

County*i*ssues

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Interim Committees Gear up on Caps



By Elna Christopher
TAC Communications Staff

Two legislative committees studying the possibility of lowering the 10 percent appraisal

and eight percent revenue caps on local governments have announced upcoming hearings.

Public postings announcing the first two hearings of the committees in mid-June indicate that the appraisal process will be the main focus of these two hearings. However, caps have been front and center during the Legislature's recent history, so county officials should be concerned that the contentious issue could arise at any time. It is important for county officials to monitor all the hearings to remind legislators that counties are very attentive and concerned about proposed changes to laws governing local taxes, appraisals, revenue and services.

If county officials would like to testify at any of the listed hearings, please contact the TAC Legislative Department's Paul Sugg at pauls@county.org or TAC Director of Media Relations Elna Christopher at elnac@county.org. Or call us at (800) 456-5974.

The **Senate Finance Subcommittee on Property Appraisal and Revenue Caps**, chaired by Sen. Tommy Williams

(R-Woodlands), will hold a hearing on June 16 in Austin. The meeting will begin at 10 a.m. Monday, June 16, in the Senate Finance Committee room of E1.036 in the Capitol. The notice says the subcommittee will hear invited and public testimony regarding Interim Charge #1 which is:



"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 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."

It is not known at this time when the subcommittee will take up Interim Charge #2, which is the charge on caps: "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."

Interim Committees *continued on page 3*

KEY COUNTY DATES

June 2008

June 8-12. Tax Assessor-Collectors Association Annual Conference, Dallas, Crowne Plaza Hotel, 14315 Midway Road, (972) 991-2740. For more information, contact Betsy Price, Tarrant County Tax Assessor-Collector, at (972) 980-8877.

No later than June 14. If drought conditions exist (determined by the Texas Forest Service), Commissioners Court may adopt an order regulating the use of fireworks for the July 4 fireworks season. TEX. LOC. GOV'T CODE, §352.051.

Before June 15. Proposed budget for appraisal district due to Commissioners Court from Chief Appraiser. TEX. TAX CODE, §6.06(a).

June 15-19. County & District Clerks Association Annual Conference, Kerrville. Y.O. Ranch Hotel & Conference Center, 2033 Sidney Baker, (877) 967-3767. For more information, contact Janice Gray, Coryell County District Clerk and President of the County & District Clerks Association, at (254) 865-5911.

June 16-19. North & East County Judges & Commissioners Association Annual Conference & Business Meeting, Waco. Waco Convention Center, 100 Washington Avenue, (254) 750-5810. For more information, contact Johnson County Judge Roger Harmon at (817) 556-6360.

June 16-21. Justice of the Peace & Constables Association Annual Conference, Corpus Christi. Omni Bayfront Hotel, 900 North Shoreline, (361) 887-1600. For more information, contact Harris County Constable Ron Hickman at (281) 401-6205.

June 17-20. TAC County Investment Officer Training, Level II, The Omni Dallas Hotel Park West, 1590 LBJ Freeway, Dallas, TX

75234, (972) 869-4300. For more information, contact the TAC Education Department at (800) 456-5974.

June 23-26. South Texas County Judges & Commissioners Association Conference, San Antonio. Crowne Plaza Riverwalk Hotel, 111 Pecan Street East, (210) 354-2800. For more information or to register, contact Lee County Judge Evan Gonzales at (979) 542-3178.

July 2008

July. Commissioners Court to appoint election judges for county election precincts at July term. TEX. ELEC. CODE, §32.002.

July 1. First day of 12-month period for collection of additional fees and costs for certain statutory county and probate courts if Commissioners Court resolution is filed with Comptroller on or before June 1. TEX. GOV'T CODE, §51.702.

July 11-15. National Association of Counties Annual Conference & Exposition, Kansas City. For more information, please contact NACo at (202) 393-6226.

July 15, 5:00 p.m. Deadline for semi-annual report of political contributions and expenditures by candidates and certain officeholders. TEX. ELEC. CODE, § 254.063(b), 254.093(b), and 254.095. If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing.

July 20-23. 130th Annual Sheriff's Association of Texas Training Conference, San Antonio. Henry B. Gonzalez Convention Center, 200 East Market Street, (800) 447-3372. For more information, contact the Sheriff's Association at (512) 445-5888.

July 25. Certified appraisal roll due to Tax Assessor-Collector from the appraisal district. TEX. TAX CODE, §26.01(a).

TAC 2008 Salary Survey Completed



By Tim Brown
Senior Analyst, County Information Project

The Texas Association of Counties' 2008 Salary

Survey was completed and copies were mailed out to all 254 counties in mid-May. In addition to the County Judges, all officials who completed and returned a survey received a copy of the document. In some cases more than one copy of the survey was returned by different officials in the same county. In those cases, copies were sent to both officials. Additional copies can be requested by county officials who contact Melissa Dota or Tim Brown at TAC (800) 456-5974. For those who prefer not to wait on the post office to deliver their copy, the Salary Survey has been posted in PDF format to the TAC web site at www.county.org/resources/countydata/financl.asp.

An errata list has been started on the same web page. The PDF version on our web site has been edited to correct the listed errors.

Contact Tim Brown at timb@county.org or (800) 456-5974 if you have any questions. ➔

Concho County Hosts Coffee with TAC



By Aurora Flores-Ortiz
TAC Legislative Staff

On May 12, Texas Association of Counties held its first Coffee with TAC for 2008. Concho County Judge Allen Amos hosted 19 local elected officials from Concho, Runnels, McCulloch and Tom Green counties in the Concho County Courthouse.

After an informal introduction to TAC staff, the floor was opened for discussion on topics of interest to the attendees. The group discussed the transportation funding challenges the state appears to be facing and how a reduction in TxDOT funding will affect local transportation issues. Alternative fuels for county vehicles were discussed with the possibility of working out a system to garner some state assistance. Counties are facing another rising cost: asphalt. Because of the increasing price of crude oil, asphalt costs are cutting into county road repair budgets.

County mental health costs are another concern in some rural areas. Without proper assistance either from a facility or family members, some individuals are causing extra man-hour expenses to law enforcement departments. Suggestions included possible guardianship programs available in the area and probate courts handling any conflicts.

Yet another concern to rural counties is the problem of DWIs. Officials discussed how persons have been avoiding possible fines by having friends pick them up after driving incidents. Some officials feel there are not enough teeth in

the current law for defendants to submit to breathalyzer tests in order to enforce the law. In addition, some feel "blood warrants" are needed for blood draws to determine alcohol content. Attendees surmised that what is happening is the number of deaths isn't necessarily decreasing but the offenders are getting out of the system more quickly.

In closing, Judge Amos spoke to the group about the upcoming legislative session and the impor-

tance of being involved on any and all levels in order to best represent the concerns of local government. With rising costs and other unexpected expenses each budget cycle, Judge Amos reiterated the need to fight any restriction of the existing revenue caps.

Having early and open dialogue among local elected officials is beneficial since ideas for legislation take place during these discussions and possible unfavorable proposals can be kept on a watch list. The legislative staff plans to hold more Coffees with TAC in the coming months in order to reach different areas of the state. For more information, or if you are interested in hosting a Coffee with TAC meeting in your area, please contact Aurora Flores-Ortiz at aurorafo@county.org or (800) 456-5974. ♡

Interim Committees *continued from page 1*

The Senate subcommittee members are: Williams; Sens. Kevin Eltife (R-Tyler), Robert Deuell (R-Greenville), Juan "Chuy" Hinojosa (D-McAllen) and Eddie Lucio (D-Brownsville).

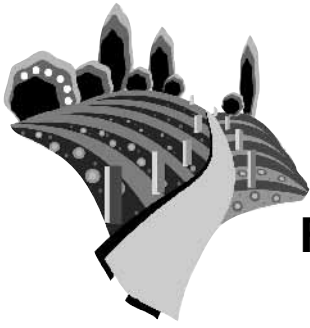
The **House Select Committee on Property Tax Relief and Appraisal Reform, chaired by Rep. John Otto (R-Dayton)**, announced it has scheduled a series of hearings around the state, beginning Tuesday, June 17, in Austin. The committee will take invited and public testimony on "the state's Property Value Study and recommendations on how to improve the state's current property appraisal system."

Counties where the committee will meet are as follows, with all meeting times and locations still to be determined:

- Tuesday, June 17—Travis County
- Tuesday, June 24—Hidalgo County
- Tuesday, July 1—Bexar County
- Tuesday, July 8—Tarrant County
- Tuesday, July 15—Jefferson County
- Tuesday, August 12—Lubbock County
- Tuesday, August 19—Harris County

An El Paso hearing in late August may be added, Otto told the *El Paso Times*.

The House committee members are: Otto, Vice-Chairman Ken Paxton (R-McKinney), Reps. Drew Darby (R-San Angelo), Gary Elkins (R-Houston), Ismael "Kino" Flores (D-Palmview), Dan Flynn (R-Van), Dan Gattis (R-Georgetown), Joe Heflin (D-Crosbyton), Phil King (R-Weatherford), Tracy King (D-Batesville), Ruth Jones McClendon (D-San Antonio), Inocente "Chente" Quintanilla (D-Tornillo) and Larry Taylor (R-Friendswood). ♡



Resources, Naturally

Federal Report on Climate Change Released



By Paul J. Sugg
TAC Legislative Staff

The United States Climate Change Science Program (CCSP) integrates federal research on climate and global change, research sponsored by thirteen federal agencies and overseen by the Office of Science and Technology Policy, the Council on Environmental Quality, the National Economic Council, and the Office of Management and Budget. (The thirteen federal agencies sponsoring this climate and global change research include the Department of Agriculture, the National Oceanic and Atmospheric Administration, the Department of Defense, the Department of Energy, the Department of State, the Department of Transportation, the U.S. Geological Survey, the Environmental Protection Agency, the National Aeronautics and Space Administration, and the Smithsonian Institution. These are large, mainstream agencies, not given to obscure, esoteric studies and activities like those of the federal agency MJ-12 discussed by Christopher Buckley in *Little Green Men...*)

The CCSP has released a report entitled "The Effects of Climate Change on Agriculture, Land Resources, Water Resources, and Biodiversity". The entirety of the report may be accessed and read at <http://www.climate-science.gov/Library/sap/sap4-3/final-report/default.htm>. The lead sponsor of this report is the U.S. Department of Agriculture and the project was led and

coordinated by the National Center for Atmospheric Research. The report is an assessment based on an extensive review, analysis, and synthesis of the relevant scientific literature and measurements and data collected and published by U.S. government agencies (*involving more than 1,000 separate publications*).

The topics for this assessment are these:

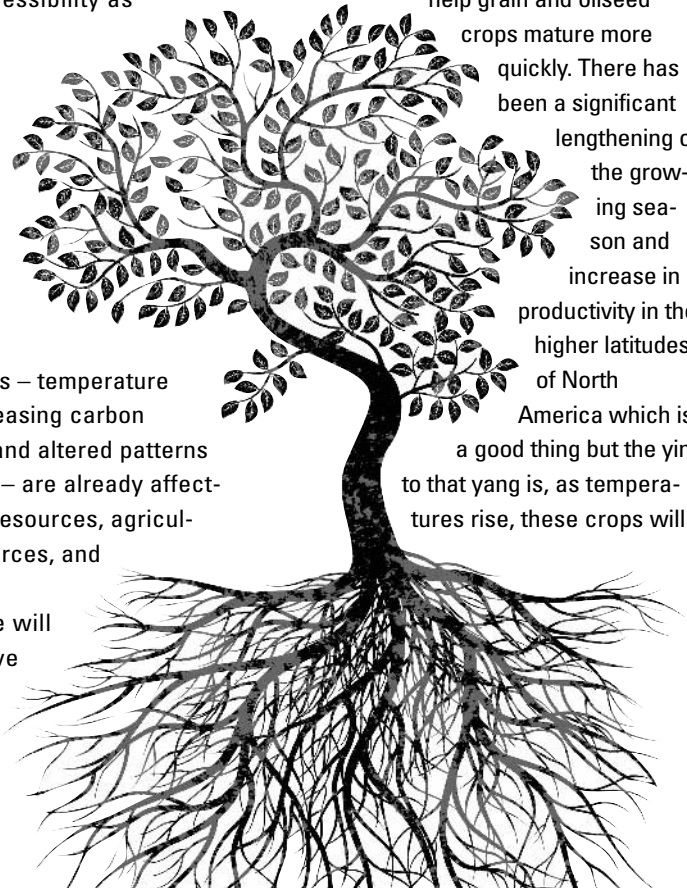
- Agriculture (cropping systems, pasture and grazing lands, and animal management)
 - Land Resources (forests and arid land)
 - Water Resources (quantity, availability, and accessibility as well as quality)
 - Biodiversity (species diversity and rare and sensitive ecosystems)
- Overarching

conclusions reached include the following:

- Climate changes – temperature increases, increasing carbon dioxide levels, and altered patterns of precipitation – are already affecting U.S. water resources, agriculture, land resources, and biodiversity.
- Climate change will continue to have significant effects on these resources over the next few decades and beyond.

- Many other stresses and disturbances are also affecting these resources, e.g., land use change, point and non-point pollution, wildfires, and invasive species.
- Climate change impacts on ecosystems will affect the services that ecosystems provide (cleaning water and removing carbon from the atmosphere) but we do not yet possess sufficient understanding to project the timing, magnitude or consequences of many of these effects.

Climate change, with its increased carbon dioxide levels and temperature, will help grain and oilseed crops mature more quickly. There has been a significant lengthening of the growing season and increase in productivity in the higher latitudes of North America which is a good thing but the yin to that yang is, as temperatures rise, these crops will



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Medicaid Waiver Request Submitted



By Rick Thompson
TAC Legislative Staff

The Medicaid Reform Legislative Oversight Committee met May 20 to discuss the status of the Health and Human Services Commission (HHSC) federal waiver request. During the 80th Texas Legislature, Sen. Nelson sponsored the passage of SB 10, charging HHSC with reviewing the Texas Medicaid program and making recommendations for improving the effectiveness of the services. This process is being closely monitored by the Medicaid Reform Legislative Oversight Committee which includes four members of the senate and four from the house.

In testimony to the committee, Albert Hawkins, Executive Commissioner of the Health and Human Services Commission provided an update regarding the waiver request submitted to the Centers for Medicare and Medicaid Services (CMS). On April 16, HHSC submitted the request outlining the state's plan to re-vamp the current system by expanding health coverage options in the Health Opportunity Pool (HOP). A significant portion of the request included certification of state and local spending totaling \$800 million as acceptable expenditures for federal matching dollars. According to an HHSC source, the local expenditures presented to CMS included those reported by counties in the tobacco settlement report. Basically, the county expenditures will be used to bring down additional federal dollars by using an accounting step quantifying those as acceptable dollars spent. Without recognition from CMS on these expenditures and approval of

other important components, the effectiveness of the HOP will be greatly limited.

The funds generated for the HOP will be used in a variety of ways, including providing grants for infrastructure improvements and innovative programs to reduce uncompensated care, implementing a health care subsidy program for low-income uninsured individuals and supporting hospital safety-net funding consistent with state health policy goals. According to Commissioner Hawkins, all of these and other goals should be attainable without any additional funding from the state. Commissioner Hawkins went on

to say that CMS has been cooperative with them during these negotiations, which has not always been the case based on his prior experiences.

HHSC has set out a two-step implementation plan over five years which will start upon waiver approval by CMS. The program design will focus on providing eligible Texans with no or very low deductibles with sliding scale premiums and more point of service cost sharing. Access for all aspects of the program will be based on the availability of funding.

For additional information, contact Rick Thompson at (800) 456-5974 or rickt@county.org. 🗡️

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increasingly fail, especially if climate variability increases and precipitation lessens or becomes more variable. The marketable yield of many horticultural crops—tomatoes, onions, fruits—is very likely to be more sensitive to climate change than grain and oilseed crops. Weeds will migrate north and as the study notes in this, the next chapter in the History of Agriculture, “[m]any weeds respond more positively to increasing CO2 than most cash crops, particularly C3 ‘invasive’ weeds. Recent research also suggests that glyphosate, the most widely used herbicide in the United States, loses its efficacy on weeds grown at the increased CO2 levels likely in the coming decades.” Disease pressure on crops and domestic animals will likely increase with earlier springs and warmer winters: fewer pathogens and parasites will die off during the winter.

Most of the United States in the last 50 years has experienced increased rainfall and streamflow, with a commensurate reduction in drought severity and duration, but there is some indication there will be more and longer droughts in the western and southwestern U.S. Some good news: our tentative steps towards increased water use efficiency (water conservation) are likely to continue into the coming decades and will relieve some pressure on water resources, although pressures for water re-allocation (shifting from agricultural to municipal use) will be strongest in the Southwest, as urban and suburban population growth continues.

The report predicts there are possible, and even probable, impacts on and changes to biodiversity by the on-set of climate change (using the disruption of the relationship between pollinators, such as bees, and flowering plants as an example). The report uses these practical words to define biodiversity: “...the variation of life at the genetic, species, and ecosystem levels of biological organization.” One of the books I read from most Sundays uses more poetic words (but they serve the same practical purpose) to remind us of “...this fragile earth, our island home...” (Eucharistic Prayer C, *Book of Common Prayer*, p. 370). Biodiversity: that still, small voice of Nature that has always held us and our world together. 🗡️

Two State Initiatives Provide Data and Assistance for Economic Development



By Tim Brown
*Senior Analyst, County
Information Project*

The Texas Comptroller of Public Accounts collects a lot of information much of which has been either hard to find on their web site, www.window.state.tx.us, or not available except

through an open records request. Over the years TAC has learned how to find bits of information that is practically hidden from public view for all intents and purposes, even though technically available. And we've obtained access to even more data through both formal and informal channels as our relationship

with the state agency has grown.

On May 13, the Comptroller took a large step forward in improving access to some of that data by unveiling Texas Ahead, a "one-stop Web portal to economic resources for growing and governing Texas." This new Web site at www.texasahead.org targets businesses, local governments and economic development professionals. It strives to give them "vital information they need when making decisions about doing business in Texas or planning for economic growth."

Texas Ahead offers an array of economic data and analysis including:

- A look at the forces driving the Texas economy, including a regular economic outlook by the Comptroller and charts of leading indicators;
- Snapshots of key Texas industries and economic sectors;
- Rankings showing where Texas stands among the states on key factors;
- Economic development success stories that provide valuable guidance and models worth imitating;
- Detailed explanations of tools available to assist local governments in their economic development and governing efforts;
- Overviews of the local economies in Texas' various regions and the challenges and opportunities they face; and
- Links to a wide variety of publications and data of interest to local officials who want to stay ahead of trends shaping the Texas economy.

Texas Ahead also features a link to Texas EDGE, the Comptroller's relatively new online tool for creating or requesting "customized, tightly focused reports to guide economic development decisions." Users can get information on population, demographics, transportation, education,

Pieces of Eight

eight safety program elements that

Lead to the Gold

Do you ever feel that searching for the best safety program is like hunting for an elusive buried treasure? TAC's regional loss control workshops will help you uncover the secrets to an effective safety program.

We've discovered eight elements that provide a framework for a solid safety effort:

- ✦ Management
- ✦ Analysis
- ✦ Recordkeeping
- ✦ Inspection/Hazard ID
- ✦ Training and Education
- ✦ Accident Investigation
- ✦ Review and Revision
- ✦ Return-to-Work

Who should attend TAC's regional loss control workshops?

We designed these workshops specifically for:

- ✦ Loss control and workers' compensation coordinators
- ✦ Safety/risk management committee members
- ✦ Elected officials and department heads
- ✦ Managers and supervisors

We've applied for continuing-education credit for county commissioners, tax assessor-collectors, attorneys, treasurers, auditors, purchasing agents, justices of the peace, and law enforcement personnel.

Where are the workshops?

At TAC, we believe in bringing education to you, so we're holding our one-day loss control workshops at different locations throughout the state:

- ✦ Tuesday, August 5, in **Amarillo**
- ✦ Tuesday, August 5, in **Odessa**
- ✦ Thursday, August 7, in **Abilene**
- ✦ Thursday, August 7, in **Kerrville**
- ✦ Tuesday, August 12, in **Corpus Christi**
- ✦ Tuesday, August 12, in **Tyler**
- ✦ Thursday, August 14, in **College Station**
- ✦ Thursday, August 14, in **Waco**

These workshops are free, so register by July 28 at www.county.org, or by calling our Education Department at (800) 456-5974.

TEXAS ASSOCIATION of COUNTIES

Animal Control Officers Training Required



By Nanette Forbes
TAC Legislative Staff

The 80th Legislature amended the Health and Safety Code by adding Chapter 829 to require training for certain animal control officers. The mandated training applies only to those animal control officers **who are not peace officers**.

The statute requires the affected officers to complete a basic animal control course and to satisfy continuing educational requirements.

The legislation, Senate Bill 1562, charged the Department of State Health Services to establish the curriculum and standards for the courses by December 1, 2007. The requirement for training takes effect on July 1, 2008.

Chapter 829 applies to all counties; however, the commissioners court of a county with a population of 75,000 or less may adopt an order exempting the county from the chapter. A person may sue for injunctive relief to prevent or restrain a substantial violation of Chapter 829.

In a county operating under the chapter, an individual who is to perform the duties of an animal control officer must either:

- complete the new course prescribed under Chapter 829 no later than the first anniversary of the date the person assumes animal control duties; or
- have completed a personnel training course by June 30, 2008, under Health and Safety Code Section 823.004 (relating to animal shelters).
- In addition, the person must also complete 30 hours of continuing education under the new statute during each three-year period following the original training course.



The Texas Department of State Health Services Zoonosis Control offers the animal control officer training at various locations throughout the state. The schedule may be found at <http://www.dshs.state.tx.us/idcu/health/zoonosis/education/training/aco/courses/>. The Department has established a fee of \$75 for each course, with an additional \$40.00 for a training manual. Information on the required training and continuing education may be found at <http://www.dshs.state.tx.us/idcu/health/zoonosis/education/training/aco/information/>.

The county may pay the costs associated with the training or require the individual who attends the training to pay those costs.

For more information concerning this article, please contact Nanette Forbes, Legislative Liaison, at (800) 456-5974 or via email at nanettef@county.org. 🐾

Economic development continued from page 6

taxes and other economic factors in a variety of geographic areas of Texas (e.g., city, county, special district).

"Texas EDGE supplies key economic data; Texas Ahead helps put the data in context," Comptroller Combs said.

"Together, these two online resources provide easy access to information essential for accurate planning, effective economic analysis and smart business site selections."

While having the data in one location may be of great benefit, the real value to counties from these two initiatives would appear to be access to the Comptroller's analysts. Currently six or seven economists are available to assist counties (and others) develop custom reports for economic development and other issues. With the downturn in the national economy and the potential for the state to follow suite, now would appear to be a good time to take advantage of this assistance.

Since its debut in August 2007, Texas EDGE has aided economic developers, local planners, elected officials, students and other researchers who have used the system to help prepare information packages to attract new businesses, compare existing businesses, analyze local work force and employment trends, and research commuting patterns and traffic counts.

The following is a list of some of the custom reports produced by Comptroller analysts following requests received through Texas EDGE:

- Provided projections of future population growth to help a Val Verde County daycare center decide whether to expand;
- Assisted Smith County with a report on the economic impact of adding 115 correctional jobs; and,
- Developed an estimate of the economic impact of a biomedical research center for the Alice/Jim Wells County Economic Development Corporation.

Contact Tim Brown at timb@county.org if you have any questions about this article. 🐾

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.

"The difference between the impossible and the possible lies in a man's determination."

—Tommy Lasorda, former pitcher for the Los Angeles Dodgers who later became manager and took the team to two World Series championships

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"/> \$125	<input type="checkbox"/> \$150
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 RESERVATION POLICY

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 Renaissance 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 at the Renaissance Hotel. 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.

HOTEL INFORMATION

Renaissance Hotel (Host Hotel)

9721 Arboretum Boulevard | Austin, TX 78759 | 800-468-3571

Hotel Rates

Single Rate \$123.00/night

Double Rate \$123.00/night

Plus applicable taxes (15%) and parking fees

- The Hotel Block Code for the Renaissance Hotel will be provided to you upon conference registration.
- Availability at the Renaissance Hotel is limited.

Holiday Inn Hotel (Overflow Hotel)

8901 Business Park Drive | Austin, Texas 78759 | 888-465-4329

Hotel Rates

Single Rate \$119.00/night

Double Rate \$119.00/night

Plus applicable taxes (15%) and parking fees

- Reservations for the Holiday Inn can be made directly with the hotel.
- The hotel reservation policy does not apply to the Holiday Inn.

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

Attorney General Opinions Issued



GA-0620: Mr. Sidney “Buck” LaQuey, Grimes County Auditor, Procedures that a commissioners court must follow in the annual

budget process in regard to salaries and personal expenses for each elected county and precinct officer. **Summary** “Before filing the annual budget with the county clerk,” the commissioners court of a county is required to provide “written notice to each elected county and precinct officer,” including members of the court itself, “of the officer’s salary and personal expenses to be included in the budget.” Tex. Loc. Gov’t Code Ann. § 152.013(c) (Vernon 2008). Recommendations of a salary grievance committee should be considered before a commissioners court adopts a final budget. If a commissioners court fails to give written notice of a commissioner’s salary and expenses included in the budget, the commissioners court may not adopt a proposed salary reduction, and the salaries of the commissioners must remain fixed at the prior year’s amount.

GA-0621: Honorable Rex Emerson, Kerr County Attorney, Status of the Kerr County Airport Authority. **Summary** The Kerr County Airport Authority (“Authority”), established in 1970, is still in legal existence, and the board of directors may be appointed. Because the City of Kerrville and County of Kerr have not sold, given, or leased their interests in the airport to the Authority, they may govern the airport via a joint board under chapter 22, Transportation Code.

GA-0622: Honorable Jeff Wentworth, Chair, Jurisprudence Committee, Texas State Senate, whether persons operating or participating in a pilot needle- and syringe-exchange program authorized for Bexar County by Government Code section 531.0972 may be prosecuted for possessing drug paraphernalia under Health and Safety Code section 481.125. **Summary** In May of 2007, the Legislature authorized a pilot program in Bexar County “to prevent the spread of HIV, hepatitis B, hepatitis C, and other infectious and communicable diseases.” Tex. Gov’t Code Ann. § 531.0972 (Vernon Supp. 2007). The legislation provided that the Health and Human Services Commission “may provide guidance” to Bexar County in establishing such a program. *Id.* (emphasis added). The statute also allowed Bexar County to include in its pilot program a needle- and syringe-exchange program. See *id.*

The Texas Controlled Substances Act provides that possession or delivery of drug paraphernalia—including “a hypodermic syringe, needle, or other object used or intended for use in parenterally

injecting a controlled substance into the human body”—is an offense that subjects a person to criminal prosecution. Tex. Health & Safety Code Ann. § 481.002(17)(K) (Vernon Supp. 2007).

Because a needle and syringe exchange is an optional component of Bexar County’s pilot disease-prevention program, the program need not include a needle- and syringe-exchange component. If Bexar County’s pilot disease-prevention program does not include a needle and syringe exchange, a person would not be subject to prosecution under section 481.125 of the Health & Safety Code for participating in the program. If, however, Bexar County elects to include such a needle- and syringe-exchange program as part of this overall disease-prevention program, the participants in that program appear to be subject to prosecution under the Texas Controlled Substances Act because the Legislature did not except them from such prosecution.

In contrast to the Bexar County pilot-program statute, the Legislature has, in numerous statutes, adopted express language that excludes certain activities from criminal prosecution under the Texas Controlled Substances Act. Because the Legislature has expressly demonstrated its ability and willingness to exclude otherwise criminal acts from prosecution under the Texas Controlled Substances Act—but did not do so here—this office can neither assume nor legislate such an intent.

Additionally, even if the participants are not subject to prosecution under the Texas Controlled Substances Act, participants may face criminal charges under other Texas or federal statutes.

Finally, any decision to prosecute program participants is a matter of prosecutorial discretion.

GA-0624: Honorable Jana Duty, Williamson County Attorney, County payment to vendors under the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program, and reimbursement to a county from the Texas Commission on Environmental Quality.

Summary Chapter 382 of the Health and Safety Code authorizes establishment of a Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (“LIRAP”) and directs the Texas Commission on Environmental Quality (the “TCEQ”) to distribute available funds to participating counties to administer the program. Section 382.210(d) provides that a participating county “shall ensure that funds are transferred to a participating dealer . . . not later than five business days after the date the county receives” the required dealer documentation. Tex. Health & Safety Code

Ann. § 382.210(d) (Vernon Supp. 2007). But a participating county is not authorized to disburse funds to participating dealers under the LIRAP before such expenditures have been reviewed and approved by the county’s auditor, commissioners court, and treasurer as required by Texas law. And the TCEQ is not prohibited from distributing available funds to a participating county when the required reviews and approvals by the county commissioner, county auditor, and county treasurer make county payments to LIRAP dealers within five days impractical.

GA-0626: Ms. Peggy D. Rudd, Director and Librarian, Texas State Library and Archives Commission, authority of a multi-jurisdictional library district to assess and collect ad valorem taxes. **Summary** The Texas Supreme Court has not determined whether the Texas Constitution impliedly prohibits the Legislature from allowing a political subdivision to impose ad valorem taxes absent express constitutional authorization. However, the authority that exists indicates that a court would more likely than not find that express constitutional authority is necessary for legislation permitting a multi-jurisdictional library district established under Government Code chapter 336 to impose an ad valorem tax.

If the ad valorem tax authorized by Local Government Code chapter 336 were constitutional, the library district board could have the tax collector of the lead governmental entity collect and remit taxes to the district. Although section 336.251 limits the board’s authority to negotiate the tax collector’s compensation, it appears that the Legislature may amend this provision without also amending the constitution.

GA-0627: Honorable A.J. Hartel, Liberty County Attorney, whether, under Tax Code section 6.035 or 6.05(g), the Liberty County Central Appraisal District Board of Directors may contract with an appraisal company that employs the son of the District’s chief appraiser. **Summary** Tax Code section 6.035(a) disqualifies from employment as a chief appraiser an individual who is related within the second degree by consanguinity “to an individual who is engaged in the business of appraising property for compensation for use in proceedings under [title 1, Tax Code] or of representing property owners for compensation in proceedings under [title 1, Tax Code] in the appraisal district.” Whether a chief appraiser’s son is, in particular circumstances, “engaged in the business of appraising property for compensation for use in proceedings under [title 1, Tax Code] or of representing prop-

AG Issued *continued from page 10*

erty owners for compensation in proceedings under [title 1, Tax Code] in the appraisal district" is a question of fact.

Tax Code section 6.05(g) prohibits an appraisal district from employing or contracting with "an individual . . . who is related to the chief appraiser within the first degree by consanguinity." An individual for purposes of section 6.05(g) is a natural person. Section 6.05(g) does not prohibit a contract with an appraisal company that employs the chief appraiser's son.

GA-0628: Honorable Ralph J. Bernsen, Sr., Medina County Attorney, whether a county may terminate an equipment lease by acquiring the equipment and selling it without competitively bidding the sale. **Summary** A county that terminates a lease of a motor grader by acquiring the equipment generally must follow competitive bidding requirements before selling it to a private party.

GA-0630: Honorable Kevin Bailey, Chair, Committee on Urban Affairs, Texas House of Representatives, eligibility of particular owners to sign a zoning change protest under section 211.006(d), Local Government Code. **Summary** A landowner is eligible to sign a protest to a proposed zoning change under section

211.006(d)(2), Local Government Code, if the lot or land is within the specified geographic limits and ownership is indicated on the most recently approved city tax roll. Very truly yours,

GA-0631: Honorable Fred Hill, Chair, Committee on Local Government Ways and Means, Texas House of Representatives, implementation of changes to tax proceedings required by recently enacted House Bill 1010, which provides for the consolidation of appraisal districts. **Summary** Despite the enactment of House Bill 1010 by the Eightieth Legislature, an appraisal district operating in overlapping territory by operation of section 6.02(b) of the Tax Code retains authority to hear and determine pending corrective motions and taxpayer protests concerning property in that territory that relate to the 2007, or prior, tax year. With respect to appraisal districts with overlapping territory in the tax years prior to the 2008 tax year, the prior operation of former section 6.025 is preserved by the Code Construction Act's general savings clause.

An appraisal district operating in overlapping territory under former section 6.02(b) retains authority to hear and determine those timely-filed corrective motions and taxpayer

protests that concern the appraisal of property for a tax year prior to the 2008 tax year.

GA-0632: Honorable Rick Perry, Governor of Texas, constitutionality of section 41(e)(3) of the Probate Code, which permits a probate court to declare that a parent may not inherit from his own child if the parent has been convicted of one of several crimes against a child.

Summary Article I, section 21 of the Texas Constitution provides that "no conviction shall work corruption of blood or forfeiture of estate," which means that a person may not be denied the right to inherit on the basis of a criminal conviction. Texas courts have found limits to that provision in the Slayer's Rule and the constructive trust doctrine, which prevent a convicted murderer from receiving life insurance proceeds or inheriting property from the murder victim.

Absent the Texas Supreme Court's expansion of these two exceptions, a court would likely find that Probate Code section 41(e)(3) contravenes article I, section 21 of the Texas Constitution when applied to bar a person's inheritance from his own child under circumstances not within either the Slayer's Rule or the constructive trust doctrine. ■

Attorney General Opinions Requested



RQ-0703-GA Honorable Jerry Madden, Chair, Corrections, Texas House of Representatives, whether an out-of-state company may be considered a "resident bidder" under particular circumstances.

RQ-0704-GA Honorable Joe Driver, Chair, Law Enforcement, Texas House of Representatives, whether the Public Information Act, chapter 552, Government Code, prohibits the disclosure of a vehicle identification number if that number is not accompanied by or identified with any personal information about the owner of the vehicle

RQ-0705-GA James A. Cox, Jr., Chairman, Texas Lottery Commission, whether electronically-readable information from a driver's license may be used to verify the age of persons using self-service terminals and vending machines to purchase lottery tickets.

RQ-0706-GA Brian S. Rawson, Executive Director, Texas Department of Information Resources, Conflict of interest provisions applicable to members of the board of the Texas Department of Information Resources.

RQ-0707-GA Honorable John J. Corona, Chairman, Transportation and Homeland Security,

Texas State Senate, amount of exemption from ad valorem taxation to which certain disabled veterans are entitled.

RQ-0708-GA Honorable Byron Cook, Chairman, Civil practices, Texas House of Representatives, authority of a hospital district to replenish employee retirement funds embezzled by a third-party administrator and accept assignment of employees' claims against the third-party administrator.

RQ-0710-GA Robert Scott, Commissioner, Texas Education Agency, whether a school district may use district funds to pay a traffic fine imposed by a municipality.

RQ-0711-GA Honorable Joe Deshotel, Chair, Economic Development, Texas House of Representatives, whether the City of Port Arthur may transfer a former fire station to a non-profit public radio station.

RQ-0714-GA Honorable Beverly Woolley, Chair, Committee on Calendars, Texas House of Representatives, meaning of the term "administrative costs" for purposes of section 352.1015(c), Tax Code, which relates to the expenditures of revenue from the hotel occupancy tax. ■

Rep. Villarreal Announces Sales Price Disclosure Resource Webpage

State Representative Mike Villarreal, a leader in the bi-partisan effort to pass sales price disclosure legislation, has created a sales price disclosure section on his website (<http://www.leaderslisten.org/?p=247>). Included is a synopsis of the issue, an action page with suggestions on how to advocate for the issue, and links to various resources related to the issue. He plans to continue to expand the website, which is already an excellent resource for this legislative change needed to ensure a completely fair property tax system. ➡



From the Legislative Desk

By Carey "Buck" Boethel, Director of Governmental Relations

Hippocratic oath—in the weeks and months to come, newly created legislative committees will once again gather in an effort to discover and fashion remedies for the unrelieved property taxpayer. Repeated failed attempts to provide true relief for overburdened property taxpayers in a jurisdiction such as California only help exemplify the magnitude and complexity of the challenge before us. Just as doctors, in treating the ill, pledge to "do no harm," so should those who are poised to "fix" the property tax problem. Putting a stop to appraisal creep and nailing a cap on the income of county government are, for the most

part, hollow promises in terms of offering substantial relief for the property taxpayer. If county revenue is further restricted and budget cuts are implemented, what will be eliminated or reduced after employee benefits, libraries and parks? There is prisoner care (food, health and hygiene), medical care for the indigent (hospital, EMS, trauma care and Rx) and court appointed attorneys' fees for the poor? Knock down any of those services to a meaningful degree and "presto" the taxpayers just bought a ring side seat at a very pricey civil rights show. What about foregoing or curtailing road construction and maintenance of communi-

ty bridges—not a viable option and carries a high risk of incurring adverse judgments, penalties, interest and attorneys' fees. You could substantially reduce maintenance standards, beyond current extensions and probably lose or forfeit the warranties on county vehicles and heavy equipment. Factor in the soaring costs of utilities, fuel and materials that some economic forecasters are anticipating may reach the ten to twelve percent range together with a few new state and federal unfunded mandates and you have a veritable economic nightmare. Let's not go there, only bad things will come of it—the hand of man should do no harm. 🗺️

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