dallas supports lifelong learning opportunities through partnerships with agencies throughout the Dallas community and beyond.				
22	Institutions of Higher Education- Law school	Pass legislation establishing public higher education institutions in Dallas including the University of North Texas Law School, which will be located in the Old Municipal Building in Downtown Texas.	PRIORITY	IGS
23	Institutions of Higher Education - Pharmacy school	Pass legislation establishing public higher education institutions in Dallas including a pharmacy school, at a location to be determined.	SUPPORT	IGS
24	Tier One Universities	Create a state funded incentive program with two components 1) Provide matching state funds for gifts and community funds that support the critical elements of a Tier One university and 2) Provide incentives for universities that create a top-tier university culture.	SUPPORT	IGS

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KFA: Public Safety-Enhance safety to ensure people feel safe and secure where they live, work, and play.				
25	SOBs Intent to Establish	Require every business that applies for a Sexually Oriented Business license to post the intent for application unless the location currently has a license. Currently, a business is not required to post a notice if the address location has ever held a Sexually Oriented Business license even if it does not hold a license at the time of the latest application.	PRIORITY	DPD/CAO
26	Urban Search And Rescue Program (USAR)	One time funding of \$1 million to upgrade from Type III to Type I Urban Search And Rescue task force status; sustainment of \$1 million annually for Texas Task Force 2, a State Urban Search & Rescue Task Force sponsored by the Dallas Fire-Rescue Department.	SUPPORT	IGS
27	Park Crime Penalties	Reduce crime in city parks by enhancing the criminal penalties for crimes committed on park property.	SUPPORT	P&R
28	Trafficking of Persons	1) Change the definition of forced labor and services to include forced criminal conduct. 2) Expand the intent to cause the trafficked person engaged in prostitution, to intent to cause the trafficked person engaged in an offense under Chapter 43 of the penal code, Public Indecency, which includes compelling prostitution, sexual performance of a child and employment harmful to children. 3) Increase the penalty to First Degree Felony if a trafficked person suffers serious bodily injury during commission of trafficking. Currently, death of the trafficked person must occur to be classified as a First Degree Felony	SUPPORT	DPD
29	Right of Local Municipalities to Access National Crime Information Center (NCIC)	Allow municipalities the right to access the NCIC national database for criminal histories of applicants who apply for licenses regulated by city ordinance. The license applications affected would include Sexually Oriented Businesses, Dance Halls, Amusement Centers, and Billiard Halls. Currently, criminal histories are obtained at the state level from the Department of Public Safety. However, an applicant's out of Texas criminal history can go undetected during the application process.	SUPPORT	DPD

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30	Criminal Mischief via Disruption of Public Services	Increase the penalty, regardless of financial loss, for criminal mischief to a state jail felony if the damage interrupts public communication, public transportation, gas, power supply or other public service.	SUPPORT	DPD
31	Prosecution for Theft and Transport of Stolen Property	Amend state law to make prosecution easier in theft cases, including auto theft, in which people are in possession of the stolen property in a county other than the county in which the property was originally stolen. The change would add the words "person in possession of the stolen property" instead of the current single word "offender."	SUPPORT	DPD
32	Thumbprint or Fingerprint for Criminal Violations	Allow an officer to obtain a thumbprint from an offender at the time a citation is issued. This would be similar to the way a signature is required now.	SUPPORT	DPD
33	Criminal Trespass added to Citation Offenses	Add Criminal Trespass to the list of offenses for which an officer can issue a citation for a Class B misdemeanor.	SUPPORT	DPD
34	Federal Guidelines for Removal of Information from Gang Databases	Amend state law to mirror federal law regarding the retention period for state level gang database information. Currently, the retention period is two years for juveniles and three years for adults. The federal law allows for a five year retention period.	SUPPORT	DPD
35	Illegal Street Racing	Increase penalty to a Class B Misdemeanor for those involved in illegal street racing. Provide additional punishment options including driver's license suspension, community service, and driver safety courses. Also provide authority to temporarily or permanently confiscate participating vehicles, depending on prior convictions.	SUPPORT	DPD
36	Prosecution of Graffiti Cases	Amend graffiti laws to 1) Enhance penalty to a State Jail Felony after second Graffiti conviction of any penalty grade. 2) Provide an alternative option of drivers' license suspension or delay in issuance of a drivers' license. 3) Provide for complete restitution for damages.	SUPPORT	DPD

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37	Failure to Identify	Expand Failure to Identify to include a lawfully detained person failing to identify themselves to a police officer upon request. Currently, a lawfully detained person can simply refuse to provide pertinent information for an immediate investigation or a follow-up investigation without consequences. Establish penalty of a Class C Misdemeanor.	SUPPORT	DPD
36	Regulation of Towing Companies	Amend Chapter 2308 of the Texas Occupations code to add a new Section 2308.506 to allow municipalities to bring civil actions for enforcement of ordinances that regulate towing companies, towing licenses, tow truck driver's permits, or towing fees.	SUPPORT	PWT/CAO
39	Sunset Commission on Fire Protection and State Fire Marshall's Office	Support continued operations of and increased funding for the Texas Commission on Fire Protection and State Fire Marshall's Office.	SUPPORT	DFR
KFA: Culture, Arts, and Recreation- A city where the citizens of and visitors to Dallas experience and enjoy the benefits of a vibrant, innovative, diverse and collaborative system of culture, arts, and recreational opportunities.				
40	Fair Park	Secure funding for renovations to the Fair Park Agrarian district.	PRIORITY	P&R