

City of Dallas



Legislative Program for the 81st Session of the Texas State Legislature

As approved by the Dallas City Council
10 November 2008



10 November 2008

To the Honorable Members of the Texas State Legislature:

We are pleased to present the City of Dallas State Legislative Program for the 81st Session of the Texas State Legislature, as approved by the City Council on November 10, 2008. The program includes proposals in the City's **six key focus areas; Clean Healthy Environment; Economic Vibrancy; Efficient, Effective, and Economical (E³) Government; Educational Enhancements; Culture, Arts and Recreation; and Public Safety.**

The City of Dallas is aware of the important and complex issues that legislators will be addressing in the upcoming session. We look forward to the opportunity to coordinate our efforts with you on vital issues affecting the citizens of Dallas.

Sincerely,

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

Tom Leppert
Mayor

A handwritten signature in black ink, appearing to read 'Vonciel Jones Hill'.

Vonciel Jones Hill
Councilmember, District 5
Chair, Legislative Ad Hoc Committee

CITY OF DALLAS

Mayor and City Council 2007-2009

Tom Leppert
Mayor



Vonciel Jones Hill
Chair, Legislative Committee
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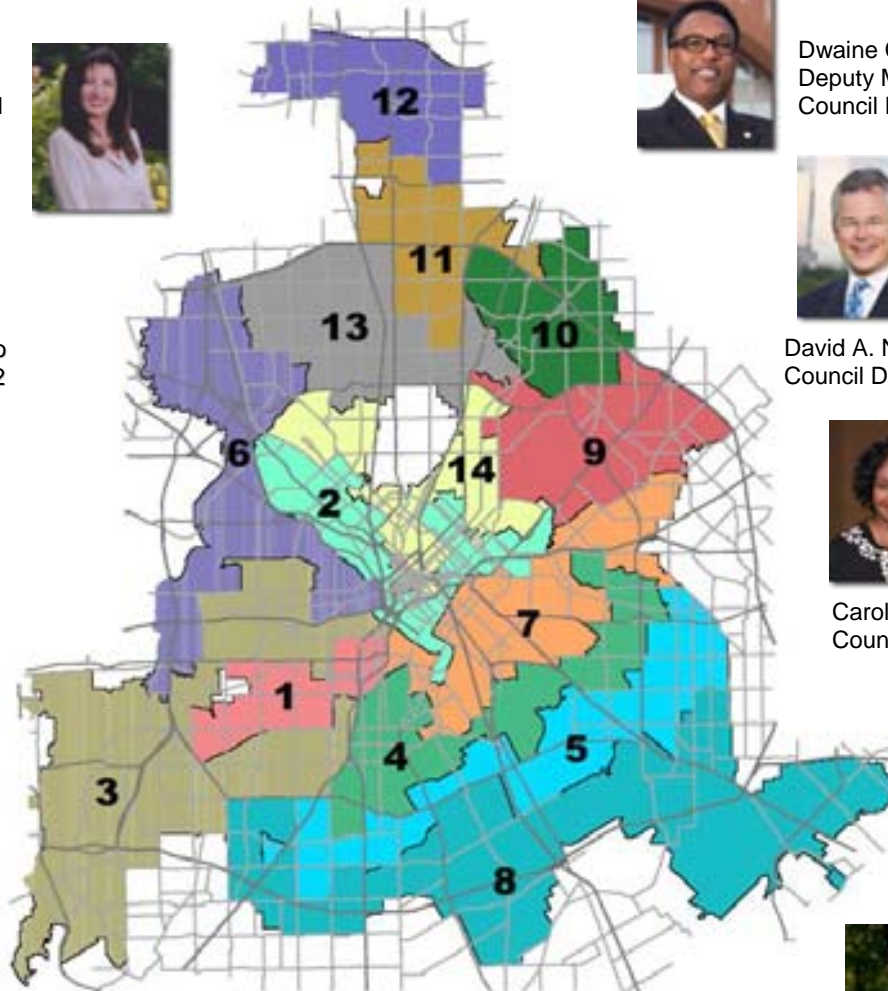


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08-3092

COUNCIL CHAMBER

November 10, 2008

WHEREAS, the Eighty-First Session of the Texas State Legislature will convene in January 2009; and

WHEREAS, many legislative issues affecting local government will be considered; and

WHEREAS, the City of Dallas has historically adopted a legislative program for consideration by the Legislature.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That the 2009 State Legislative Program for the City of Dallas is adopted.

SECTION 2. That the City Attorney is directed to communicate the items included in the state legislative program, a copy of which is attached as Exhibit A, to members of the Texas Legislature.

SECTION 3. That, for those items designated as priority, the City Attorney is directed to draft appropriate legislation, seek a sponsor, and actively pursue passage of such legislation.

SECTION 4. That, for those items designated as support, the City Attorney is directed to convey support and actively pursue if time permits.

SECTION 5. That the City Attorney is directed to support legislation that upholds City of Dallas' home-rule authority, as well as oppose legislation that diminishes resources or home-rule authority.

SECTION 6. That this resolution shall take effect immediately from and after its passage in accordance with the provisions of the Charter of the City of Dallas and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

NOV 10 2008


City Secretary

Priority Initiatives by Key Focus Area (KFA)



Regional Transportation: Support regional efforts to establish funding mechanisms for transportation initiatives, including regional rail.

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.



Public Recording of Real Property Sales of Prices: Publicly record all real property sale prices to accurately determine the fair market value of properties.

Institutions of Higher Education - Law School: Pass legislation establishing the University of North Texas Law School, which will be located in the Old Municipal Building in Downtown Dallas.



Trinity River Corridor Project: Authorize the sale of the TDCJ Dawson State Jail Facility to provide for increased development opportunities associated with the Trinity River Corridor Project.

Regulation of Sexually Oriented Businesses and Alcoholic Beverage Establishments: Enhance enforcement for clubs, bars, and Sexually Oriented Businesses in violation of city ordinance or state law including:

- Requiring Sexually Oriented Businesses to post current intent for application
- Redefining the difference between a restaurant and a bar
- Requiring suspension of licenses and permits instead of levying fines



Support Legislative Initiatives

KFA Clean Healthy Environment

Homelessness/ Mental Issues: Provide resources to assist with homelessness and mental health issues.

Air Quality Management: Form a state recognized air quality committee by the North Central Texas Council of Government in the DFW area to work collaboratively with the Texas Commission on Environmental Quality (TCEQ) and Environmental Protection Agency (EPA) to develop and implement the region's State Implementation Plan (SIP).

Street Car System: Support funding for streetcar systems.

Regional Transportation Council: Support the transportation and environmental legislative strategies adopted by the DFW Regional Transportation Council.

Plastic Bags: Provide incentives to reduce the use of plastic shopping bags.

Scrap Tire Program: Implement a statewide program to provide for the collection and proper disposal of used scrap tires.

Cement Kilns: Lower current cement kiln caps in the State Implementation Plan (SIP) as well as require additional control technologies.

Foreclosure on 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.

TxDOT Road Maintenance: Support funding for TxDOT maintenance of roads and rights-of-way.

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.

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.

Strengthening 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.

Strengthen Statutes that Regulate Group Facilities: Amend state law to require that an application for a state license be approved by a local official for compliance with municipal ordinances on building construction, fire prevention, sanitation, zoning and other ordinances relating to the public health and safety before the state will issue a state license.

Support Legislative Initiatives

KFA Economic Vibrancy

Housing Trust Fund Dedicated Revenue Source: Increase funding for the Texas Housing Trust Fund by establishing:

1. A \$10 statewide document fee for real estate transactions
2. A plan for statewide distribution of the funding
3. A set of criteria for use by local governments.

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.

Hospital District/Activity Zone: Leverage Dallas 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.

Film Incentives: Provide incentives for better filmmakers and media companies to make films in Texas.

Support Legislative Initiatives

KFA Efficient, Effective, Economical (E³) Government

Fuel Surcharge Fee: Add a fuel surcharge fee for moving violations.

Job Order Contracting for Demolition Services and Curb, Gutter, and Sidewalk Repair:
Allow job order contracting when performing:

1. Demolition services to demolish substandard structures
2. Repairing curb, gutter and sidewalks.

Support Legislative Initiatives

KFA Educational Enhancements

Additional Building and Funding for University of North Texas (UNT) Dallas Campus:
Authorize UNT Dallas Campus to build a second building on the permanent 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 freestanding, four-year public university inside the city of Dallas.

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.

Institutions of Higher Education-Pharmacy School: Establish the first pharmacy school to be located in Downtown Dallas.

Dallas County Community College District: Support funding for the Dallas County Community College District.

Support Legislative Initiatives KFA Culture, Arts, and Recreation

Fair Park: Secure funding for renovations to the Fair Park's Agriculture and Livestock Buildings.

Electric Transmission Lines: Provide state incentives for burial of electric transmission lines.

Support Legislative Initiatives KFA Public Safety

Urban Search and Rescue (USAR): One time funding of \$1 million dollars 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 and Rescue Task Force sponsored by the Dallas Fire- Rescue Department.

Park Crime Penalties: Reduce crimes in city parks by enhancing the criminal penalties for crimes committed on park property.

Scrap Metal Theft: Support the State's Police Chiefs Association's recommendations for modifications to the metal theft statute.

False Alarms: Allow municipalities to impose a financial penalty on the second and subsequent false alarms occurring during a 12-month period.

Regulation of Towing Companies: Allow municipalities to bring civil action for enforcement of ordinances that regulate towing companies, towing licenses, tow truck driver's permits or towing fees.

Criminal Mischief via Disruptions of Public Services: Increase the penalty, regardless of financial loss, for criminal mischief to a state jail felony, if the damage interrupts public communication, transportation, gas, power supply, or other public service.

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 a 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.

Right of Local Municipalities to Access the 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 the city ordinance. The license applications affected would include Sexually Oriented Businesses, Dance Halls, Amusement Center, 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.

Thumbprint or Fingerprint for Criminal Violations: Allow an officer to obtain a thumbprint from an offender at the time a citation issued. This would be similar to the way a signature is required now.

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.

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”.

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.

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.

Prosecution of Graffiti Cases: Amend graffiti laws to:

1. Enhance penalty to a State Jail Felony after the second graffiti conviction of any penalty grade.
2. Provide an alternative option of drivers' license suspension or delay in issuance of a driver licenses
3. Provide for complete restitution for damages.

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 investigation without consequences. Establish a penalty of a Class C misdemeanor.

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.