

Memorandum



CITY OF DALLAS

DATE October 1, 2010

TO Members of the City Council Legislative Ad Hoc Committee: Vonciel Jones Hill, Chair; Jerry Allen; Dwaine Caraway; Linda Koop; Pauline Medrano; Ron Natinsky; Dave Neumann; Steve Salazar

SUBJECT Discussion of the City's Legislative Program for the 82nd Session of the Texas Legislature

On Tuesday, October 5, 2010, Assistant City Attorney Larry Casto will brief you on the proposed state legislative program for the 82nd Session of the Texas Legislature. Attached are the briefing materials for your review prior to Tuesday's discussion.

Please contact me if you have any questions.



Mary K. Suhm
City Manager

82ND SESSION OF THE TEXAS LEGISLATURE
DALLAS CITY COUNCIL LEGISLATIVE INITIATIVES

PRIORITY INITIATIVES

The Sunset Review Process during the 82nd Legislative Session will cover twenty-eight state agencies, including the Public Utility Commission, the Electric Reliability Council of Texas, the Texas Commission on Environmental Quality, the Texas Water Development Board and the Railroad Commission. Many of the City's priorities will be contained within the continuing legislation for one of these regulatory agencies. Therefore, the City's overall priority will be defending against efforts that will attempt to undo legislative successes of the City from past sessions that improved the City's ability to provide services to our residents effectively and cost-efficiently.

Municipal Control to Develop and Implement Local Budgets

The City will need to focus much of its effort on defending against attacks against local control and cities' ability to establish their own budgets and meet their revenue requirements in order to ensure a safe and secure community, provide basic services and maintain a sound infrastructure system. It is anticipated that several bills will be filed that in some manner will impose restraints on local control over the budget-setting process.

Public Utility Commission

Highest priority in this bill will be protecting the City's ability to collect over \$100 million in rental payments from utility companies who install various infrastructure in publicly-owned property.

Texas Commission on Environmental Quality (TCEQ)

Waste water permits, junior and senior water rights designation, environmental flows, increased and additional fees to be assessed and collected by cities and remitted to the state, clean air regulations, and unfunded mandates will all be among the proposals considered along with continuation of the TCEQ.

Texas Water Development Board

Groundwater district authority and regulation, long-term water supply, and improvements and financing of water-delivery infrastructure will be the focus of this agency's review.

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SUPPORT INITIATIVES

Public Safety

Pass legislation that establishes theft of an Automated Teller Machine (ATM) as a second degree felony.

Amend Article 13.08 of the Texas Code of Criminal Procedure to facilitate prosecution of theft cases in which stolen property is taken in one county and transported into other counties.

Amend Section 38.04 of the Penal Code related to evading arrest or detention to establish the penalty of a State Jail Felony when a suspect flees into a building; and establish a Third Degree Felony when a suspect flees into a residence, both without effective consent of the owner.

Amend 543.005 of the Texas Traffic Code as it relates to Promise to Appear and 38.02 of the Texas Penal Code as it relates to Failure to Identify to require suspects to provide a thumbprint when they fail to present a valid form of state-issued identification.

Amend Chapter 243 of the Local Government Code, regarding the posting of intent to establish a Sexually Oriented Business (SOB), to include all proposed sites of SOB's, not just those sites that have not been previously licensed as such.

Amend the Code of Criminal Procedure regarding the juvenile case management fund to:

- Allow juvenile case managers to be employed by the municipality, but not specify that they be employed by the municipal court;
- Allow the fund to be used for costs directly related to having these case managers, in addition to salary and benefits;
- Allow the counselors to work on cases that aren't directly truancy cases as long as truancy prevention is part of the counselor's remedy for the juvenile.

Amend the Texas Alcoholic Beverage Code to address preemption of municipal regulation of alcohol so that Council may take action to prevent concentrations of alcohol-related businesses.

Amend Chapter 1956 of the Texas Occupations Code as it relates to the regulation of Metal Recycling Entities. The proposed changes will include the following:

- If a person or business represents themselves as eligible to buy regulated metal as defined in the statute without the applicable local permit/license and is not in possession of a valid state certificate of registration it shall be a criminal offense with a penalty of a state jail felony.
- Require a digital photo of the seller to be taken at the time of transaction and maintained by the purchasing entity.
- Require a digital photo of the vehicle and license plate of the vehicle used to transport the property for sale. The photograph shall be maintained by the purchasing entity.
- Classify catalytic converters as regulated material.

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SUPPORT INITIATIVES

Economic Vibrancy

Support efforts to provide enhanced funding for transportation improvements.

Allow for the use of Comprehensive Development Agreements as an available tool to be used in the construction and financing of major roadway projects.

Support a Constitutional Amendment that expands the authority granted in the Local Government Code Chapter 380 to allow municipalities to take equity interest, capped at their investment, in economic development projects developed pursuant to Chapter 380 including:

1. Language that expressly authorizes profit participations/equity participations IF the principal is not at risk and the city won't bear any portion of the losses
2. Amending 380 to allow for in-kind grants on a non-TIF development project, thus avoiding having to grant cash and go through public bid process
3. Eliminating notice and bid requirements for land swaps.

Amend the TIF statute in Section 311.010(g) Local Government Code to conform to the language in the rest of the section regarding applicability of Chapter 252.

Clean, Healthy Environment

Maintain TDHCA funding for homeless services in largest cities.

Amend HB 216 Boarding Housing legislation by Menendez to address concerns regarding municipal enforcement of the registration standards.

Support TCEQ Air Quality Monitoring Funding.

Pass legislation that facilitates the recycling of electronic waste and plastic bottles. (HB 821 was vetoed last session).

Pass legislation that designates North Texas Clean Air Steering Committee (NTCASC) as a "State Implementation Plan (SIP) Committee" that plays an active role in collaboration with the Texas Commission on Environmental Quality on the development and implementation of the Dallas-Fort Worth SIP.

Pass legislation that provides incentives for the installation of electric vehicle charging stations as well as the purchase of electric vehicles in the State of Texas.

Pass legislation that prohibits Home Owner Associations (HOA's) from prohibiting installation of solar panels on residential homes.

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SUPPORT INITIATIVES

Pass legislation that changes the time frame during which the Locally Enforced Motor Vehicle Idling Rule is effective from ozone season (April-October) to year round.

Pass legislation which would create a statutory procedure for obtaining pre-condemnation access to private property for necessary investigations, including phase II investigations, when a city is considering acquisition of that property.

E³ Government

Amend current law that requires a written request from an employee to participate in any electronic funds transfer system established and operated by the municipality to allow all employees to automatically participate in the use of Direct Deposit or Cash Cards.

Amend the Texas Government Code, Title 5, Open Government; Ethics, Chapter 551, Open Meetings, Subchapter A. General Provisions, Section 551.050. Municipal Governmental Body: Place of Posting Notice to provide more uniformity across the state for all cities that have the ability to provide the convenience of a computer terminal at a place convenient to the public to access all municipality public notices.

Amend the Texas Election Code, Title 17, Local Option Elections, Chapter 501, Local Option Elections on Sale of Alcoholic Beverages, Subchapter B. Manner of Calling Election, Section 501.032 (1) (3). Requirement to Order Election to allow municipalities to use the most recent mayoral election results in determining the number of signatures on a petition required to call an election and to establish uniformity among Election Law requirements regarding the number of signatures required to be verified based upon the last mayoral election.

Amend Section 501.031 of the Texas Election Code regarding the Verification of Petition. Allow the municipality to verify petition through a sampling process rather than having to verify every signature as now required for a local option alcohol petition UNLESS "a written request [is] received not later than five (5) days after the date the petition is filed with the municipality."

Amend Section 501.032(a) of the Texas Election Code by inserting "(a) The commissioners court or city council, at its next regular session or meeting on or after the 30th day after the date the petition is filed..."

Educational Enhancements

Support continued development of the UNT Law School in Dallas and legislation establishing the first pharmacy school to be located in downtown Dallas.

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SUPPORT INITIATIVES

Support North Central Texas Universities in their efforts to attain Tier I Research status through continuation of the state funded incentive program.

Culture, Arts & Recreation

Continue to encourage production of films, commercials and TV shows by maintaining the availability of incentives throughout the State of Texas.

Ensure the State's special event funds allow for both sporting and non-sporting events that significantly impact the local economy.