

City Council Work Session Agenda

Meeting Date:

11/05/2018

Item Title: Consider adopting a legislative program for the 2019 session of the Texas Legislature

Submitted By:

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Summary of Request/Problem

The next session of the Texas Legislature will commence in January 2019. Traditionally, the City Council has adopted a general program of broadly-described policy positions regarding matters it desires to support or oppose in the session. Bearing in mind that there will likely be over 10,000 bills and amendments to bills introduced during the session, the challenge in adopting a legislative program is that of focusing on a small number of bills that the City will actively seek to have introduced and passed into law. Experience has shown that attempting to actively promote too many bills during a session will lead to the dilution of effort and ultimately frustration with the likely results. The usual wisdom when it comes to legislation is that it is much more difficult to get a bill passed into law than it is to defeat a bill. That being the case, even with a small number of bills to promote, the odds of passage are probably less than 10-20%.

With a manageable list of bills to pursue, the City's efforts can be much more focused. That does not mean the City will only work on its particular bills to the exclusion of all others. We simply do not know prior to its filing whether a bill will be adverse to the City's interests or promote the City's interests, and thus try to retain the maximum amount of flexibility by adopting only general policy directions as a legislative program in addition to approving the list of bills to be actively promoted by the City. Additionally, the City works with affiliated interests such as the Texas Municipal League and other coalitions and organizations that promote the interests of cities and local government in general so as to avoid duplication of efforts or sending mixed signals on bills that matter not only to Garland but to the hundreds of other cities in Texas.

Recommendation/Action Requested and Justification

We propose four specific bills for Council approval:

1. A bill allowing a peace officer to execute a DWI blood draw warrant in any county in which the officer has arrest authority. Oftentimes when a peace officer arrests a suspect for DWI, the closest hospital for a blood draw is located in a county other than the county of the officer's primary jurisdiction. Current law allows the arresting officer to obtain a blood draw warrant in a county outside of primary jurisdiction, but prohibits the officer from actually executing it, thereby making it necessary to involve another law enforcement agency in the blood draw.
2. A bill authorizing a peace officer to arrest an adult (17 or older) student for making a misdemeanor threat of school violence even if the threat is not made in the immediate presence of the arresting officer. Students who threaten school violence generally do not communicate those threats directly to a law enforcement officer. They make those threats to other students, friends or potential victims. Thus, those threats occur outside the "presence and view" of law enforcement and as misdemeanor offenses, current law prohibits an officer from arresting the student except after obtaining a warrant. Potential school violence is a matter that commands an immediate response and a student who makes threats of school violence should be removed from the school promptly.
3. A bill increasing the population cap on legislation that authorizes the City to collect emergency medical services fees. Current law provides that certain cities with a population of between 220,000 and 250,000 may collect fees for emergency medical services in conjunction with bills for water services. Garland collects approximately \$3 million per year in such emergency medical services fees. If the population of Garland exceeds 250,000, and the upper limit of the bracket is not adjusted, Garland will lose those public safety funds.
4. A bill authorizing Garland to use orphaned hotel/motel tax revenues. State law tightly regulates what uses a city may make of hotel/motel tax revenues. Many cities have obtained specific amendments to the hotel/motel tax laws to provide greater flexibility in the use of funds to promote the city and the hotels and motels located within. Garland would like to seek a similar, tailored, expansion of the uses to which hotel/motel tax revenues may be put in order to make Garland a more attractive destination for visitors.

Council is also requested to consider and provide, in broad terms, what particular legislative policy positions, if any, it would like to establish for the upcoming session.