

# Memorandum



DATE October 31, 2008

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

SUBJECT Discussion of the City's Legislative Program for the 81<sup>st</sup> Session of the Texas Legislature

On Monday, November 3, 2008, you will be discussing the revised City's Legislative Program for the 81<sup>st</sup> Session of the Texas Legislature. This includes changes recommended by the Legislative Ad Hoc Committee on August 19, 2008. Attached are the discussion materials for you to review prior to Monday's discussion.

Please contact me if you have any questions.



Mary K. Suhm  
City Manager

## 2009 STATE LEGISLATIVE PROPOSALS

EXHIBIT A

	LEGISLATIVE PROPOSAL	SUMMARY	PRIORITY/SUPPORT	DEPARTMENT
<b>KFA: Clean Healthy Environment-Dallas is a sustainable community with a clean, healthy environment.</b>				
<b>1</b>	<b>Regional Transportation</b>	<b>Support regional efforts to establish funding mechanisms for transportation initiatives.</b>	<b>PRIORITY</b>	<b>PWT</b>
<b>2</b>	Air Quality Management Committee	Form a state recognized North Central Texas Council of Governments air quality committee 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
<b>3</b>	Street Car System	Support funding for street car systems.	SUPPORT	IGS
<b>4</b>	Regional Transportation Council	Support the transportation and environmental legislative strategies adopted by the DFW Regional Transportation Council.	SUPPORT	PWT/IGS
<b>5</b>	Homelessness/Mental Health Issues	Provide resources to assist with homeless and mental health initiatives.	SUPPORT	EHS
<b>6</b>	Plastic Bags	Provide incentives to reduce the use of plastic shopping bags.	SUPPORT	OEQ
<b>7</b>	Scrap Tire Program	Implement a statewide scrap tire program to provide for the collection and proper disposal of used scrap tires.	SUPPORT	SAN
<b>8</b>	Cement Kilns	Lower current cement kiln caps in the State Implementation Plan (SIP), as well as require additional control technologies.	SUPPORT	OEQ
<b>9</b>	Foreclosure of Demolition Liens	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
<b>10</b>	TxDOT Road Maintenance	Support funding for TxDOT maintenance of roads and rights-of-way.	SUPPORT	PWT

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11	Solar Incentives	Provide incentives for the use of solar panels as an alternative energy source. Also, ensure that homeowners are not prohibited by homeowner associations from using solar panels.	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. Also, allow counties to adopt similar idling ordinances in unincorporated areas and enforce existing city idling ordinances within city limits.	SUPPORT	OEQ
13	Strengthen Receiver Statute	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
<b>KFA: Economic Vibrancy- A growing economy sustained by a healthy mix of local and international business opportunities, housing choice, visitor attraction and city services.</b>				
14	Dallas Water Initiatives	<b>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.</b>	PRIORITY	DWU
15	Housing Trust Fund Dedicated Revenue Source	Increase funding for the Texas Housing Trust Fund by establishing: 1. A \$10 state-wide document fee for real estate transactions 2. A plan for state-wide distribution of the funding 3. 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
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

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18	Film Incentives	Provide incentives for filmmakers and media companies to make films in Texas.	SUPPORT	CAO
<b>KFA: Efficient, Effective, and Economical (E<sup>3</sup>) Government- A responsible customer-focused government working collectively to provide excellent services that will visibly enhance the quality of life in Dallas.</b>				
19	<b>Public Recording of Real Property Sales Prices</b>	<b>Publicly record all real property sale prices to accurately determine the fair market value of properties.</b>	<b>PRIORITY</b>	<b>CAO</b>
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.	Allow job order contracting to be used when performing: 1. Demolition services to demolish substandard structures 2. Curb, gutter, and sidewalk repairs.	SUPPORT	CAO
<b>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.</b>				
22	<b>Institutions of Higher Education- Law School</b>	<b>Establish the University of North Texas Law School, which will be located in the Old Municipal Building in Downtown Dallas.</b>	<b>PRIORITY</b>	<b>IGS</b>
23	Additional Building and Funding for the University of North Texas (UNT) Dallas Campus	Authorize the UNT Dallas Campus to build a second building on the permanent land site of the future university. The current, 75,000-square-foot building is at maximum occupancy now. Also, create transitional funding in order to migrate the UNT Dallas Campus from an upper division System Center (serving juniors and seniors) to the first and only free-standing, four-year public university in Dallas.	SUPPORT	IGS
24	Institutions of Higher Education- National Research 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 national research university 2. Provide incentives for universities that create a national research university culture.	SUPPORT	IGS

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25	Institutions of Higher Education-Pharmacy School	Establish the first pharmacy school to be located in Downtown Dallas.	SUPPORT	IGS
26	Dallas County Community College District	Support funding for the Dallas County Community College District.	SUPPORT	IGS
<b>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.</b>				
27	Trinity River Corridor Project	<b>Authorize the sale of the TDCJ Dawson State Jail Facility to provide for increased development opportunities associated with the Trinity River Corridor Project.</b>	<b>PRIORITY</b>	<b>IGS</b>
28	Fair Park	Secure funding for renovations to Fair Park's Agricultural and Livestock Buildings.	SUPPORT	P&R
29	Electric Transmission Lines	Provide state incentives for burial of electric transmission lines.	SUPPORT	IGS
<b>KFA: Public Safety-Enhance safety to ensure people feel safe and secure where they live, work, and play.</b>				
30	Regulation of Sexually Oriented Businesses and Alcoholic Beverage Establishments	<b>Enhance enforcement for clubs, bars, and sexually oriented businesses in violation of city ordinance or state law including:</b> <b>1. Requiring Sexually Oriented Businesses to post current intent for application</b> <b>2. Redefining the difference between a restaurant and a bar</b> <b>3. Requiring suspension of license and permit instead of levying fines.</b>	<b>PRIORITY</b>	<b>DPD/CAO</b>
31	Urban Search And Rescue Program (USAR)	Create 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
32	Park Crime Penalties	Reduce crime in city parks by enhancing the criminal penalties for crimes committed on park property.	SUPPORT	P&R
33	Scrap Metal Theft	Support the State's Police Chiefs Association's recommendations for modifications to the metal theft statute.	SUPPORT	DPD

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<b>34</b>	False Alarms	Allow municipalities to impose a financial penalty on the second and subsequent false alarms occurring during a 12 month period.	SUPPORT	DPD
<b>35</b>	Regulation of Towing Companies	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
<b>36</b>	Trafficking of Persons	<ol style="list-style-type: none"> <li>1. Change the definition of forced labor and services to include forced criminal conduct</li> <li>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</li> <li>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.</li> </ol>	SUPPORT	DPD
<b>37</b>	Right of Local Municipalities to Access the National Crime Information Center (NCIC) Database	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
<b>38</b>	Criminal Mischief via Disruption of Public Services	Increase the penalty to a state jail felony, regardless of financial loss, for criminal mischief if the damage interrupts public communication, public transportation, gas, power supply or other public service.	SUPPORT	DPD
<b>39</b>	Thumbprint or Fingerprint for Criminal Violations	Allow an officer to obtain a thumbprint or fingerprint from an offender at the time a citation is issued if the offender does not possess a valid Texas Driver's License.	SUPPORT	DPD

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40	Prosecution for Theft and Transport of Stolen Property	Provide for easier prosecution of 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
41	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
43	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
44	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
45	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
46	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
47	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 the State Fire Marshall's Office.	SUPPORT	DFR