

**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

**2009 STATE LEGISLATIVE PROPOSALS**

| 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> Regional Transportation   | Support regional efforts to establish funding mechanisms for transportation initiatives.   | PRIORITY         | PWT        |
| <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  | 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:<br>1. A \$10 state-wide document fee for real estate transactions<br>2. A plan for state-wide distribution of the funding<br>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        |

**2009 STATE LEGISLATIVE PROPOSALS**

EXHIBIT A

| LEGISLATIVE PROPOSAL  | SUMMARY  | PRIORITY/SUPPORT | DEPARTMENT |
|---|--|------------------|------------|
| 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 Public Recording of Real Property Sales Prices   | Publicly record all real property sale prices to accurately determine the fair 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.   | Allow job order contracting to be used when performing:<br>1. Demolition services to demolish substandard structures<br>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 Institutions of Higher Education- Law School   | Establish the University of North Texas Law School, which will be located in the Old Municipal Building in Downtown Dallas.  | PRIORITY         | IGS        |
| 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:<br>1. Provide matching state funds for gifts and community funds that support the critical elements of a national research university<br>2. Provide incentives for universities that create a national research university culture.   | SUPPORT          | IGS        |

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|---|--|--|------------------|------------|
|   | Institutions of Higher Education-Pharmacy School                                 | Establish the first pharmacy school to be located in Downtown Dallas.  | SUPPORT          | IGS        |
| 25  | 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> |  |  |                  |            |
|   | 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.   | PRIORITY         | IGS        |
| 27  | Fair Park  | Secure funding for renovations to Fair Park's Agricultural and Livestock Buildings.  | SUPPORT          | P&R        |
| 28  | 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>   |  |  |                  |            |
|   | 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:<br>1. Requiring Sexually Oriented Businesses to post current intent for application<br>2. Redefining the difference between a restaurant and a bar<br>3. Requiring suspension of license and permit instead of levying fines. | PRIORITY         | DPD/CAO    |
| 30  | 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        |
| 31  | Park Crime Penalties   | Reduce crime in city parks by enhancing the criminal penalties for crimes committed on park property.  | SUPPORT          | P&R        |
| 32  | Scrap Metal Theft  | Support the State's Police Chiefs Association's recommendations for modifications to the metal theft statute.  | SUPPORT          | DPD        |

## 2009 STATE LEGISLATIVE PROPOSALS

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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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| <p><b>40</b> Prosecution for Theft and Transport of Stolen Property</p>                | <p>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."</p>                       | <p>SUPPORT</p>   | <p>DPD</p> |
| <p><b>41</b> Criminal Trespass added to Citation Offenses</p>                          | <p>Add Criminal Trespass to the list of offenses for which an officer can issue a citation for a Class B misdemeanor.</p>   | <p>SUPPORT</p>   | <p>DPD</p> |
| <p><b>43</b> Federal Guidelines for Removal of Information from Gang Databases</p>     | <p>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.</p>  | <p>SUPPORT</p>   | <p>DPD</p> |
| <p><b>44</b> Illegal Street Racing</p>   | <p>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.</p>                      | <p>SUPPORT</p>   | <p>DPD</p> |
| <p><b>45</b> Prosecution of Graffiti Cases</p>   | <p>Amend graffiti laws to:<br/>                     1. Enhance penalty to a State Jail Felony after second Graffiti conviction of any penalty grade<br/>                     2. Provide an alternative option of drivers' license suspension or delay in issuance of a drivers' license<br/>                     3. Provide for complete restitution for damages.</p> | <p>SUPPORT</p>   | <p>DPD</p> |
| <p><b>46</b> Failure to Identify</p>   | <p>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.</p>       | <p>SUPPORT</p>   | <p>DPD</p> |
| <p><b>47</b> Sunset Commission on Fire Protection and State Fire Marshall's Office</p> | <p>Support continued operations of and increased funding for the Texas Commission on Fire Protection and the State Fire Marshall's Office.</p>  | <p>SUPPORT</p>   | <p>DFR</p> |