

# County*i*ssues

Volume 18, Issue 6 \ June 27, 2008

Published by the Texas Association of Counties

## Interim Committees Meet on Property Taxes, Appraisals



**By Elna Christopher**  
*TAC Communications Staff*

This is an update on two legislative committee hearings held June 16 and 17 in Austin and their upcoming schedules. Both are committees are closely studying the appraisal process. The Senate subcommittee will directly examine lower appraisal and revenue caps, and the House committee could well take up those issues as the summer hearings move forward.

The **Senate Finance Subcommittee on Property Appraisal and Revenue Caps**, chaired by Sen. Tommy Williams (R-Woodlands), held a hearing June 16 at the Capitol. The subcommittee primarily delved into the appraisal process, the Comptroller's property value study and possibly simplifying truth in taxation notices to the public. Some of the senators seemed to recognize that the state has played a significant role in how properties are appraised, particularly in light of the Comptroller's annual school district property value study and the pressure it brings to bear on appraisal districts. The Texas Taxpayers and Research Association (TTARA) submitted a one-page form that the business organization suggests could simplify truth in taxation notices. Appraisers from sev-

eral locales also discussed the need for sales price disclosure to make appraisals more accurate and equitable, particularly on commercial properties and high-end homes.

The Senate subcommittee has not yet scheduled more hearings, but at least two more are expected – one on two interim charges regarding school districts and the last hearing to discuss stricter caps on cities and counties. The particular interim charge related to caps says "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 voters in the locality. Consider alternative sources of funding to replace property tax revenues."

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) quizzed staff members of the Comptroller's Office about the

**Interim Committees** *continued on page 3*



Texas Senate Chamber

## KEY COUNTY DATES

### 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).

### August 2008

**August 1.** Certified appraisal roll, collection rate, debt taxes, etc., due to

Commissioners Court from Tax Assessor-Collector. Tex. Tax Code, § 26.04(b).

**August 5. TAC Loss Control Regional Workshops: Safety Programs,** Amarillo. Ashmore Inn & Suites, 2301 I-40 East Exit 72 A, 806-374-0033. For more information, contact the Education Department at 800-456-5974.

**August 5. TAC Loss Control Regional Workshops: Safety Programs,** Odessa. MCM Elegante, 5200 East University, 432-368-5885. For more information, contact the Education Department at 800-456-5974.

**August 7.** Calculation and publication of tax rate, roll-back rate, etc., required unless governed by simplified notice procedure in Tex. Tax Code, §26.04(e) and §26.052(c).

**August 7. TAC Loss Control Regional Workshops: Safety Programs,** Abilene. MCM Elegante Suites, 4250 Ridgemont Drive, 888-897-9644. For more information, contact the Education Department at 800-456-5974.

**August 7. TAC Loss Control Regional Workshops: Safety Programs,** Kerrville. Inn of the Hills, 1001 Junction Hwy, Kerrville, 830-895-5000. For more information, contact the Education Department at 800-456-5974.

**August 12. TAC Loss Control Regional Workshops: Safety Programs,** Corpus Christi. Holiday Inn Emerald Beach, 1102 South Shoreline, 361-883-5731. For more information, contact the Education Department at 800-456-5974.

**August 12. TAC Loss Control Regional Workshops: Safety Programs,** Tyler. Holiday Inn Select, 5701 South Broadway, 903-561-5800. For more information, contact the Education Department at 800-456-5974.

**August 14. TAC Loss Control Regional Workshops: Safety Programs,** Waco. Waco Hilton, 113 South University Parks Drive, 254-754-8484. For more information, contact the Education Department at 800-456-5974.

**August 14. TAC Loss Control Regional Workshops: Safety Programs,** College Station. Hilton College Station and Conference Center, 801 University Drive East, 979-693-7500. For more information, contact the Education Department at 800-456-5974.

**August 18-21. Texas Jail Association Jail Management Issues,** South Padre Island. Radisson Resorts, 500 Padre Boulevard, 956-751-6511. For more information, contact the Texas Jail Association at 936-294-1687.

**August 26.** Deadline for County Judge to order General Election. Tex. Elec. Code, §3.005.

**August 27-29. TAC Annual Conference & Trade Show,** Austin. Renaissance Hotel, 9721 Arboretum Boulevard, 512-343-2626. For more information, contact the TAC Education Department at 800-456-5974.

**August 31.** District and County Attorneys' deadline to file with comptroller of public accounts or county treasurer, as applicable, a sworn account of all monies received during preceding year. Tex. Gov't Code, §41.005(d).

# Senate Committee Examines Forfeiture Funds



**By Laura Garcia**  
*TAC Legislative Staff*

The Senate Committee on Criminal Justice, chaired by Sen. John Whitmire (D-Houston), met at the capitol on June 5 to hear testimony on several of its interim charges, including its charge related to criminal asset seizures and the use of forfeiture funds by district attorneys and law enforcement agencies. Specifically, the committee has been charged by Lt. Gov. David Dewhurst to: *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.*

The committee heard from several witnesses, including prosecutors and representatives of the Office of the Attorney General, the Department of Public Safety, and the Houston Police Department. During the hearing, Chairman Whitmire expressed his concerns over the need for better reporting, auditing, and accountability with respect to seized property and the use of forfeiture funds. Among the witnesses, Eric Nichols, Deputy Attorney General for the Criminal Justice Division of the Office of the Attorney General, provided a brief overview of the laws relating to the use, reporting, and auditing of forfeiture funds under Chapter 59 of the Texas Code of Criminal Procedure. He explained the Attorney General's limited role in the oversight of the funds, as the office essentially only serves as a depository for forfeiture fund audit reports performed at the local (county and municipi-

pal) levels and submitted by prosecuting offices and police agencies. At the conclusion of Mr. Nichols' testimony, Sen. Rodney Ellis (D-Houston) asked the Attorney General's Office to review the asset seizure and forfeiture procedures in other states and provide recommendations for changes in current state law that could help prevent any potential misuse of the funds in the future.

During the hearing, Sen. Juan "Chuy" Hinojosa (D-McAllen) stated his concerns regarding an inherent conflict of interest in the current laws related to seizures and forfeiture funds and the minimal effective oversight, as well as the lack of sanctions, in his view, for abuses. Under current law, the use of forfeiture funds is generally under the control of the local law enforcement or prosecuting agencies. Article 59.06(d) of the Code of Criminal Procedure allows these agencies to

**Forfeiture Funds** *continued on page 5*

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## **Interim Committees** *continued from page 1*

Comptroller's property values study, with some members expressing frustration with the current appraisal process at both the state and local levels. The House committee also heard testimony from TTARA regarding the proposed one-page truth in taxation form and from appraisers regarding the need for sales price disclosure. The committee also heard testimony from chief appraisers and members of appraisal review boards.

The House committee has scheduled hearings around the state, with three having locations to date. The schedule is:

- **Tuesday, June 24** – 1 p.m. at the McAllen Convention Center, Room 102, 700 Convention Drive, McAllen, Texas 78501;

- **Tuesday, July 1** – 1 p.m. in the San Antonio City Council chambers, 103 S. Main Avenue, San Antonio, Texas 78205;
- **Tuesday, July 8** – 1 p.m. at the University of Texas at Arlington, College Hall, Room 101, 600 S. West Street, Arlington, Texas 76010;
- **Tuesday, July 15** - Jefferson County, location TBA;
- **Tuesday, August 12** - Lubbock County, location TBA;
- **Tuesday, August 19** - Harris County, location TBA;
- **Tuesday, August 26** – El Paso County, location TBA.

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).

It is important that county officials monitor the upcoming hearings. 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 1-800-456-5974. 📍



# Resources, Naturally

## County Development Authority: What Have Other States Done?



**By Paul J. Sugg**  
*TAC Legislative Staff*

A recent and useful study was conducted by students at the University of Texas Environmental Law Clinic, "County Authority in Texas as Compared to Other States". Our thanks to Christy Muse and the Hill Country Alliance for their efforts in having this study conducted. Despite what some might say, studying this issue won't turn us into California with their high impact fees and high home prices...

### **These questions were posed to the Environmental Law Clinic:**

1. Do counties in Arizona, California, Colorado, Florida, New Mexico, Oregon, and Washington have authority to enact zoning and land use regulations and assess impact fees?
2. How does county authority in these states compare to authority granted to Texas counties?

### **Here are the short answers to these questions:**

Counties in Arizona, California, Colorado, Florida, New Mexico, Oregon, and Washington are granted broad authority to engage in zoning and land use regulations. This is generally tied to the creation of a county

planning commission and the development of a comprehensive plan.

With regard to impact fees, most of these states give their counties some authority to assess fees for new development, though this is generally limited to certain capital improvements defined by law (Arizona does not give its counties impact fee authority). Only a handful (3) of New Mexico's 33 counties and 6 of Washington State's 39 counties have adopted impact fee provisions. To help clarify some of the paper's conclusions, Colorado counties may also assess impact fees and according to the Colorado Counties Association, the counties assessing impact fees generally do so to meet transportation needs. California counties also assess impact fees. A survey conducted by the California State Association of Counties shows of the 58 counties in California that were surveyed, 46 responded and 21 of those 46 counties have impact fee programs. Florida counties assess impact fees within their home-rule power; 41 of 67 Florida counties assess some form of impact fee. Oregon counties may also assess fees as necessary or convenient to carry out the goals of a county's comprehensive plan.

Texas counties generally have no authority to assess impact fees, although Harris and surrounding

counties [and any conservation and reclamation district created under Article XVI, Sec. 59 of the Texas Constitution within those counties] are authorized to assess impact fees to provide storm water, drainage, and flood control improvements necessary to accommodate new development.

As far how Texas county authority compares to the authority other states grant their counties, the paper concludes that county authority in Arizona, California, Florida, New Mexico, Oregon, and Washington is especially broad in comparison to county authority in Texas, where only two counties have authority to implement zoning regulations by virtue of not having any incorporated areas within them—Starr and Zapata. A handful of other counties have some authority in parts of their territory, for example, parts of Padre Island, around various lakes (such as Ray Roberts, Ralph Hall, Somerville, Granbury, Amistad, Falcon), and the El Paso Mission Trails.

Texas county officials have been and will be asking the Legislature for additional authority to meet the challenges of growth. Few, if any, will ask for state-wide, mandatory, county authority. They will ask for permissive authority, authority local officials may adopt to meet local needs. This is local control. 🗺️

## Health and Human Services Commission Work to Improve TIERS



**By Rick Thompson**  
*TAC Legislative Staff*

During the 80th Legislative Session, Rep. Patrick Rose sponsored the passage of HB 3575 directing the Health and Human Services Commission (HHSC) to develop a transition plan for the eligibility system used to deliver the benefits of the Integrated Eligibility & Texas Integrated Eligibility Redesign System (TIERS). The bill also includes a timetable for HHSC to plan for meeting specific goals for achieving the transformation.

Texas Integrated Eligibility Redesign System (TIERS) was designed to modernize the way Texas enrolls clients in social services such as Medicaid, food stamps and Temporary Assistance for Needy Families. Since its creation, TIERS has faced problems such as outsourced

call centers accused of failing to properly train personnel and a software system that has lacked sufficient power to address enrollment program databases. A November 2007 state audit stated that "the software, known as TIERS, makes no significant errors in determining whether someone qualifies for public assistance"; however, it also says, "Poor architectural design and chronic problems have made TIERS cumbersome to use and hinder the ability of TIERS to process and maintain the integrity of data."

To improve the functionality of TIERS, HB 3575 directs HHSC to establish a transition plan by Jan. 1, 2009. This bill establishes a number of directives for HHSC to follow, including outlining a description of the agency's responsibilities in making the transition and directing the office of inspector general to "establish an independent validation and verification program for the eligibility system

during the transition plan."

To support the HHSC's transition plan, HB 3575 creates the Health and Human Services Eligibility System Oversight Committee. The seven member committee, made up of legislators, is directed to hold at least one hearing every four months to review the transition plan and HHSC recommendations. The committee held its first meeting on February 19, 2008 where a report on the progress of the TIERS system revealed staffing challenges. Although the commission is on pace to have this program fully staffed, turnover has become an important issue with over 600 employees leaving in FY 2008. Along with basic hiring practices, HHSC has reached out to retirees and former employees to bring in 800 eligibility staffers this fiscal year. In some cases, eligibility workers were working enough overtime to draw larger paychecks than their supervisors. HHSC responded by awarding merit increases to supervisors and encouraged the more experienced workers to apply for supervisory positions.

HHSC has also taken other steps to reach the targeted goal of 7,136 by implementing a "hire ahead" policy to fill positions where losses are expected, partnering with local employment resources to increase the applicant pools and are considering increased compensation for eligibility workers. With these and other efforts (including manager and supervisor training), HHSC reduced the turnover rate by almost 9% between 2006 and 2007.

The report states that because the eligibility system will continue to change due to state and federal regulations and system enhancements, development and maintenance of TIERS is an ongoing effort. For more information contact Rick Thompson at rickt@county.org or 800-456-5974. ➡

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### **Forfeiture Funds, *continued from page 3***

spend the available funds after submitting a budget detailing the categories of expenditures to their local governing bodies. Sen. Whitmire expressed his unease with the current reporting of only broad categories of expenditures because of his view that such reporting may fail to catch abuses.

Several witnesses representing law enforcement agencies and district attorney offices testified regarding their support of these funds and their reliance on them for budgeting purposes. Rob Kepple, Executive Director of the Texas District and County Attorneys Association, stated his support for a proper accounting of the use of these funds and suggested the possibility of clarifying the law by delineating, in statute, clearly improper uses of the funds.

In his testimony, Randall Sims, the District Attorney for Potter and Armstrong counties, stressed the importance of this funding and its role in supporting worthwhile projects which typically cannot be funded through the traditional county budgeting process because of tight budget constraints.

Throughout the hearing, Sen. Whitmire repeatedly expressed the need for more accountability with respect to the use of forfeiture funds, with possibly more stringent auditing requirements.

For additional information, please contact Laura Garcia at (800) 456-5974 or laurag@county.org. ➡



# Wind Energy

***Emerging as the New Source of Renewable Energy***

*"West Texas has discovered another natural resource – its persistent winds."*<sup>1</sup>



**By Paul Emerson**  
*TAC Legislative Staff*

The topic of wind energy has caught the attention of many state legislators. Just recently, several House committees (House Committee on Regulated Industries, House Committee on Economic Development, and House Committee on Energy Resources) all held hearings<sup>2</sup> within weeks of each other on various aspects of wind energy. Not only have there been legislative hearings on this issue, but media coverage on wind energy has occupied the newspapers over the past several months. Many of these articles have appeared in the local newspapers in West Texas and along the Gulf Coastal.

Several state agencies have also brought wind energy to the forefront, but under different circumstances. The Comptroller's office just released a new comprehensive assessment report on energy options available in Texas: *The Energy Report*.<sup>3</sup> This new energy portfolio debuted in May of 2008, and covers 17 related topics on renewable energy sources, including wind energy.

Earlier this year, the Attorney General's Office (AGO) issued an opinion (GA-0600)<sup>4</sup> at the request of Sterling County that questioned whether wind farms are eligible for certain tax abatements.<sup>5</sup> The Taylor County commissioners court has been sued for granting five tax abatements between 2004 and 2006. In early June 2008, another lawsuit was filed in fed-

eral court over whether the Coastal Zone Management Act requires the state to conduct public hearings before a wind farm project can be approved along the South Texas Gulf Coast. The U.S. district judge hearing that case has decided to put the case on hold to sort through all the legal challenges brought forth by the King Ranch and several environmental groups. The legal ramifications involved in these cases may take months, if not years, before an opinion is rendered by a court, unless these issues are addressed during the next legislative session.

Texas has long been a leader in the energy industry and for the past several years has positioned itself to become a national leader in energy diversity – such as wind energy. According to a wind resource inventory study report created by the U.S. Energy Department (DOE), Texas is one of three states (North Dakota and Kansas are the others) that are abundantly rich in wind. The report further pointed out that all three state – have "enough harnessable wind energy to satisfy all of the nation's electricity needs."<sup>6</sup> With such prevailing winds occurring across some regions of Texas, wind turbines may well become an even more common site and potentially add to the property tax base for various counties.

With the interest of learning more about wind energy, and the potential revenue impact wind farms may have on county government, *County Issues* will publish a series of in-depth arti-

cles over the next several months pertaining to wind energy. The next series will focus on the *Early Beginnings of Wind Energy* and *Wind Power in Texas*.

For more information concerning this article, please contact Paul Emerson at (800) 456-5974 or via email at [paule@county.org](mailto:paule@county.org). ➡

<sup>1</sup> Wind Energy Development in Texas –From Where the Wind Blows, by Charles L. Black and Diann Waddill; Presented at Wind Energy Institute, February 26-27, 2007, held at the University of Texas School of Law in Austin, Texas.

<sup>2</sup> \*House Committee on Regulated Industries, (Topic: Wind Generation & Transmission Planning in Texas), met on Thursday, April 24, 2008, Region 16 Education Services Center – Amarillo, Texas; House Committee on Energy Resources and House Committee on Economic Development, (Topic Texas Economic Development Act, HB 1200, 77th Legislative Regular Session), held a joint hearing at the capitol on Thursday, April 17 2008.

<sup>3</sup> The Energy Report – May 2008, available at [www.window.state.tx.us/specialrpt/energy/](http://www.window.state.tx.us/specialrpt/energy/).

<sup>4</sup> <http://www.oag.state.tx.us/opinions/opinions/50abbott/op/2008/htm/ga-0600.htm>

<sup>5</sup> Note: Section 312.402(a) of the Tax Code allows a county to grant a tax abatement to the owner of taxable real property, which is defined as improvements, which include buildings and structures erected on a property. According to section 312.402(a) of the Tax Code, ordinarily improvements owned by a company leasing land are not real property, but personal property not eligible for an abatement.

<sup>6</sup> U.S. Department of Energy Efficiency and Renewable Energy, 1991 Report. ([http://www.eere.energy.gov/state\\_energy\\_program/feature\\_detail\\_info.cfm/fid=6#other](http://www.eere.energy.gov/state_energy_program/feature_detail_info.cfm/fid=6#other)).

# Clarifying Fee Fund Accounts



**By Aurora Flores-Ortiz**  
*TAC Legislative Staff*

On June 12th, 2008, the Attorney General's office released Opinion No. GA-0636 regarding whether county officials who collect funds for the county may establish individual bank accounts in their own names and subject to their control.

On behalf of the (now former) Montague County Auditor, the county attorney asked the attorney general to opine on several questions related to the authority of various county officials over the funds collected by their offices. The county auditor had proposed that the commissioners court establish a separate fund for each county official who collects money for the county and give that official "total responsibility" for the fund. Although the commissioners court did not adopt the county auditor's proposal, the auditor informed the county depository bank in writing that she intended to separate the existing Fee Fund Account into separate funds.

The attorney general observed Tex. Loc. Gov't Code chapters 113 and 133 require county officials who collect fees to deposit those funds with the county treasurer or in the county treasury, and that it is the county treasurer's responsibility to receive and maintain custody of the funds. Based on this, the attorney general concluded that, unless another statute expressly prescribes a different disposition of county funds, other county officers may not place funds they collect in individual bank

accounts and exercise control over the funds in that account. The attorney general found no statute that authorizes the sheriff, county clerk, district clerk, or justice of the peace to establish individual accounts for the fees those officers collect or to control and withdraw the funds.

The opinion also states that the county auditor lacks authority under Loc. Gov't Code chapter 112 to adopt rules inconsistent with law to require or allow the establishment of individual accounts for each county officer. Such accounts, according to the attorney general, must be closed by the person with authority to close the account.

In summary, GA-0636 finds that there is no statute authorizing a county sheriff, county clerk, district clerk, or justice of the peace to establish and control an individual bank account for the county funds the officer collects, having his name on the signature card and signing checks on that account. A county officer who collects fees for the county must deposit those funds with the county treasurer or in the county treasury in accordance Local

Government Code Chapter 113 or 133, unless another statute expressly requires or allows a different disposition of the funds.

For more information on this Attorney General of Texas Opinion No. GA-0636, please contact Aurora Flores-Ortiz at 800-456-5974 or [auro-rafo@county.org](mailto:auro-rafo@county.org). ➤



# State Education Funding

## County Information Project



**By Tim Brown**

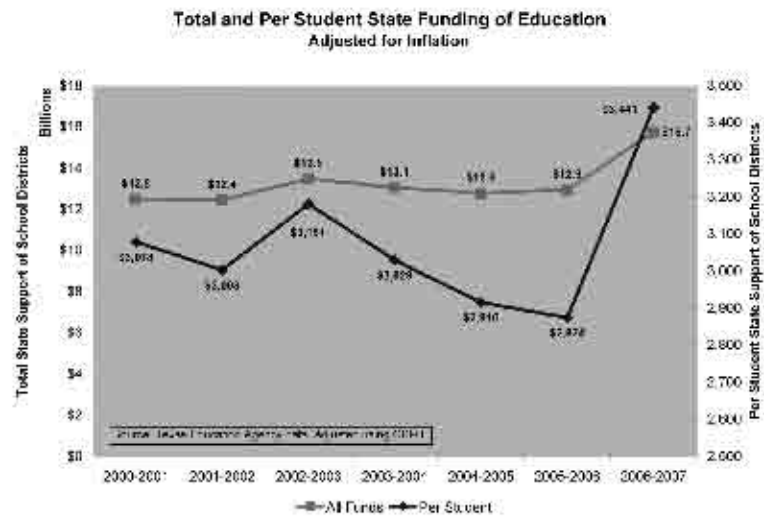
*Senior Analyst, County  
Information Project*

The Texas Education Agency (TEA) tracks spending on K-12 education and makes that data available on its web site ([www.tea.state.tx.us](http://www.tea.state.tx.us)) through annual reports. The following chart uses data from those reports, adjusted for inflation, to show trends in state education spending in Texas. The chart shows the total amount of state expenditures and state expenditures per pupil spending by school year after adjusting for inflation.

While both unadjusted total spending and unadjusted per pupil spending increased in every school year, that spending did not always keep pace with inflation. Following the 2002-2003 school year, total spending began to decrease when measured in real dollars (adjusted for inflation) as seen on the chart. Spending in real dollars decreased from \$13.5 billion in 2002-2003 to a low of \$12.8 billion in 2004-2005 and then increased slightly the next school year.

Adjusted per student spending, however, continued to decline from \$3,181 in 2002-2003 to \$2,874 in 2005-2006. The downward trend only reversed when the influx of state money from the school district property tax buy-down arrived in 2006-2007.

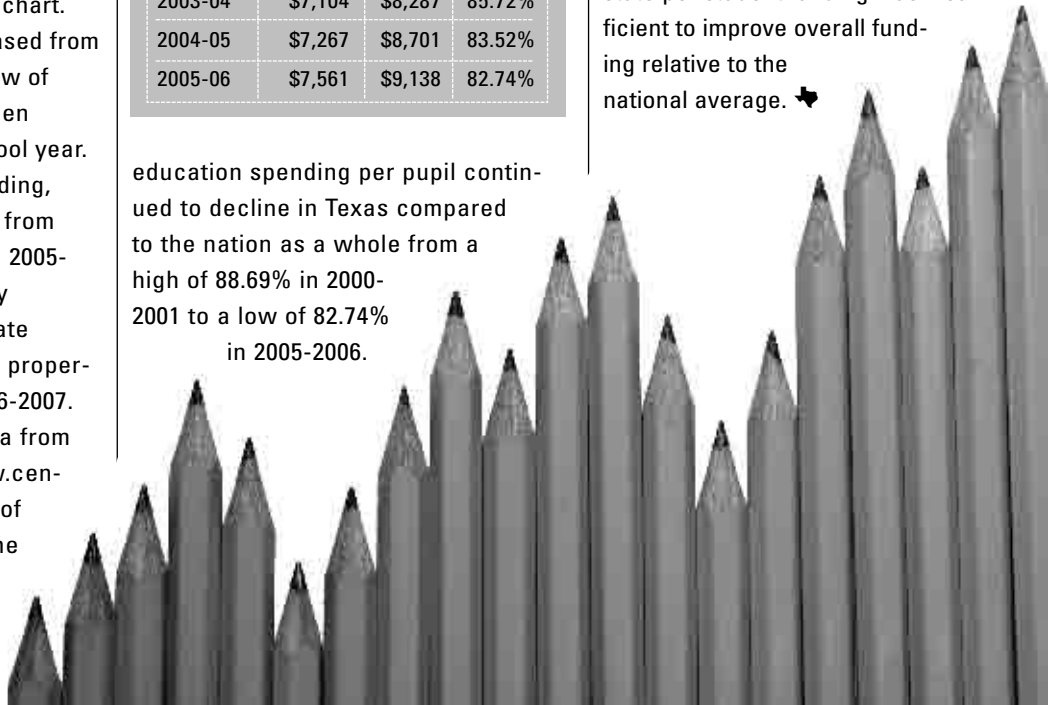
Interestingly, however, data from the U. S. Census Bureau ([www.census.gov](http://www.census.gov)) shows that the influx of state money did not improve the overall level of per pupil education spending in the state compared to the nation. This table shows that total



School Year	TX	US	Ratio
2000-01	\$6,460	\$7,284	88.69%
2001-02	\$6,746	\$7,701	87.60%
2002-03	\$7,076	\$8,019	88.24%
2003-04	\$7,104	\$8,287	85.72%
2004-05	\$7,267	\$8,701	83.52%
2005-06	\$7,561	\$9,138	82.74%

Although the state provided additional funding for education following the buy-down, local funding through property taxes was reduced at the same time. Thus, the almost \$600 increase in state per student funding was insufficient to improve overall funding relative to the national average. 🇹🇽

education spending per pupil continued to decline in Texas compared to the nation as a whole from a high of 88.69% in 2000-2001 to a low of 82.74% in 2005-2006.



# “Together in Texas”

## Texas Healthy Marriage Legislation



**By Nanette Forbes**  
*TAC Legislative Staff*

On September 1, 2008, the fee for a Texas marriage license will increase from \$30.00 to \$60.00. The new marriage license fee and the required 72-hour waiting period following receipt of a marriage license, may be waived if couples attend an eight hour premarital education course provided free of charge by the Health and Human Services Commission (HHSC).

HHSC has divided the state into 12 geographic regions and contracted with one organization in each region to serve as a “Regional Intermediary” (RI). The RI in each region will select vendors to provide premarital education courses

and recruit existing premarital education providers to offer their services to couples in their region.

The following is the list of Texas RI regions with contact information:

### **Region 1: High Plains**

The Legacy Group  
705 Van Buren  
Amarillo, TX 79101  
Joe MacInnis, Program Director  
806-372-9700  
jmacinnis@legacyatwork.com  
**Counties Served:** Armstrong, Bailey, Briscoe, Carson, Castro, Childress, Cochran, Collingsworth, Crosby, Dallam, Deaf Smith, Dickens, Donley, Floyd, Garza, Gray, Hale, Hall, Hansford, Hartley, Hemphill, Hockley, Hutchinson, King, Lamb, Lipscomb, Lubbock, Lynn, Moore,

Motley, Ochiltree, Oldham, Parmer, Potter, Randall, Roberts, Sherman, Swisher, Terry, Wheeler, Yoakum

### **Region 2: Northwest Texas**

Texas Family Institute, Inc.  
100 Chestnut, Suite 101  
Abilene, TX 79602  
Suzanne Perkins, Project Director  
325-676-8963; Fax: 325-696-2915  
Suzanne@abilenecounseling.com  
**Counties Served:** Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cottle, Eastland, Fisher, Foard, Hardeman, Haskell, Jack, Jones, Kent, Knox, Mitchell, Montague, Nolan, Runnels, Scurry, Shackelford, Stonewall, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, Young

**Together** continued on page 14



# County Jail and Illegal Immigration:

## 2008 Survey Summary



**By Laura Nicholes**  
*TAC Legislative Staff*

In 2007, Speaker Tom Craddick issued a series of interim charges. Included among them was a joint charge to both the House Committee on Corrections and the House Committee on County Affairs. These committees were charged by the speaker to:

Study policies and procedures related to illegal immigration and border security of the TDCJ, county probation departments, and local and county jail facilities, and make recommendations to improve coordination with international, federal, state, and local authorities.

Upon receiving an information request from the House Committee on Corrections, the Texas Association of Counties created a survey based on a set of questions received from the committee, after consultation with representatives of the Sheriffs' Association of Texas to finalize the questions.

Seventy counties were able to complete the survey by the time it closed on Feb. 20, 2008. They are shown in Map 1.

The report reviews the responses received from the counties, the survey results and related issues that require additional study.

### Executive Summary

In order to estimate the impact of illegal immigration on county sheriff departments or, more specifically, the county jails in those departments, it would seem to be necessary to have a good understanding of the number of illegal immigrants which pass through these departments. Unfortunately, for a number of reasons, most estimates suffer from one or more deficiencies. As this survey points out, tracking of the status of immigrants in county jails is problematic at times. As a result, the numbers, whether counts of illegal immigrants or total costs, are reported as estimates rather than exact measures.

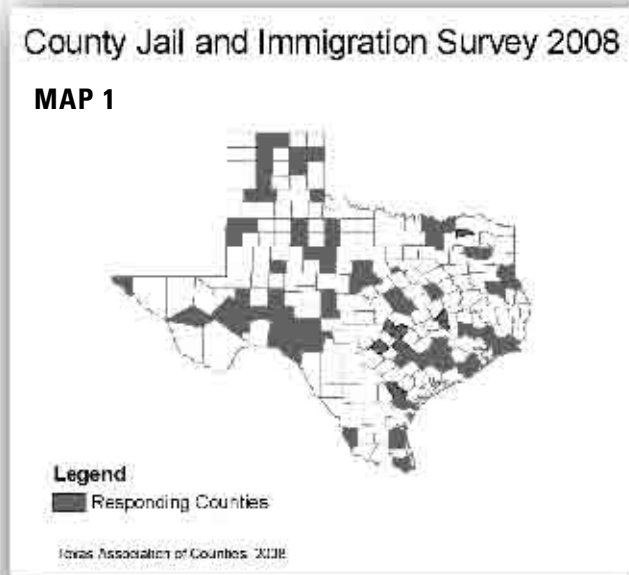
There are estimated to be 3,711 illegal immigrants in county jails at the time of the survey. Extrapolating from the survey counties to all counties results in an estimate of

\$60,749,900 spent statewide by county sheriff departments in FY2007 to deal with illegal immigrants. This cost estimate is more or less in line with previous costs estimates produced by the state. The real issue however is not their accuracy but the fact that both estimates indicate that the cost to counties of dealing with illegal immigrants in their jails runs into the tens of millions of dollars statewide. In FY2007, the federal government, through the State Criminal Alien Assistance Program (SCAAP), awarded county governments in Texas less than \$10 million for handling illegal immigrants.

In addition to looking at the cost to counties, the survey also asked about their relationship with Immigration and Customs Enforcement (ICE). Many counties noted a strong, professional relationship. Others were less happy with ICE. The issue appears primarily to be with staffing levels and the lack of local support from ICE.

Counties noted that the response time for ICE can be excessive outside of regular business hours and that the distances that ICE officers must travel to get to the county jails often restricts their interaction with local jails. However, counties that have had problems working with ICE appear to have found a solution by working with local Border Patrol agents. While this solution may or may not be ideal, it does work for those counties.

**Survey Summary** *continued on page 11*



## Survey Summary *continued from page 10*

How can the state help? As might be expected from the above discussion, counties requested additional funding to cover the expense of dealing with illegal immigrants. However, the request was not always for additional funding for themselves; often the request was for additional funding for ICE.

One comment suggested that the state could use its influence to lobby for additional funding for ICE. The possibility that the state could push for additional ICE funding is quite attractive given the number of comments found throughout the survey on the lack of staffing at ICE, lack of local ICE offices, etc.

A related issue is the need noted by many respondents to improve the process whereby immigrants' status is identified or verified. Respondents identified improving this process as one of the two top challenges in dealing with ille-

gal immigrants in the county jails.

However, the most common challenge noted came in regards to language. Many counties noted language skills, primarily Spanish, as their most pressing need. Closely related to the language issue, three respondents also listed social, cultural and religious challenges in dealing with illegal immigrants.

Other requests were for:

- improved coordination with ICE;
- a statewide policy on illegal immigration; and
- granting local law enforcement officers authority to arrest and detain illegal immigrants.

Please note that the survey was designed to investigate

the impact of illegal immigrants on county jails. As a result the report focuses on county jails, county sheriff departments, and adult illegal immigrants. The impact of illegal immigrants on the state prison system or adult probation is not covered in this report. Juvenile illegal immigrants are also not covered in this report; however, it should be noted that those juveniles with criminal allegations become the responsibility of local juvenile probation departments or the Texas Youth Commission until their cases are resolved. At that point, state and local entities coordinate with federal services to address the needs and placement of juvenile illegal immigrants.

### Survey Submitted to Legislative Committees

On May 23rd the entirety of the survey analysis was provided to the House Corrections and County Affairs Committees. The information was well received by House Corrections Chairman Jerry Madden (Plano) and, though not yet confirmed, a second hearing on the topic may be a possibility for later in the interim.

For more information, please contact Laura Nicholes or Tim Brown at 800-456-5974 or via e-mail to [LauraN@county.org](mailto:LauraN@county.org) or [TimB@county.org](mailto:TimB@county.org). 🗺️

## Pieces of Eight

*eight safety program elements that*

## Lead to the Gold

**D**o 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](http://www.county.org), or by calling our Education Department at (800) 456-5974.

## TEXAS ASSOCIATION of COUNTIES

*"No one has ever drowned in sweat."*  
—Lou Holtz, the only coach in the history  
of college football to win five bowl games  
with different teams

# 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](http://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.

# 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

Fees may be faxed to: 512-477-1324

REGISTRATION FEES: Please check boxes that apply

Name: \_\_\_\_\_  
Title/Office: \_\_\_\_\_  
County/Company: \_\_\_\_\_  
City/State/ZIP: \_\_\_\_\_  
Address: \_\_\_\_\_  
Email: \_\_\_\_\_  
Sponsor'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"/> \$415	<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"/> \$30/1 ticket	<input type="checkbox"/> \$30/1 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](mailto: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)

8721 Arboretum Boulevard | Austin, TX 78758 | 800-456-3371

#### 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 | 888-463-4379

#### Hotel Rates

Single Rate \$119.00/night

Double Rate \$119.00/night

Plus applicable taxes (13%) 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](mailto:jennyh@county.org) or 800-456-5974

## **Twogether** *continued from page 9*

### **Region 3 W: Metroplex – Fort Worth**

The Parenting Center  
1111 W. Abrams, Suite C  
Arlington, TX 76013  
Cindy Stump  
817-275-7576  
cstumph@theparentingcenter.org  
**Counties Served:** Cooke, Denton, Erath,  
Grayson, Hood, Johnson, Palo Pinto,  
Parker, Somervell, Tarrant, Wise

### **Region 3 E: Metroplex - Dallas**

Alliance for North Texas Healthy  
Effective Marriages (ANTHEM)  
1402 Corinth Street, Suite 247  
Dallas, TX 75215  
Cosette Bowles, Executive Director  
214-231-7093  
Cosette.bowles@anthemnorthtexas.org  
Counties Served: Collin, Dallas, Ellis,  
Fannin, Hunt, Kaufman, Navarro, Rockwall

### **Region 4: Upper East Texas**

Longview Wellness Center  
1107 East Marshall Avenue  
Longview, TX 75601  
Justin Waite  
903-758-2762  
justin@wevownow.com  
**Counties Served:** Anderson, Bowie,  
Camp, Cass, Cherokee, Delta, Franklin,  
Gregg, Harrison, Henderson, Hopkins,  
Lamar, Marion, Morris, Panola, Rains,  
Red River, Rusk, Smith, Titus, Upshur,  
Van Zandt, Wood

### **Region 5: Southeast Texas**

Family Service of Southeast Texas  
990 IH 10 North, Suite 140  
Beaumont, TX 77702  
George Iles, Program Director  
409-833-2668 X 116  
giles@familyservicesetx.org  
**Counties Served:** Angelina, Hardin,  
Houston, Jasper, Jefferson,  
Nacogdoches, Newton, Orange, Polk,  
Sabine, San Augustine, San Jacinto,  
Shelby, Trinity, Tyler

### **Region 6: Gulf Coast**

Family Services Association of Greater  
Houston  
1600 Lake Front Circle, Ste. 218  
The Woodlands, TX 77380  
Maggie Russell, Program Director  
281-292-4155 ext 234; cell: 832-434-5533  
mrussell@familyservices.org  
**Counties Served:** Austin, Brazoria,  
Chambers, Colorado, Fort Bend,  
Galveston, Harris, Liberty, Matagorda,  
Montgomery, Walker, Waller, Wharton

### **Region 7: Central Texas**

Lutheran Social Services  
8305 Cross Park Drive  
Austin, TX 78754  
Patricia Polega, Program Manager  
512-454-4611: 800-396-4611  
patricia.polega@lssss.org  
**Counties Served:** Bastrop, Bell, Blanco,  
Bosque, Brazos, Burleson, Burnet,  
Caldwell, Coryell, Falls, Fayette, Freestone,  
Grimes, Hamilton, Hays, Hill, Lampasas,  
Lee, Leon, Limestone, Llano, Madison,  
McLennan, Milam, Mills, Robertson, San  
Saba, Travis, Washington, Williamson

### **Region 08: Upper South Texas**

Family Service Association  
702 San Pedro  
San Antonio, TX 78212  
David Blegen, Director Agency  
Services  
210-299-2400  
dblegen@family-service.org  
**Counties Served:** Atascosa, Bandera,  
Bexar, Calhoun, Comal, DeWitt, Dimmit,  
Edwards, Frio, Gillespie, Goliad,  
Gonzales, Guadalupe, Jackson, Karnes,  
Kendall, Kerr, Kinney, La Salle, Lavaca,  
Maverick, Medina, Real, Uvalde, Val  
Verde, Victoria, Wilson, Zavala

### **Region 09: West Texas**

American Grant Management  
4600 A N.E. Loop 338  
Odessa, TX 79763  
Preston Chancellor, Project Director

432-889-3617

preston@amgrant.com

**Counties Served:** Andrews, Borden, Coke,  
Concho, Crane, Crockett, Dawson, Ector,  
Gaines, Glasscock, Howard, Irion, Kimble,  
Loving, Martin, Mason, McCulloch,  
Menard, Midland, Pecos, Reagan,  
Reeves, Schleicher, Sterling, Sutton,  
Terrell, Tom Green, Upton, Ward, Winkler

### **Region 10: Upper Rio Grand**

Model Cities – El Paso  
2267 Trawood, Suite E-2  
El Paso, Texas 79935  
Roger O'Dell, Executive Director  
915-591-0404,  
rogerthat@aol.com  
**Counties Served:** Brewster, Culberson,  
El Paso, Hudspeth, Jeff Davis, Presidio

### **Region 11: Lower South Texas**

Nueces County Community  
Action Agency  
101 South Padre Island Drive  
Corpus Christi, TX 78405  
Alma Barrera, Healthy Marriage  
Coordinator  
361-883-7201 X 42  
abarrera@nccaatx.org  
**Counties Served:** Aransas, Bee, Brooks,  
Cameron, Duval, Hidalgo, Jim Hogg,  
Jim Wells, Kenedy, Kleberg, Live Oak,  
McMullen, Nueces, Refugio, San  
Patricio, Starr, Webb, Willacy, Zapata  
HHSC must maintain a website,  
Texas Healthy Marriage Program Web  
Registry, to register trained marriage  
educators, have information available  
to the public, and verify premarital  
education courses meet required stan-  
dards. The web portal will not be avail-  
able for use until September 1, 2008.  
Contact Nanette Forbes at nanet-  
tef@county.org if you have any ques-  
tions concerning this article. 🗺️

## Attorney General Opinions Issued



**GA-0636:** Honorable Jeb McNew, Montague County Attorney, whether county officials who collect funds for the county may establish individual bank accounts in their own names. **Summary** County officers who collect fees for the county must deposit the funds with the county treasurer or in the county treasury as required by Local Government Code chapter 113 or 133, absent a specific statute providing for a different disposition. A county sheriff, county clerk, district clerk, or justice of the peace may not deposit the county funds the officer collects in an individual bank account in the county's depository that enables the officer to control and withdraw funds.

The county auditor may "adopt and enforce regulations, not inconsistent with law" for collecting, checking, and accounting for

the revenues and other funds and fees that belong to the county. Where county officers who collect county funds are required by statute to deposit them with the county treasurer or in the county treasury, the county auditor may not by regulation authorize a county officer to place those funds in an individual bank account in the county's depository under the officer's own name or enable the individual officer to control and disburse those funds.

If such bank accounts have been opened, the agreement with the bank should state who would be authorized to close the account. In all likelihood, this person would be the county officer who opened the account.

An official who collects fees under Local Government Code chapter 133 must deposit them in the county treasury. Checks written

on accounts set up for fee funds collected by a county official and deposited in the county treasury are to be signed by the treasurer and the county auditor.

**GA-0637:** Mr. Robert Scott, Commissioner of Education, Texas Education Agency, Whether impact fees may be imposed upon school district property under chapter 395 of the Local Government Code, and whether certain exactions constitute "impact fees" **Summary** Under section 395.022(b) of the Local Government Code, a school district is not required to pay an impact fee imposed under chapter 395 unless the district's board of trustees consents to the payment of such fee by entering into a contract with the political subdivision that imposes the fee. Attorney General Opinion GA-0496 (2006) has been modified by section 395.022(b) of the Local Government Code. ■

## Attorney General Opinions Requested



**RQ-0715-GA** Honorable Elton R. Mathis, Waller County Criminal District Attorney, whether the offices

of an appraisal district must be physically located within the boundaries of the appraisal district's county.

**RQ-0717-GA** Honorable Bobby Lockhart, Bowie County Criminal District Attorney, authority of City of Texarkana municipal police officers under various circumstances.

**RQ-0718-GA** Honorable John W. Segrest, McLennan County, Criminal District Attorney, whether a program of house arrest and electronic monitoring of convicted individuals must be administered by a community supervision and correction department.

**RQ-0719-GA** David L. Lakey, M.D., Commissioner, Texas Department of State Health Services, whether federal law pre-empts the Department of State Health Services from regulating air ambulance EMS provider subscription programs. ■

## ORCA's New Online Rural Policy Recommendation Process

The Office of Rural Community Affairs is looking for input from Texas county officials across the state regarding policy recommendations and ideas to improve quality of life in rural communities.

The agency is asking rural Texans to contribute ideas and suggestions online at <http://www.orca.state.tx.us/index.php/Home/Policy+Recommendation>.

According to the accompanying news release, ORCA is particularly interested in four key focus areas, including economic development, community development, healthcare, and housing. ORCA will offer these comments to the Texas Legislature at the beginning of the upcoming legislative session.

The agency is charged with the

task of identifying and prioritizing policy issues and concerns affecting rural communities in the state in consultation with rural community leaders, locally elected officials, state elected and appointed officials, academic and industry experts, and the interagency work group; and with making recommendations to the legislature to address the concerns affecting rural communities.

ORCA works to strengthen rural communities and assist them with community and economic development and healthcare by serving as the central source for rural programs, services, and activities so that governmental resources are delivered efficiently and with best possible results for the state's rural residents. 🇹🇽



# From the Legislative Desk

*By Carey "Buck" Boethel, Director of Governmental Relations*

**Capitol Track**—Legislative committee proceedings are now well underway—there are some sixty-two working groups including a few joint and special committees and seven or so Senate subcommittees. Each group is working on specific charges that have been issued either by Speaker Craddick (266 in the House) or Lieutenant Governor Dewhurst (205 in the Senate). Ordinarily the various committees conclude their proceedings and issue reports before the next general session in January 2009. There are exceptions in which case a specific date for completion and reporting is declared in the charge itself. Each member of these committees will have an opportunity to vote on the content of the report.

Occasionally reports are not unanimous and a member may cast a dissenting vote or refuse to sign the majority report. **TAC tracks** a number of county related interim studies all of which are posted on the TAC Web site. The TAC Legislative Department's **Paul Sugg** led off testimony at a recent interim hearing held by the Senate Committee on International Relations and Trade at the Capitol. The Committee, chaired by Senator Eddie Lucio, Jr., heard testimony from many county officials and county advocates including **James P. Allison**, General Counsel for the County Judges and Commissioners Association of Texas, about the need for additional county authority to prevent the proliferation of substandard housing in rural

and unincorporated Texas. County officials gave compelling testimony regarding the growth challenges they face in their counties and suggested to the committee reasoned, thoughtful solutions to take up next session. The **TAC Property Tax Education Packet** has been updated and is ready for distribution. Packets will be available at a number of venues including the TAC Annual Conference in August. The publication is well worth your time and contains many important talking points, county operational facts and truth in taxation features. Please let us know if you would like one by calling anyone in the Legislative Department (800) 456-5974 or via email to: [CareyB@County.org](mailto:CareyB@County.org). 🗺️

Leg. Ad. Texas Association of Counties, Karen Ann Norris, Executive Director, 1210 San Antonio, Austin, TX 78701



TEXAS ASSOCIATION OF COUNTIES  
P.O. Box 2131  
Austin, Texas 78768

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