

County*issues*

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Senate Interim Committee Charges



By Rick Thompson

TAC Legislative Staff

The Texas Senate, 80th Legislature, Interim Study Charges for 13 of the standing committees were issued January 29th by Lt. Gov. David Dewhurst. The standing committees will conduct studies and issue reports with recommendations for consideration by the 81st Legislature. As in the past, many of the interim charges recommendations will be used to draft legislation on particular issues. It is likely that many of the standing committees will create stakeholder work groups to assist them. Therefore, if you have an interest in providing information for a study, please contact the TAC Legislative Department at 800-456-5974.

The interim study charges contained within this report are the most significant county-related charges. As the interim study charges progress, this list is subject to change. The TAC Legislative Department will closely monitor the progress of all studies for potential local government impact.

Complete reports for the Texas Senate Interim Study Charges may be found on the Texas Association of Counties' website located at www.county.org.

Business & Commerce

3. Study current industry practice and regulation associated with the siting of wind turbines. Compare the wind turbine siting process to processes associated with other forms of electric generation and the siting of facilities in other industries. Determine the advantages and disadvantages of additional siting regulation for wind turbines.
8. Study and make recommendations on improving the implementation of HB 1196, 80th Legislature, to ensure that public funds are not used to encourage illegal immigration into the state by prohibiting any taxpayer-subsidized job creation grant or tax abatement given to any business entity in Texas that knowingly hires illegal immigrants.

Criminal Justice

5. Study and make recommendations for reducing the number of law enforcement officer deaths in the line of duty. This study should include:
 - an assessment of the types of calls and assignments that put law enforcement officers most at risk;
 - the geographic regions of the state that suffer the most deaths;
 - the agencies experiencing the highest rate of deaths in the line of duty;
 - the time in an officer's career, and the officer's age that he or she is most susceptible to death in the line of duty; and
 - the times of year, month, and day that are most dangerous.

6. Study the issue of criminal asset seizure and the use of seized and forfeiture funds by district attorneys and law enforcement agencies. Review the oversight of these matters by the Texas Attorney General and provide recommendations to improve the dissemination of information concerning these funds. Ensure that these funds have the appropriate accountability and fiscal controls required for public funds.
7. Study the system of deferred adjudication in Texas courts and make recommendations for resolving any problems and reducing the potential for release of dangerous criminals.

[Senate Charges, continued on page 3]

KEY COUNTY DATES

MARCH 2008

All Counties

First month Commissioners Court may make determination on whether the county election precincts comply with law and make boundary changes (some exceptions apply). Tex. Elec. Code, §42.031(a).

March 4. General Primary Election Day; Presidential Primary Election Day. Tex. Elec. Code, §41.007.

March 10. Last day for eligible unregistered person to submit voter registration application in time to vote in runoff primary. Tex. Elec. Code, §13.143. Last day for voter to submit change of voter registration information in time to be effective for runoff primary. Tex. Elec. Code, §15.025.

March 14. Last day for candidate in runoff primary to withdraw. Withdrawal request if filed with state chair for a statewide or district office and with county chair for a county or precinct office. Tex. Elec. Code, §172.059. Request must be received by 5:00 p.m. of this date. Tex. Elec. Code, §145.001.

March 30.

Counties with 100,000 or greater population
County Clerk required to mail financial disclosure forms to the County Judge. County Commissioners and County Attorney who are not candidates in the general primary election. Tex. Loc. Gov't Code, §159.005. Appointed officers and those filing vacancies are to be mailed the forms not later than the seventh day after the date of appointment. Tex. Loc. Gov't Code, §159.005(b).

Counties with 125,000 or more population
County Clerk required to mail financial disclosure forms to the justices of the peace who are not candidates in the general primary

election. Tex. Loc. Gov't Code, §159.005. Appointed officers and those filing vacancies are to be mailed the forms not later than the seventh day after the date of appointment. Tex. Loc. Gov't Code, §159.005(b).

All Counties

March 31-April 4. Period of early voting by personal appearance for the Runoff Primary Election. Tex. Elec. Code, §85.001.

March 31, 5:00 p.m. Deadline for opposed candidates in general primary election to file pre-election report of political contributions and expenditures. Tex. Elec. Code, §254.064. *Actual receipt by deadline required.*

APRIL 2008

Last month commissioners court may determine whether the county election precincts comply with law and make boundary changes (some exceptions apply). Tex. Elec. Code, §42.031(a).

April 4. Last day of early voting by personal appearance for runoff primary election. Tex. Elec. Code, §85.001.

April 8. Runoff Primary Election Day. Tex. Elec. Code, §41.007(b).

No later than April 24. If drought conditions exist (determined by the Texas Forest Service), Commissioners Court in counties located not more than 100 miles from Texas-Mexico border may adopt an order regulating the use of certain fireworks for the Cinco de Mayo fireworks season. Tex. Loc. Gov't Code, §352.051.

April 30. Deadline for commissioners court to order county election precinct boundary changes to comply with its March or April determination. Tex. Elec. Code, §42.031.

April 30. Qualified counties have until this date to complete an application with the Office of Secretary of State requesting participation in the Countywide Polling Place Program during the November 4, 2008. general election.

April 30, 5:00 p.m. Judge of a statutory county court or statutory probate court is required to file a verified financial statement with county clerk or State Ethics Commission. Tex. Loc. Gov't Code, §159.052.

April 30, 5:00 p.m.

Counties with 100,000 or greater population.
The County Judge, County Commissioners and County Attorney are required to file a verified financial statement with County Clerk in the county in which the person resides. Tex. Loc. Gov't Code, §§159.001, 159.003, and 159.004(a). Failure to file is a Class B Misdemeanor. Tex. Loc. Gov't Code, §159.008(b). A \$1000 civil penalty may also be assessed. Tex. Loc. Gov't Code, §159.010(c). If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing.

Counties with 125,000 or more population.
The Justices of the Peace are required to file a verified financial statement with County Clerk in the county in which the person resides. Tex. Loc. Gov't Code, §§159.001, 159.003, and 159.004(a). Failure to file is a Class B Misdemeanor. Tex. Loc. Gov't Code, §159.008(b). A \$1000 civil penalty may also be assessed. Tex. Loc. Gov't Code, §159.010(c). If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing. 🗺️

[Senate Charges, continued from page 1]

8. Study and recommend best practices for reducing re-victimization of child abuse victims associated with delay in resolution of criminal cases. Recommend options for reducing the time lapse between child victimization and criminal hearings.

9. Review the processes for re-entry of criminal offenders into communities. Identify barriers to the successful return to law-abiding behavior, including the absence of employment opportunities created by restriction on obtaining certain state occupational licenses. Provide recommendations for improvements to our current statutes governing this matter.

11. Study the relationship between the public mental health system and the criminal justice and civil courts systems, including the identification and sharing of information regarding mentally ill offenders, including minors, among criminal justice and mental health agencies, the courts, state hospitals, and the Veterans Administration. Study how current confidentiality laws impact the exchange of information among groups described above. Study the sentencing of mentally ill offenders compared to non-mentally ill offenders, including minors, and the affect that has on statewide prison capacity and on the health care provided to mentally ill offenders. (Joint Charge with Senate State Affairs Committee)

Finance

4. Evaluate the effectiveness of existing state tax incentives that encourage employers to provide

health coverage to their employees, including tax incentives under the revised state business tax, and make recommendations for additional deductions or credits that increase the number of employees covered by health care insurance.

6. Study the funding of county public hospitals and the role neighboring counties without a county hospital should play.

12. Review Medicaid provider reimbursement rate methodologies, including the impact of factors such as infrastructure concerns, federal minimum wage changes, and cost reports.

14. Study and review state and local options for expanding transportation funding and explore options to reduce diversions of Fund 6 revenue. (Joint charge with Senate Committee on Transportation and Homeland Security)

15. Study and make recommendations relating to whether the Texas Department of Transportation is in compliance with Transportation Code §201.109, Revenue Enhancement, and whether the Texas Department of Transportation is using the funding sources provided by the Legislature, including, but not limited to, General Obligation, Fund 6 and Mobility Fund bonds, to build new roads. (Joint charge with Senate Committee on Transportation and Homeland Security)

16. Monitor and provide a brief update on the implementation of legislation addressed by the Finance Committee, 80th Legislature,

Regular Session, and make recommendations for any legislation needed to improve or enhance and complete implementation.

- SB 247, relating to Sudan divestment, and make recommendations about whether to include Iran in the divestment strategy;
- SB1332 to help improve the state's debt management and oversight, including a more comprehensive review of state debt and improved communication between entities and oversight of state bond issuance;
- SB 10 and the Frew settlement to ensure that the initiatives carried out by the Health and Human Services Commission affect meaningful improvement in access to quality care in the Texas Medicaid program; and
- HB 3732 relating to ultra-clean coal technologies, and determine the amount of property tax removed from the tax rolls, as well as the corresponding impact on school finance. Identify any changes needed to strengthen the program and ensure its success.

Subcommittee on Property Appraisal and Revenue Caps:

1. Review the property tax appraisal system, including the following:
 - the duties and responsibilities of chief appraisers and appraisal districts;
 - any abuses that occur in the appraisal process;
 - the process of appointing the members of boards of directors of appraisal districts;
 - the impact of adding members to the boards of directors of appraisal districts who are not

[Senate Charges, continued on page 9]



Get in the Game

Encourage the Partnership 2008 ANNUAL CONFERENCE

August 27-29 • Renaissance Hotel, Austin

Working Together to Get Things Done

Issues that face counties, cities, state and federal governments all affect the same taxpayers, and it's time to restore the partnership between all levels of government to provide services effectively for citizens. TAC's Annual Conference will explore ways for governments to cooperate and create common solutions as well as evaluate critical state legislative issues that may come up in the 2009 Texas Legislature.

The conference will provide a forum for county officials to discuss critical issues facing county government. The 2008 conference curriculum offers a diverse educational program with continuing-education credits for most county offices.

Conference Features

LEGISLATIVE TRACK The tough legislative sessions that Texas counties experienced in 2007 may be just previews of 2009.

The Annual Conference will present legislative issues in anticipation of the regular legislative session beginning January 2009. Some of the hot topics include:

- Jail overcrowding;
- Environmental and stormwater regulations;
- Tax and revenue caps for counties;
- Groundwater quality;
- Eminent domain; and
- Indigent health care.

TRADE SHOW Vendors will feature products and technology designed with county government in mind.

BEST PRACTICES AWARDS The TAC Leadership Foundation will honor outstanding Texas counties for their best and brightest innovations.

REGISTRATION AND ACCOMMODATIONS

TAC will process both conference registration and hotel reservations. Conference registration is required to obtain reservations at the discounted conference rate. For more information visit www.county.org, or contact the Education Department at 800-456-5974.

Continuing Education

Application will be made for continuing-education credit for county commissioners, tax assessor-collectors, county and district clerks, sheriffs, treasurers, attorneys, auditors and purchasing agents.

Spouse Activities

Registration for spouses is \$30 and provides admission to all conference programs including the Wednesday-evening party and a special Thursday-morning event.

"Success isn't something that just happens — success is learned, success is practiced and then it is shared."

—Sparky Anderson, only manager to ever lead teams to World Series victory in both the National and American baseball leagues

TEXAS ASSOCIATION *of* COUNTIES

REGISTRATION FORM

2008 Texas Association of Counties Annual Conference & Trade Show
August 27–29, 2008 • Renaissance Hotel, Austin

CONFERENCE REGISTRATION

Please complete and submit with applicable fees to:

Texas Association of Counties Annual Conference | P.O. Box 2131 | Austin, Texas 78768

Forms may be faxed to: 512-477-1324

REGISTRATION FEES: Please check boxes that apply

Name: _____

Title/Office: _____

County/Company: _____

City/State/ZIP: _____

Address: _____

Email: _____

Spouse's Full Name: _____

	Before July 31 (postmarked)	After July 31 (postmarked)
County Member (employee)	<input type="checkbox"/> \$225	<input type="checkbox"/> \$250
TAC Associate Member	<input type="checkbox"/> \$225	<input type="checkbox"/> \$250
Non-Member (government)	<input type="checkbox"/> \$275	<input type="checkbox"/> \$300
Non-Member (corporate)	<input type="checkbox"/> \$425	<input type="checkbox"/> \$450
Spouse Fee (includes Wed. event)	<input type="checkbox"/> \$30	<input type="checkbox"/> \$30
Extra Ticket for Casino Night	<input type="checkbox"/> \$30/ticket	<input type="checkbox"/> \$30/ticket
TOTAL:	\$ _____	\$ _____

CONFERENCE CANCELLATION POLICY

Conference fees are fully transferable to other participants. **All refund requests must be received in writing** BEFORE August 15 to receive a full refund minus a \$10 administrative fee. Refund requests received AFTER August 15 will be subject to an administrative fee equal to half the registration fee. Unfortunately, we're unable to honor any refund requests after September 1, 2008.

HOTEL RESERVATIONS

Please ensure that the boxes below are checked so we may process your registration for the 2008 Annual Conference.

- ☐ I understand that I must be registered for the conference in order to obtain a reservation at the host hotel at the Annual Conference rate; otherwise my hotel reservation is subject to cancellation.
- ☐ I agree to contact TAC **PRIOR TO** canceling my hotel reservation. By doing this, I will allow an attendee who is on the waiting list to take advantage of the conference hotel rooming block. I will email jennyh@county.org or call the TAC Education Department at 800-456-5974 if I need to cancel my hotel reservation.

IMPORTANT HOTEL RESERVATION INFORMATION

- If you register for the Annual Conference online at www.county.org, a link for reserving a room at the Renaissance Hotel will be provided with your online confirmation.
- If you fax your conference registration and provide an email address on the registration form, hotel reservation information will be sent to you via email.
- Confirmations for the conference with the Renaissance Hotel phone number and the rooming block code will be sent to all registrants by mail.

**For questions, contact Jenny Holkesvik in the TAC Education Department
at jennyh@county.org or 800-456-5974.**



Resources, Naturally

By Paul J. Sugg

TAC Legislative Staff



Conserve: the word is most immediately from the Middle English (1066 to mid-to-late 14th century), inherited from the Middle French (1340-1611), with its Latin root found in *con-servare*, which can mean **to keep, to preserve, to retain, to save, to cherish, to treasure.**

The Senate committees now have their interim charges from the lieutenant governor. Here's a brief overview of some of them related to the themes we discuss in this corner.

Senate Business and Commerce is going to take a look at "current industry practice and regulation associated with the siting of wind turbines". Wind turbines are springing up all over the state but with neither the state nor other governments playing a regulatory role in where they are sited. The committee has been asked to compare wind turbine siting processes with the processes used to site other types of power generating facilities and other industrial facilities, with the goal of evaluating the need (or not) of additional siting regulations.

Senate Finance and Senate Transportation and Homeland Security share some TXDOT-related charges that will have a bearing on state and local transportation policies and practices. The committees are directed to "explore options to reduce diversions of Fund 6 revenue". The diversion of funds from the State Highway Fund (Fund 6) for purposes unrelated to highway building has been an on-going bone of contention inside and outside

the Capitol among transportation experts. This diversion has drawn sharpened interest as projections show our need for new roads exceeding our supply of new roads. Solutions to this problem have varied—increase the gas tax and overall public funding for road construction, allow private enterprise to move beyond building roads into owning (toll) roads, or be a lot smarter about how we arrange ourselves on the map as we live and work to ensure the more prudent use of our natural resources (this last one doesn't get the attention it deserves). The other part of this particular charge — "study and review state and local options for expanding transportation funding" — is of particular interest, especially in light of recently announced TXDOT spending cuts. These cuts, regardless of reason (federal rescissions, incompletely-coordinated planning, accounting errors) will result in the significant delays for many local transportation projects that hinge on state and local cooperation.¹

A related charge, also shared by the Senate Finance and Transportation and Homeland Security committees, wants to find out "whether the Texas Department of Transportation is using the funding sources provided by the Legislature, including, but not limited to, General Obligation, Fund 6 and Mobility Fund Bonds, to build new roads". The committees also are directed to determine whether TXDOT is in compliance with Section 201.109 of the Transportation Code ("Revenue Enhancement"). This section directs TXDOT to enhance existing revenue and create alternative sources of revenue, by, in part, "increasing the role of the private sector and the public-pri-

vate projects in the leasing of real estate and other assets in the development of highway projects". Public-private partnerships were closely examined and closely argued this past legislative session and Texas public-private partnerships are among those studied by the federal government's Government Accountability Office (GAO) in its recently released "Highway Public-Private Partnerships: More Rigorous Up-front Analysis Could Better Secure Potential Benefits and Protect the Public Interest".² Senate Transportation and Homeland Security will separately be looking at Comprehensive Development Agreements (CDAs), the tool TXDOT uses to "enable private investments in the Texas transportation system"³, as well as the TransTexas Corridor, current and planned toll-road projects, and the use of public-private partnerships to build new roads and/or transit services. TXDOT's bridge repair activities will also be reviewed. The challenges of resources matching demand continues.

The Senate Government Organization Committee has a charge to study whether Texas should adopt high performance building standards, framed in this thoughtful context: "In light of the potential impact of Texas' population growth on the need for electricity and water, study whether high performance buildings can cost-effectively lower utility costs and make more efficient use of natural resources". The question of enforcement of building codes persists, but an idea floated around last session for builders to use third-party inspectors overseen by the state and reporting the results of their inspections to the county could be a viable option.

[Resources, Naturally, continued on page 7]

National Commission Releases Report on Future Surface Transportation Policy



By Laura Garcia

TAC Legislative Staff

The National Surface Transportation and Revenue Study Commission, which is comprised of 12 members representing federal, state, and local governments, metropolitan planning organizations, transportation-related industries, and public interest organizations, released its highly anticipated report on January 15. The Commission was authorized by the Safe, Accountable, Flexible, Efficient Transportation Equity Act-A Legacy for Users (SAFETEA-LU) in 2005 and was charged with completing a comprehensive study of the national surface transportation system and the Highway Trust Fund, and then developing a conceptual plan to ensure that this system continues to serve the needs of the United States, including recommendations regarding design and operational standards, federal policies, and legislative changes.

In its report, the Commission estimates the needed investment of at least \$225 billion annually from all sources for the next 50 years in order to meet future surface transportation needs. The Commission calls on Congress to establish a new Federal Compact with the American people which would include: a strong federal role in surface transportation; increased expenditures from all levels of government and the private sector to compensate for past investment failures while addressing significant increases in future demand; federal funding that is performance-based; and, extensive program reform to eliminate waste and delays in federally funded program delivery.

The Commission's report also emphasizes the need for a continued federal partnership with both state and local governments and recommends restructuring the current voluminous array of separate federal highway and transit funding programs and replacing them with 10 new federal programs focused, in part, on preservation and maintenance, freight transportation, congestion relief, safety, a national access program for smaller cities and rural areas, intercity passenger rail, environmental stewardship, alternative fuels, and research and development. And, it recommends the creation of an independent National Surface Transportation Commission to oversee development of a national strategic plan for transportation investment and to recommend appropriate revenue adjustments to the Congress to implement the plan.

Furthermore, with respect to funding, the Commission recommends an increase in the federal fuel tax from 5 to 8 cents per gallon per year over the next 5 years, and then indexing it to inflation. The report also calls for significant more investment from state and local governments, as well as from the private sector, and suggests authorizing greater flexibility for toll and congestion pricing.

The Commission's findings and recommendations are expected to play a prominent role in the 2009 reauthorization of the federal surface transportation program. A copy of the full report can be accessed at: <http://www.transportationfortomorrow.org>. 🗺️

[Resources, Naturally, continued from page 7]

Senate International Relations and Trade will "review state and local policies relating to development and growth in rural and unincorporated regions of the state" with an eye to "assess the proliferation of substandard housing in rural and unincorporated areas." The committee plans to work with county organizations, appropriate officials, and housing advocates in its assessment. The committee will also look at existing extraterritorial jurisdiction (ETJ) authority granted to entities along the border to prevent colonias.

Senate Natural Resources will spend a good bit of its time studying flood control structures like major dams and levees to ensure their safety and determine which state agency has the authority and the funding to make these assessments and repair or replace "those with impairments." The committee will also continue to monitor efforts to improve air quality, including a review of federal, state, and local incentive programs. It will also monitor implementation of HB 1763 from 2005, especially the joint research and planning of groundwater conservation districts within the same groundwater management area (GMA). 🗺️

¹ Patrick Driscoll, "TXDOT Gets Earful at Senate Hearing", *San Antonio Express-News*, February 5, 2008.

² Government Accountability Office, *Highway Public-Private Partnerships: More Rigorous Up-front Analysis Could Better Secure Potential Benefits and Protect the Public Interest*, <http://www.gao.gov/new.items/d0844.pdf>, February 2008.

³ Texas Department of Transportation, *Comprehensive Development Agreements*, http://www.dot.state.tx.us/services/texas_turnpike_authority/pub_priv_partnerships.htm.

Counties Provide Input On Jail Standards



By Laura Nicholes
TAC Legislative Staff

The Texas Commission on Jail Standards held its first-ever Strategic Planning Meeting on February 6, 2008. Invitation letters were sent to various stakeholders requesting they provide comment on the strategies, goals and procedures of the Commission; the goal being a self-evaluation of services addressing the needs of a growing state with increasing populations in county jails.

The Commission asked stakeholders, primarily county officials and their representatives, to evaluate the five agency strategies: Effective Jail Standards, Inspection and Enforcement; Construction Plan Review; Management Consultation; Auditing Populations and Costs; and finally, Juvenile Justice Survey.

The invitation letter asked invitees to consider several suggestions: Should all inspections be announced or unannounced? Should work crews be monitored only by certified jail personnel? Should jail inspections be pass or fail or maybe a passing score above 70? Should holding areas in courthouses and constables' offices be subject to minimum jail standards?

Twelve witnesses provided comments over a three hour period. The condensed responses from a majority of the presenters are as follows:

- Preference from county representatives tended to lean toward announced inspections with daily updates; continue the practice of random, unannounced visits if there

are repeated issues not being addressed;

- Local option for certified/non-certified work crew supervision - work with the needs and resources of the varying counties;
- Keep inspections pass/fail; a scoring system might create a "slippery slope" and a lot of "gray area" where constitutional issues could drag counties back into expensive litigation at the expense of the taxpayers;
- Courthouse and individual office temporary holding cells should not be mandated to minimum standards; this could lead to multiple unfunded mandates that counties and their taxpayers are not equipped to fund.

Other comments:

- Several suggestions that TCJS needs to increase the number of employees and provide them with more competitive salaries in order

to retain qualified staff;

- Review the smoke and fume evacuation regulations and re-evaluate giving consideration to improved technologies;
- Counties expressed a need for more technical assistance (this coincides with suggestions for increased staffing and salaries);
- Jail staffing ratios were mentioned several times with the theme being architectural design of a jail can determine the level of effective staffing required for safety and health standards; it was suggested that the 1:48 ratio be re-evaluated.

The minutes of the TCJS Strategic Plan Meeting may be viewed at www.tcjs.state.tx.us under the Meetings tab.

For more information contact Laura Nicholes at TAC (800) 456-5974 or via email to LauraN@county.org. ➡



[Senate Charges, continued from page 3]

appointed by the taxing jurisdictions of the district and methods for appointing these additional directors;

- the usefulness of information provided in a notice of appraised value;
 - the impact of HB 1010, 80th Legislature, Regular Session, relating to appraisal districts crossing county lines;
 - any benefit from requiring more uniformity in appraisal standards used by appraisal districts;
 - any revisions to the property valuation appeal system that could reduce the cost of dispute resolution;
 - the likelihood of, and any associated benefit from, increased compliance with the existing business personal property rendition law if chief appraisers are given limited audit authority.
2. Study the benefits and limitations of property tax appraisal caps compared to a limit on revenue a local jurisdiction can receive without the approval of the voters in the locality. Consider alternative sources of funding to replace property tax revenues.

Health & Human Services

3. Study the effectiveness of the Resiliency and Disease Management (RDM) program in the mental health service delivery system, implementation of changes to the crisis care program, and recommendations for appropriate use of the mental health transformation grant. Identify strategies to increase access to services and meet future demand for services. Examine resource allocation and

opportunities to maximize funding. Policy recommendations should maximize the number of inpatient psychiatric acute care beds, enhance access to outpatient services, promote the use of recovery-based services, and enhance access to community-based services.

7. Study the changes in statute contained in SB 10, 80th Legislature, as well as the state's current prevention and wellness efforts and chronic care management efforts, and identify opportunities for improvement in state policies and programs. Examine options for expanding and optimizing the state's current investment in wellness programs and management tools for individuals with chronic care conditions, including options that address childhood asthma. Review partnerships with the private sector that specifically address the following:
- tobacco cessation, including the evaluation of a statewide smoking ban in public places;
 - reducing obesity;
 - availability and effectiveness of childhood and adult vaccines, including public education programs to promote the use of vaccines; and
 - more effective management of chronic care conditions.
9. Study and address ethical issues surrounding the impact of a pandemic influenza in this state, particularly focusing on the following:
- the availability of human and material resources;
 - the benefits and burdens of mass vaccination plans;

- the involvement of private sector professional organizations and businesses in the state's pandemic influenza preparedness and response plans; and
- development and implementation of communication plans that will inform and prepare the public on risk reduction behaviors and local/state preparedness and response.

12. Review Medicaid provider reimbursement rate methodologies, including the impact of factors such as infrastructure concerns, federal minimum wage changes, and cost reports. Study the impact on access to care, quality of care, and value, and make recommendations for legislative changes, taking into account rate increases contained in the current budget. (Joint charge with Senate Finance Committee)

Intergovernmental Relations

3. Study the provision of fire and emergency medical services through Emergency Service Districts (ESDs) and make recommendations concerning the provision of those services, and for reconciling potential conflicts due to overlapping taxing jurisdictions in the areas of the state served by ESDs.

Subcommittee on Flooding & Evacuations

1. Monitor the implementation of priority legislation addressed by the Subcommittee on Flooding and Evacuations, 80th Legislature, Regular Session, and make recommendations for any legislation needed to improve or enhance and complete implementation.

[Senate Charges, continued on page 10]

[Senate Charges, continued from page 9]

2. Report on the implementation of SB 1436, which transferred the National Flood Insurance Program from the Texas Commission on Environmental Quality to the Texas Water Development Board. Make recommendations for improving the efficiency and effectiveness of the program.

International Relations and Trade

1. Review state and local policies relating to development and growth in rural and unincorporated regions of the state. Work with housing advocates, county organizations and appropriate officials to assess the proliferation of substandard housing in rural and unincorporated areas.
2. Determine the appropriateness of and make recommendations on the existing extraterritorial jurisdiction authority currently granted under colonia prevention measures along the border region.
5. Study and make recommendations to stem the tide of illegal immigration, drug trafficking, and human smuggling, and to reduce the criminal activities within the Border region. (Joint charge with Senate Committee on Transportation and Homeland Security)

Jurisprudence

6. Study and make recommendations relating to the jurisdiction, authority, power and discretion of probate judges in Texas, including the authority of a probate judge to intervene in a non-probate case.

Natural Resources

1. Study the safety of major dams, levees, and other flood control structures across Texas, and determine the appropriate responsible agency

[Texas Commissioner on Environmental Quality (TCEQ), Texas Water Development Board (TWDB) or the Governor's Office of Homeland Security] and the level of authority and funding needed to inventory, assess, repair or replace those with impairments. Develop liability and control standards for flood control structures and make recommendations to properly and safely manage these assets in the future.

2. Review Texas' current air emissions inventory and evaluate the need for additional data to enhance or improve the inventory. Review current federal, state and local incentive programs related to emissions reductions and recommend improvements. Study and assess the use of advanced control technologies for the reduction of point source pollution emissions, including, but not limited to:
 - Identifying state-of-the-art pollution control technologies;
 - Identifying facilities which could benefit from state-of-the-art control technologies;
 - Identifying mechanisms for implementing state-of-the-art controls in Texas;
 - Reviewing the ability of the Texas Commission on Environmental Quality (TCEQ) to regulate the use of pollution control technologies, including possible legislative options to grant, improve, or mandate TCEQ actions to implement state-of-the-art control technologies; and
 - Investigating the use of different approaches or methods in regulating emissions based on geographical/regional locations around the state.

5. Monitor the implementation of House Bill 1763, 79th Legislative Session, including progress by Groundwater Conservation Districts (GCDs) on joint planning within Groundwater Management Areas (GMA) and collaboration with entities within a GMA in joint planning including areas not covered by a GCD. Study the impact of HB 1763 on the following:

- GCD creation within areas not covered by a GCD;
- single or partial county GCDs;
- consolidation with existing GCDs, and within priority groundwater management areas.

Investigate issues related to groundwater use in areas of the state without a Texas Water Development Board defined aquifer, such as the Barnett Shale. Evaluate the impact of permitting the increase of the cap on export fees by GCDs.

Subcommittee on Agriculture, Rural Affairs & Coastal Resources

2. Study the impact of funding increases and their effectiveness for the Coastal Erosion Planning and Response Program and provide options for possible future funding sources.

State Affairs

2. Study and make recommendations for reducing the number of uninsured Texans, focusing on the following:
 - Options to increase access to private health insurance, including 3 Share programs, employer sponsored plans and portable, individual insurance;

[Senate Charges, continued on page 11]

[Senate Charges, continued from page 10]

- Incentives for encouraging counties and local governments to participate in private health insurance cost sharing for their respective residents;
 - Options to reduce health care premiums, including creation of special plans with increased deductibles and catastrophic coverage;
 - Implementation and possible expansion of health services districts;
 - Other state programs for increasing market-based coverage of the uninsured, including costs and effectiveness;
 - Options that will increase consumer choice and personal responsibility; and
 - Analysis of state and federal regulations that contribute to higher premium costs.
4. Study the issue of security and accuracy in Texas elections. The study should include the benefits and risks of electronic voting technology, including the necessity of maintaining a paper record of each electronic vote. The study should also include an analysis of fraud in Texas elections, including prosecution rates for voter fraud, the processes for purging ineligible voters from voter lists, and the integrity of the mail-in and provisional ballot systems. Study the effectiveness of electronic voting technology and voter ID laws in other states. Monitor the implementation of the federal Help America Vote Act of 2002, including the implementation of the Texas Election Administration Management system. Recommend statutory and regulatory changes designed to ensure that only eligible

voters are allowed to vote in Texas elections and that each vote is accurately counted.

11. Study the relationship between the public mental health system and the criminal justice and civil courts systems, including the identification and sharing of information regarding mentally ill offenders, including minors, among criminal justice and mental health agencies, the courts, state hospitals, and the Veterans Administration. Study how current confidentiality laws impact the exchange of information among groups described above. Study the sentencing of mentally ill offenders compared to non-mentally ill offenders, including minors, and the affect that has on statewide prison capacity and on the quality of health care provided to mentally ill offenders. (Joint charge with Senate Criminal Justice Committee)
14. Monitor the implementation of legislation addressed by the State Affairs Committee, 80th Legislature, Regular Session, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. In particular, monitor and report on the effect of HB 2365, which allows public entities to report "other post employment benefits" (OPEBs) on a statutory modified accrual basis, including any effect on auditor opinions, bond ratings, or other fiscal issues. Monitor the implementation of Senate Bill 1731, relating to transparency of health information, and Senate Bill 1846, relating to TRS.

Transportation & Homeland Security

1. Evaluate the state's homeland security efforts and the state's recent \$140 million investment in law enforcement to help secure the border and study and make recommendations to deter transnational and drug-related gang violence and crime, including the use of injunctions and any possible improvements to Chapter 125 of the Civil Practices and Remedies Code, relating to membership in street gangs.
2. Study and make recommendations for the creation of a tamper-proof driver's license or photo ID that complies with the federal Real ID Act, including the implementation of the Secure Enhanced Drivers' License Program (SB 11, 80th Legislature), by the Department of Public Safety and issue recommendations for improving and expanding the pilot program.
4. Study and make recommendations regarding state and local regulation of billboards. Produce a graphical analysis of current billboards, evaluate objective criteria for locations where billboards can be permitted or prohibited, including but not limited to geographical (corridor or urban/rural), land usage (e.g. industrial), or cultural/historical criteria, and include consideration of the impact on any federal funding.
5. Study and make recommendations for improving management and oversight of Metropolitan Planning Organizations (MPOs). Include a review of populations served, MPO governance, oversight, roles, variation among MPOs, and MPO

[Senate Charges, continued on page 12]

[Senate Charges, continued from page 11]

decisionmaking ability in relation to TxDOT or other agencies.

6. Study Comprehensive Development Agreements (CDAs) and make recommendations to ensure the maximum benefit to taxpayers. Study the implications of requiring CDAs to have definitive buyback formulas that can be calculated without using any form of future revenue forecasts. Study requiring potential CDA projects to be solicited only after environmental clearance has been granted. Study the implications of shortening CDA's maximum allowable contract duration. Study provisions affecting competing facilities.

7. Review the status of structurally deficient bridges and provide increased oversight of TxDOT's bridge repair activities to ensure that any unsafe bridges are identified and repaired as soon as possible. Study and make recommendations relating to the status of current and planned toll road projects in Texas, the use of public-private partnerships to build new roads and/or transit services, and the market valuation process. Analyze the impact of lengthening the number of years a toll road authority may issue bonds. Study the effectiveness of the Trans-Texas Corridor (TTC) and make recommendations for its future role in providing additional roads in Texas. Provide specific recommendations relating to public input in the development of the TTC.

11. Study and review state and local options for expanding transportation funding and explore options to

reduce diversions of Fund 6 revenue. (Joint charge with Senate Finance Committee)

12. Study and make recommendations relating to whether the Texas Department of Transportation is in compliance with Transportation Code §201.109, Revenue Enhancement, and whether the Texas Department of Transportation is using the funding sources provided by the Legislature, including, but not limited to, General Obligation, Fund 6 and Mobility Fund bonds, to build new roads. (Joint charge with Senate Finance Committee)

13. Study and make recommendations to stem the tide of illegal immigration, drug trafficking, and human smuggling, and to reduce the criminal activities within the Border region. (Joint charge with Senate Committee on International Relations and Trade)

14. Monitor the implementation of legislation addressed by the Transportation & Homeland Security Committee, 80th Legislature, Regular Session, and make recommendations for any legislation needed to improve, enhance, and/or complete implementation. Specifically, report on implementation of SB 792 and SB 1723, 80th Legislature, Regular Session, to improve the overall collection rate and compliance rate with the Driver Responsibility Program.

Senate Select Committee on Economic Development

4. Examine the costs and the effectiveness of policy options, including state incentives, available to cities and counties to preserve and redevelop historic downtown properties.

5. Study the merits of developing a comprehensive state policy of offering incentives to local governments for activities relating to recruiting and hosting special events. 🇹🇽



Texas Senate Chamber

An Updated Report: A Successful First Year for the Texans Feeding Texans: Home Delivered Meal Grant Program



By Paul Emerson
TAC Legislative Staff

In accordance with Texas Agriculture Code § 12.042, as enacted by HB 407

during the 80th Legislative Session (2007), the state legislature has appropriated \$18.5 million for the biennium to the Texas Department of Agriculture (TDA) for the newly created Texans Feeding Texans: Home Delivered Meal Grant Program. This program provides funding to governmental agencies and to non-profit organizations that deliver meals to elderly and disable individuals.

At the end of November of last year, TDA concluded its first funding cycle for the meal grant program. According to TDA, \$9.5 million of state funding was made available to 70 eligible organizations that provided a nutritious home-delivered meal to seniors and to special need individuals in 81 counties across Texas. Several organizations received multiple awards because they serviced multiple counties. The largest grant award was slightly over \$1.4 million, while the smallest grant award amount was \$1,557.

In February 2008, the Texas Association of Counties (TAC) was invited to attend a special workgroup session held by TDA to discuss possible application changes and eligible meals determination. A significant portion of the discussion focused on the application process - to see what is working well and what problems are plaguing the organizational

providers. The workgroup also discussed how to increase next year's participation level among counties (less than 32 percent of all counties participated), and the only definitive recommendation made was that a standard form letter be distributed to

each county judge and commissioner. TDA is considering implementing a standardized resolution form for all counties to sign off on before an organization may become eligible for

[Feeding Texans, continued on page 18]

TDA: Texans Feeding Texans

(Preliminary Timeline)

May 1, 2008	Finalize applications and make available to the public.
November 1, 2008	Postmark Deadline for Grant Applications.
November 15, 2008	Generate report of applying organization names (and counties) and send to Department of Aging and Disability Services (DADS).
November 30, 2008	Receive preliminary numbers from DADS.
December 3-5, 2008	Review DADS data and compare with applications. Determine if additional information regarding number of meals is needed from applying organization.
December 12, 2008	Deadline for applying organization to submit additional information and finalize applications.
December 15, 2008	Mail agreements.
January 7, 2009	Deadline for receiving signed agreements.
January 31, 2009	Mail checks to recipient organizations.

New & Important Changes to Travel Requirements



By Aurora Flores-Ortiz
TAC Legislative Staff

February 1, 2008 brought about some important changes to land and sea travel for

U.S. citizens ages 19 and older. No longer can you expect to prove your identity and claim your citizenship through oral declaration or a state issued drivers license alone. When entering the United States at land or sea ports of entry, travelers will be asked to present only certain acceptable documents (see list below). A traveler who does not present an acceptable document may be delayed by U.S. Customs and Border Protection officers as they attempt to verify their identity and citizenship.

Most U.S. citizens who travel internationally have a U.S. Passport but an option for land traveling only is now available. *The U.S. Passport Card*, http://travel.state.gov/passport/ppt_card/ppt_card_3926.html, or border crossing card, will carry the rights and privileges of the U.S. passport book and is being offered as a less expensive and more portable alternative to the traditional passport book.

Where to apply for the new U.S. Passport Card and/or a U.S. Passport?

This site, <http://iafdb.travel.state.gov/>, will allow you to find the nearest location to apply for a U.S. passport card or passport book. It is provided by the Department of State's Bureau of Consular Affairs, Office of Passport Services/ Customer Service, which designates many post offices, clerks of court, public libraries and other state, county, township, and municipal government offices to accept passport applications on its behalf.

How much does each document cost and what is the difference?

The passport card costs \$45 for first time adult applicants and \$35 for minors. It is valid for 10 years as is the traditional passport book. If you are a first time applicant for both the passport card and passport book, the cost is \$120 for adults and \$95 for minors. See the table for information.

(http://travel.state.gov/pdf/ppt_pptCard.pdf)

Acceptable Documents for land and or sea ports of entry:

(You must present one of the following for land or sea port of entry, adult or minor)

- U.S. or Canadian Passport
- U.S. Passport Card (Available Spring 2008)*
- Trusted Traveler Cards (NEXUS, SENTRI, or FAST)*
- State or Provincial Issued Enhanced Driver's License (when available – this secure driver's license will denote identity and citizenship.)*
- Enhanced Tribal Cards (when available)*
- U.S. Military Identification with Military Travel Orders
- U.S. Merchant Mariner Document
- Native American Tribal Photo Identification Card
- Form I-872 American Indian Card
- Indian and Northern Affairs Canada (INAC) Card

** Frequent Land Border Crossers — To expedite processing into the United States, U.S. Customs and Border Protection recommends using one of the above asterisked documents.*

What if I do not have a document from the accepted document list?

All U.S. and Canadian citizens who do not have one of the documents from the list above must present BOTH an identification and citizenship document from each of the lists below.

Identification Documents*

- Driver's license or identification card issued by a federal, state, provincial, county, territory, or municipal authority
- U.S. or Canadian military identification card

** All identification documents must have a photo, name, and date of birth.*

Citizenship Documents

- U.S. or Canadian birth certificate issued by a federal, state, provincial, county, territory, or municipal authority
- U.S. Consular report of birth abroad
- U.S. Certificate of Naturalization
- U.S. Certificate of Citizenship
- U.S. Citizen Identification Card
- Canadian Citizenship Card
- Canadian certificate of citizenship without photo

U.S. and Canadian Citizens – Procedures for Children

The passport card will have a vicinity-read radio frequency identification chip (RFID). This technology, already found in car keys, highway toll tags, bank cards and security access cards, will allow Customs and Border Protection inspectors to access photographs and other biological information stored in secure government databases. According to the Department of Homeland Security, there will be no personal information written on the electronic chip itself and the chip will have only a unique number linking the card to a stored record contained in secure government databases.

For further questions and information on changes to travel requirements, please see http://travel.state.gov/passport/ppt_card/ppt_card_3921.html, <http://www.dhs.gov/xtrvlsec/crossing-borders/index.shtm> or contact Aurora Flores-Ortiz at 800-456-5974 or auro-rafo@county.org. 📍



TRAVEL DOCUMENTS FOR U.S. CITIZENS

Apply for one or both, it's your choice.

U.S. PASSPORT BOOK



Valid for travel by air, sea or land.

Validity:

- 10 years for adults
- 5 years for minors

Size:

5" x 3 1/2" (when unopened)

Cost for first time applicants

- \$100 for adults
- \$85 for minors

Cost for U.S. Passport book renewal

- \$75 for adults

U.S. PASSPORT CARD



Not for travel by air. Valid for land and sea crossings between the U.S. and Canada, Mexico, Bermuda and the Caribbean only.

Validity:

- 10 years for adults
- 5 years for minors

Size:

Wallet size

Cost for first time applicants

- \$45 for adults
- \$35 for minors

Cost for U.S. Passport book holders

- \$20 for adults

If you apply for both documents at the same time

Cost for first time applicants

Adults: \$120

Minors: \$95

For additional passport information see: <http://travel.state.gov/passport>



Moving forward on the road to success

2008 County Management Institute

May 14–16, 2008
Doubletree Hotel Austin
6505 IH-35 North
Austin, Texas

Education Co-Sponsor: Lyndon B. Johnson
School of Public Affairs, University of Texas at Austin

TEXAS ASSOCIATION *of* COUNTIES

Customized Sessions

This year's Institute will feature a new focus for officials with facility, road and subdivision-regulation responsibilities. Topics will include courthouse restoration, legal issues with county roads, newly expanded county subdivision-regulation powers and an update on issues impacting state and local transportation planning.

Promoting Good Health

Thursday, May 15, from 10:30–1:30, CMI will host an Olympic-themed Health Fair featuring booths, games and the opportunity to win prizes. The fair will include free massages and a photo booth.

Featured Speakers



Special speakers for this year's Institute include Donna Zajonc and her husband, David E. Womeldorff, co-founders of the Bainbridge Leadership Center in Bainbridge Island, Washington. Together, they'll present "Beyond Problem Solving: Change your Leadership Mindset and Boost Your Effectiveness."



Favorite presenter Mac McGuire returns with "The Key to Customer Service." This presentation addresses the importance of customer service for government entities and outlines requirements to keep customers informed. McGuire will also discuss the differences between internal and external customers, and the six major needs of customers in a governmental setting.

Learning Outcomes

- Develop safeguards to secure sensitive data;
- Understand the Family and Medical Leave Act;
- Evaluate the consequences of wrongful termination of employees;
- Differentiate professional responses from personal reactions;
- Learn requirements for signage and regulations for construction zones;
- Identify the importance of using retirement benefits for employee recruitment and retention;
- Discover the latest trends in workers' compensation; and
- Identify the major needs of customers in a governmental setting.

Who Should Attend

- County engineers;
- Commissioners-court members;
- Elected and appointed officials;
- Sheriffs, constables, chief deputies, jail administrators and supervisors;
- Department heads, supervisors and managers;
- Risk managers, loss-control coordinators and committee members; and
- Personnel directors, human-resource officers and employee-benefits administrators.

Continuing Education

Continuing-education hours are approved with the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Applications are filed with the Human Resource Certification Institute (PHR and SPHR) and the appropriate governing bodies to approve continuing-education hours for:

- Auditors and CPAs;
- Commissioners;
- County and district clerks;
- Justices of the peace;
- Purchasing agents;
- Tax assessor-collectors; and
- Treasurers.

Hotel Information

Enjoy the completely renovated Doubletree Hotel Austin, located close to shopping and restaurants at 6505 IH-35 North. Please call 800-347-0330 or 512-454-3737 and request the "Texas Association of Counties' County Management Institute" room block to receive special reduced

rates: single \$85; double \$105. The reduced reservation rate is available until April 22. After this date, rooms are subject to availability and price increases. Hotel self-parking is \$4; valet parking is \$14.

Pre-Conference Event

TAC HR specialists will be on hand to answer audience questions at the Human Resource Roundtable at 10:30 a.m. on Wednesday, May 14. Gain valuable insight from specialists and from each other in this interactive session as you discuss the topics that interest you.

Concurrent Sessions

Choose the track that interests you most, or divide your time between the four tracks:

- General Management;
- Human Resources;
- County Engineering Management; and
- Risk Management.

Registration

Take advantage of the "early bird" registration price of \$225 until April 10. After April 10, registration is \$250. Register online at www.county.org or complete the registration form and return with payment to the Texas Association of Counties.

Cancellation Policy

Conference registration is transferable to another person within your organization to attend the conference without additional charge. Refund requests must be made in writing (fax or email acceptable) and received at TAC by April 22 to receive a registration refund minus a \$10 processing fee. Refund requests received between April 22 and May 23 will receive a 50% refund. Refunds are unavailable after May 23.

2008 County Management Institute Registration Form

Name _____

Title _____

County/Entity _____

Address _____

City _____ Zip _____

Phone _____ Fax _____

Email _____

☐ Payment enclosed ☐ Payment to follow

☐ Please invoice

Help us provide appropriate meeting space and handout information by checking the track(s) you plan to attend:

☐ General Management

☐ County Engineering Management

☐ Human Resources

☐ Risk Management

Complete the registration form and return it with payment to:

Texas Association of Counties, CMI 2008

P.O. Box 2131

Austin, TX 78768

You may also fax registration to 512-477-1324, or register online at www.county.org.

© If special accommodations are needed, please contact Alice Kanelos at 800-456-5974.

Attorney General Opinions Issued



GA-0601: Honorable Keri Roberts, Mills County Attorney, whether Mills County may fund the Fox Crossing Water District.

Summary The Fox Crossing Water District (the "District"), a special-law conservation and reclamation district, is authorized to impose taxes and fees and collect other revenues generated by its operations. No statutory provision, however, prohibits the District from funding

all its operation and maintenance expenses from other revenues such as grants, gifts, loans or other revenues received from other sources, including Mills County, Texas (the "County"), if the source can legally provide the funds. But no constitutional provision or statute authorizes the County to pay for all of the District's maintenance and operation expenses.

GA-0602: Honorable Marsha Monroe, Terrell County Attorney, whether, under Local

Government Code chapter 334, Terrell County may borrow money to construct an approved venue project, to be repaid from the venue project fund. **Summary** A county, such as Terrell County, may use money in its venue project fund to pay any of the costs of constructing an approved venue project. The county may borrow money to pay such costs, to be repaid from the venue project fund, only by the "issuance of bonds . . . or other obligations." ■

Attorney General Opinions Requested



RQ-0669-GA Honorable James L. Anderson Jr., Aransas County Attorney, whether the appointment of a county court-at-law judge strips a county judge of his powers as "magistrate"

RQ-0670-GA Honorable Will Hartnett, Chair, Judiciary, Texas House of Representatives, whether a rule of the Department of Family and Protective Services conflicts with section 42.041(a), Human Resources Code, which requires a license

to operate a child-care facility.

RQ-0671-GA Honorable Richard J. Miller, Bell County Attorney, whether a county may permit a property owner, for on-site sewage disposal purposes, to combine adjacent tracts of land without the necessity of replatting.

RQ-0672-GA Robert A. Almon, Cameron County Auditor, whether a county's alleged underpayment to indigent health care providers is an unconstitutional debt for purposes of article XI, section 7, of the Texas Constitution.

RQ-0674-GA Honorable Billy W. Byrd, Upshur County Criminal District Attorney, whether a justice of the peace may serve as a court-appointed criminal defense attorney.

RQ-0675-GA Honorable Donnis M. Scott, Lynn County Attorney, status of the offices of district and county clerks, and the offices of county tax assessor-collector and sheriff when the population of a county falls below 8,000 residents. ■

[Feeding Texans, continued on page 13]

state funding. This implementation may have been precipitated because of the manpower required to review so many different types of resolutions. Also, as defined by statute, a county must certify that it has approved the organization's accounting system or fiscal agent. TDA may be open for discussion on amending the language of this statute next session. But for now, it was recommended that if a county is apprehensive about the language, that particular county should contact TDA directly and ask for a point of clarification.

Included in this article is a preliminary timeline schedule for the next funding cycle. By May of this year,

TDA will have released its updated Home-Delivered Meal Grant application. According to statute, the grant application deadline is November 1 and all checks must be mailed to the recipient organizations by January 31. Also, keep in mind that each provider will need to furnish TDA with a simple one-page "Resolution Authorizing County Grant" from their respective county.

For additional information about this program provided by TDA, please go to www.agr.state.tx.us/agr/program and click on Texans Feeding Texans. ➡

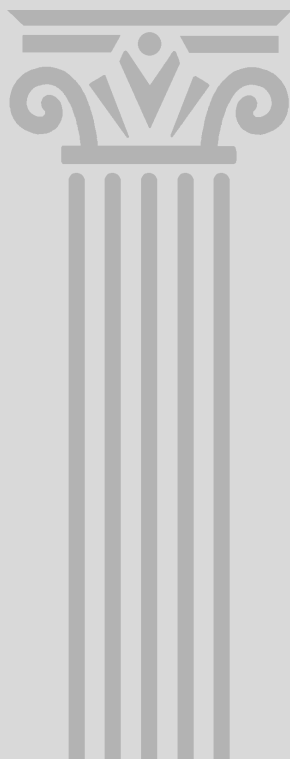
[From the Desk, continued from page 20]

the approval of the voters in the locality. Consider alternative sources of funding to replace property tax revenues. Also for 2008, the Speaker, charged the House Committee on Local Government Ways and Means to: *examine the system for appraising property for property tax purposes.*

Spoiled eggs—As to the importance of these studies, one former Speaker of the House explained it this way: Interim studies are to be looked upon with the same intensity as you would when grading farm eggs—hold them up to a good light and take a close look, that way the rotten ones don't get by you. It's a mixed bag when it comes to measuring the importance of the legislative studies. They certainly are useful when it is necessary to better understand difficult and complex

subjects in need of remedial legislation. Other purposes may be collateral in nature, such as providing a forum for a fishing expedition (fact finding mission that seeks to turn up names of witnesses or special interests or other relevant information). It's not very often, but a legislative committee may use subpoena power to compel the appearance of witnesses together with documents concerning a particular matter. Sometimes hearings are conducted in various regions of the state, a situation which presents an opportunity for county officials to participate without having to travel to Austin. The dates, times and places of the hearings appear on the internet at sites such as the Texas Legislature Online, or you can subscribe to one of the private government information

services. For the newly elected Texas county official or a veteran county office-holder who has decided to become more active in legislative matters, consult with your Association or TAC if you are interested in participating in one of the committee hearings. TAC will continue to post the most important studies on its website along with comments, in some instances. Should you have an interest in discussing any of the county related studies, don't hesitate to call. Each member of the Legislative Department has responsibility for monitoring and reporting on the activities of the county related subjects and would be happy to talk with you. 800-456-5974 County government—it's the pulse of the people. 📍



May 15 Deadline Set for Best Practices Submissions

The deadline to submit nominations for Best Practices Awards is nearing. Application forms must be mailed into TAC by May 15.

The goal of the TAC Leadership Foundation Best Practices Program is to award counties for their innovations and commitment to making a more effective and efficient local government, and to disseminate information regarding those practices around the state so that other counties can copy or adapt those programs for their own needs.

In order for a service, innovation or achievement to qualify for the award, programs must be fully operations and must have been established within 36 months of the submission deadline, and should be replicable in other counties and show measurable results.

Applications are available within this magazine, online at www.county.org/cms/leader/practices, or by contacting Kali O'Neill at kalio@county.org.

Winners will be honored at the TAC Annual Conference in August and will be featured in upcoming editions of *County*. TAC will work with winning counties to promote their innovations, services and achievements to their residents.

The Leadership Foundation is also in the process of selecting its 2008-2009 Leadership Class and is seeking submissions and nominations for interested parties. Enrollees will be selected by the Leadership Foundation Board and will be announced during the TAC Annual Conference in August.

The Leadership Class is a selective program geared toward emerging and veteran county leaders from across the state. The class focuses on enhancing leadership skills and creating a better understanding of the critical issues affecting county government.

Applications for the class are available online at www.county.org/cms/leader/class/app.asp.



From the Legislative Desk

By Carey "Buck" Boethel, Director of Governmental Relations

Interim Studies—with the Texas Legislature meeting in regular session every odd-numbered year, we hear quite a bit about "interim studies" and "committee charges" during the even-numbered years. What should we make of these legislative interim studies? In terms of their importance, how do we rank and rate the work that is ultimately embodied in a committee's published report? And, finally, how is the work of the committee viewed and utilized by state leaders and interested stakeholders? **Origins**—studies originate by virtue of the governing rules of each chamber of the Texas Legislature.

Specific authority, to establish and direct committees and sub-committees, is vested in the presiding officer of each chamber. In the Senate that would be the Lieutenant Governor and on the House side, the presiding officer is the Speaker. House Rule 1 § 17 "Interim Studies," provides, in part: "When the legislature is not in session, the speaker shall have the authority to direct committees to make interim studies for such purposes as the speaker may designate...." Senate Rule 11.03(a) entitled "Special Committees," authorizes the President of the Senate to appoint special committees and sub-

committees. Moreover, § (b) provides committee jurisdiction, authority, duration, power and purpose as granted or limited by the charge of the President of the Senate. Subjects under study may vary widely, but it's rare if the menacing concepts of taxation and revenue aren't somewhere on the list of charges. For example, in 2008, the Senate Finance Subcommittee on Property Appraisal and Revenue Caps is directed to: *Study the benefits and limitations of property tax appraisal caps compared to a limit on revenue a local jurisdiction can receive without*

[From the Desk, continued on page 19]



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