

County*i*ssues

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Juvenile Justice Legislative Appropriations Discussed



By **Laura Nicholes**
TAC Legislative Staff

March 18, 2009
the Senate
Committee on

Finance voted on the Legislative Budget Board's recommendations for Article V Public Safety, addressing juvenile justice agencies. Items which could result in a significant impact to counties are:

1. NOT ADOPTED – \$34 million to replace a loss in Federal Title IV-E Foster Care Administrative reimbursements to counties. The legislature received a request to assist counties by replacing an anticipated loss in federal funding due to inconsistencies in federal - level rule interpretations by the Department of Family and Protective Services. Local juvenile probation departments qualified for reimbursements totaling more than \$38 million in 2007. Using revised claiming procedures for 2008, local departments received about \$8.7

million. Counties may experience an approximate loss of \$34 million in the 2010-2011 biennium for federal administrative reimbursements in addition to the unexpected loss of more than \$18 million in FY 2008. The loss of funding for local programs and services could result in an increase of up to 1,900 commitments to TYC – a result that would devastate the capacity goals of the agency. County officials are

encouraged to contact members of Congress to urge continued federal funding of Title IV-E Foster Care Administrative reimbursements, and to contact their Texas legislators to urge replacement funding.

2. ADOPTED – Funding in the amount of \$35 million was appropriated for two county-based

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KEY COUNTY DATES

April 2009

April. By April 1 or as soon thereafter as practicable the chief appraiser is to mail written notice to certain single-family residence property owners of appraised value of property. TEX. TAX CODE, § 25.19(a).

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

April 8-9. CIRA Content Management System (CMS) Training. Presented by the County Information Resources Agency (CIRA), Tyler.

April 15-17. 2009 County Management Institute. Educational Co-Sponsor: Lyndon B. Johnson School of Public Affairs, University of Texas at Austin, Austin.

No later than April 24.

Counties not more than 100 miles from the Texas-Mexico border.

If drought conditions exist (determined by the Texas Forest Service). Commissioner Court in counties located not more than 100 miles from Texas-Mexico border may adopt an order regulating the use of certain fireworks for the Cinco de Mayo fireworks season. TEX. LOC. GOV'T CODE, §352.051; TEX. OCC. CODE, §2154.202(g).

April 30. Deadline for commissioners court to order county election precinct boundary changes to comply with its March or April determination. TEX. ELEC. CODE, §43.031(a).

April 30, 5:00 p.m. Judge of a statutory county court or statutory probate court is required to file a verified financial statement with county clerk or State Ethics Commission. TEX. LOC. GOV'T CODE, §159.052.

April 30, 5:00 p.m.

Counties with 100,000 or great population. Deadline for County Judge, County Commissioners and County Attorney to file a

verified financial statement with County Clerk in the county in which the person resides. TEX. LOC. GOV'T CODE, §§159.001, 159.003, AND 159.004(a). Failure to file is a Class B Misdemeanor. TEX. LOC. GOV'T CODE, §159.008(b). A \$1000 civil penalty may also be assessed. TEX. LOC. GOV'T CODE, §159.010(c). If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing.

Counties with 125,000 or more population. Deadline for Justices of the Peace to file a verified financial statement with County Clerk in the county in which the person resides. TEX. LOC. GOV'T CODE, §§159.001, 159.003, AND 159.004(a). Failure to file is a Class B. Misdemeanor. TEX. LOC. GOV'T CODE, §159.008(b). A \$1000 civil penalty may also be assessed. TEX. LOC. GOV'T CODE, §159.010(c). If delivered by mail or carrier, cancellation or receipt mark before the deadline is proof of timeliness of filing.

May 2009

May 1. By this date or as soon thereafter as possible.

Chief appraiser to mail written notice of appraised values to property owners of property for which a notice was not required to be provided in April. TEX. TAX CODE, §25.19(a).

May 3-9. County Government Week

May 9. Uniform Election Date. TEX. ELEC. CODE, §41.001.

Before May 15. Voter Registrar to submit to comptroller of public account a statement of registration information for previous voting year. TEX. ELEC. CODE, §19.001.

May 31-June 3, 2009. 2009 North & East Texas County Judges and Commissioners Conference. Educational Co-Sponsor: V.G. Young Institute of County Government, Texas AgriLife Extension Service, Texas A&M University, Lewisville.

Juvenile Justice Update

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pilot diversion programs. At the request of the legislature, Dallas County designed a proposal to limit the number of juveniles the county commits to TYC using the pilot appropriations; included in the plan are the costs estimated for increasing use of community resources and the consequence of paying the State to house any youth committed to TYC that might exceed the "cap" agreement. Travis County volunteered to submit a pilot diversion plan to the legislature. An additional \$18 million was placed in Article XI for a regional-based pilot diversion program.

- Proponents are searching for options to more effectively serve the needs of juvenile offenders while reducing the numbers that might otherwise be committed to TYC.
- County officials, juvenile chiefs and advocacy groups are among those supportive of preserving the integrity and well documented success of current county-based juvenile services. However, concern is rising in regards to funneling money toward pilot programs without addressing the loss of federal reimbursements that counties depend on to provide successful individual and family intervention services for juveniles at risk of being removed from their homes.

3. NOT ADOPTED – \$4.5 million for Juvenile Justice Case Management System (JJCMS). The Senate chose not to adopt the TJPC request of \$4.5

Juvenile Justice Update

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Fiscal Notes for the 81st Regular Session



By Tim Brown
TAC Legislative Staff

For those who might not have heard, counties are not the only ones who get requests from the Legislative Budget Board (LBB) to provide information for Fiscal Notes. For those who haven't received one of these requests, the LBB is charged with producing estimates of the fiscal impact of filed bills on both the state and local governments before any legislative actions can be taken. As a practical matter this means that a fiscal

note must be prepared before the bill can be heard in committee.

In order to determine the fiscal impact on local governments, the LBB turns to cities, counties, school districts, special districts and increasingly to the Texas Association of Counties. As of 5 p.m. on the 23rd of March, TAC had received 130 individual requests from LBB! During the 80th Regular Session, TAC received only 46 requests, which was itself a considerable increase from the 79th Regular Session when we received less than ten requests.

Clearly, the LBB does not send every county related bill to us for input. There

are bills that are sent only to the counties and not to TAC. It is also clear that the LBB has grown to utilize and value the input that TAC can offer on numerous bills. Often however, TAC has no direct knowledge of how certain bills will impact counties. In those situations, we turn to county officials and their employees for assistance. Our normal methodology when we have to go to the counties is to contact a handful of county officials, generally around a dozen, but occasionally more.

Sometimes, when circumstances warrant, we'll post a request to one or

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New County Emergency Management Website Coming Soon



By Bruce Barr
TAC Legislative Staff

A new county emergency management web page will soon be available. CIRA, the County Information Resources Agency, in cooperation with the Governor's Division of Emergency Management (GDEM) is in the process of developing a web page and e-mail listserve dedicated to helping local governments continue functioning during a crisis and recover afterward. What began as a conversation about helping counties communicate to county employees after a disaster has blossomed into a tool to help facilitate the transfer of critical information between state and local emergency response officials and the public. As described by Gayle Latham, CIRA Director, this project is intended to facilitate return to work and operational status for the county by providing critical information to the essential workforce of the county, provide a central resource linking all emergency related information resources (local, state, federal), and alert other counties within the state to emergency situations for which they may be able to offer assistance.


At the core of the project is a central

website for county disaster recovery information. This site will include links to existing county, state and federal emergency information websites but will also allow counties to keep staff and citizens up to date as the local environment changes. Local evacuation and return status can be posted, as well as county employee specific items, such as emergency prescription information, recovery assistance documents and who to contact. It will serve as a central place for people to look to in time of a disaster.

On this website counties will be able to post the specific type of assistance they may need in recovering from a disaster and create a central point of information for recovery workers. A listserve is also included as a means of communication with emergency personnel throughout the state. The listserve is the first phase of the project and will include members from cities, counties, the state and federal government. When completed, redundancy of the hosting service will provide constant access to the information. It will link to a central repository for maps and other forms and documents needed in the recovery process. For those who have robust

emergency management websites within their county, it will serve as a back-up site in the event that the disaster causes their sites to go down. If for some reason they do not have a county emergency management site, they may directly put the information on this site through a secure log-in to only their part of the website. Only Internet access will be needed to update the site.

One of the major obstacles to continuity of local government during and after a crippling disaster is the flow and access of communication between the levels of government. By creating a conduit, the TAC/CIRA Emergency Management website hopes to help fill some of the gaps in that flow of critical information.

Though the general format for the website is being built right now there is still room for input. If your county has a specific need, or there is a topic you believe will benefit other counties please contact Gayle Latham at (800)-456-5974 or gayle.latham@cira.state.tx.us. To sign up for the emergency management listserve visit <http://list.county.org/lists/> or contact Bruce Barr at (800)-456-5974 or bruceb@county.org. 





Resources, Naturally

County Development Authority Bills



By Paul J. Sugg
TAC Legislative Staff

We are now past the half-way point in the session and a raft of bills has been filed affecting county authority over development. Below please find some of the bills filed, a brief description of what they do, and where they are in the process.

A number of bills have been filed amending Chapter 231 of the Local Government Code, giving particular authority to particular counties, in the chapter reserved for these purposes. Although these bills immediately below are local or regional bills, they are noted because this shows there is a real need for additional authority at the county level: legislators are working closely with their county officials to craft local, regional, as well as statewide bills to give counties the tools they need to address urbanized growth in the unincorporated area of the state.

HB 143 by McClendon -

Relating to granting certain counties regulatory authority around military facilities in certain circumstances. This gives additional authority to commissioners courts in Bexar county and counties adjacent to Bexar to regulate development near military installations. *03-25-09 Heard in House Defense and Veteran's Affairs.*

HB 1119 by Bolton - Relating to authorizing certain populous counties to adopt county planning regulations. Ms. Bolton continues to support giving

counties the authority they need to address the challenges of growth. This bill would give expanded authority to counties with populations of 800,000 or more. *2-25-09 Referred to House Land and Resource Management.*

HB 2167 by Rose - Relating to granting Hill Country counties authority to regulate certain land use and impose certain development fees. This gives certain Hill Country counties additional authority over development, subject to an election. *3-9-09 Referred to House Land and Resource Management.*

HB 2436 by Phillips - Relating to the zoning authority of counties around certain bodies of water. Subchapter G gives zoning authority to certain

authorizing certain counties and municipalities to regulate land development; providing a penalty. As filed, it is bracketed for El Paso County but a substitute was laid out in County Affairs that opened it up to border counties. *3-23-09 Committee action pending House County Affairs. Companion: SB 1370 by Lucio 3-17-09 Referred to Senate International Relations and Trade.*

HB 3265 by Rose - Relating to granting Hill Country counties regulatory authority and the authority to impose certain development fees. This gives certain Hill Country counties additional authority over development, subject to an election. *3-18-09 Referred to County Affairs.*

HB 3093 by Harless - Relating to the authority of certain counties to adopt commercial development regulations for unincorporated areas of the county; providing a penalty. This authorizes the Harris County commissioners court to regulate commercial development by order. *3-17-09 Referred to House Land and Resource Management.*

HB 3464 by Keffer - Relating to the enforcement of certain development regulations in a justice court. This affects that part of Hood County around Lake Granbury and the Brazos River. *3-18-09 Referred to House Land and Resource Management.*

HB 4170 by Wayne Smith - Relating to requiring property inspection for windstorm and hail insurance in certain geographic areas and authorizing certain political subdivisions to adopt and

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counties around certain lakes. This adds the yet-to-be-built Lower Bois D'Arc Creek Reservoir in Fannin County to that list of lakes. *3-11-09 Referred to House Land and Resource Management.*

HB 2606 by Hunter - Relating to granting county zoning authority to Aransas County. As the caption notes, this would give Aransas County permissive zoning authority. *3-12-09 Referred to House Land and Resource Management.*

HB 2833 by Marquez - Relating to

Ways & Means chairman speaks to packed room at TAC



By Elna Christopher
TAC Communications Staff

Rep. René Oliveira (D-Brownsville) – chairman of the powerful House Ways and Means

Committee – spoke to a standing-room-only group of county officials, guests and staff at the TAC Tuesday morning legislative breakfast March 10.

He strongly declared that appraisal process reform bills in his committee will not be amended to include stricter revenue caps on local governments.

“I’ve made it very clear...” Oliveira said. “We’re not going to put any Christmas trees on these bills...so that you can’t put revenue caps on them, you can’t put appraisal caps on them.” The chairman was referencing bills such as

HB 2, HB 8 and other appraisal process reform bills brought by Rep. John Otto (R-Dayton), Ways and Means vice chair and head of an interim select committee on appraisal reforms. Those bills could come up for hearing in Ways and Means as early as March 18.

However, Oliveira cautioned county officials that “you have got to fight this battle still” since caps could be added to bills when they hit the House floor. He also noted that members of the Senate could seek to pass a caps bill which could then end up coming back to the House for consideration.

“Capping you is not good government,” Oliveira said.

He said that one pro-caps group claims that local government has grown more than 30 percent in recent years, without their mentioning that much of

the growth was just that – growth through new construction of homes and businesses that went on the tax rolls. Such population growth requires new services, he noted.

Oliveira also touched on the state’s financial outlook and said the Legislature “will be looking at revenue-raising issues in 2011,” noting that oil and gas revenues are down, average property values may drop and sales taxes are basically flat. 2011 is “when we may have to use the (state’s) Rainy Day Fund.”

After graciously taking questions from the audience, the chairman ended his talk with a comment that brought a loud round of applause from the audience of 54 persons: “I’ve always thought of cities and counties as allies and not the enemy.” 🗝

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more of the list serves. This allows the majority of counties the opportunity to provide input; however we generally avoid using the list serves so that county officials are not unduly burdened with TAC messages. We don’t want anyone to get to the point where they delete our e-mails automatically!

LBB is somewhat at the mercy of the committees; the analysts try to stay ahead by sending out requests as soon as possible but the number of bills being filed is increasing every session and sometimes they are caught off guard. For example, we were contacted about a committee substitute earlier this session. LBB needed an immediate reply since

the fiscal note was due to the committee by close of business the same day. When situations like that arise, there is seldom time to contact more than one or two county officials for assistance.

But TAC could not provide reliable input to the LBB without the assistance of county officials and their employees. We often do not have the specific data on hand needed to respond to many of the bills that are filed. Sometimes we can extrapolate from data previously collected, but often a response requires greater specificity than what we have available or touches on a subject area for which we have not collected any data. In those cases, we must start

contacting county officials for help.

With that in mind, we want to thank everyone who has already helped during this session as well as those who will help later in the session. While the filing deadline is now passed, we have no idea how many more times LBB analysts will contact us during the remainder of this session on bills that have yet to be referred to committee or on committee substitutes.

If you have any questions about this article, please contact Tim Brown at timb@county.org or 512-478-8753. 🗝

81ST LEGISLATIVE SESSION

Significant Bills



HEALTH CARE

By Rick Thompson
TAC Legislative Staff

HB 490 by Jackson, Jim - Relating to indigent health care. This bill requires counties and hospitals to report annually to the Dept. of State Health Services. No later than the 30th day of the new year, a county must report to the DSHS eligibility standards, application procedures and total county IHC expenditures of the previous year. This bill also increases the minimum eligibility standard to 25% Federal Poverty Level and increase county liability per client from \$30K to \$35K per year. *03-31-09 H Meeting set for 8:00 A.M., E2.012 House Public Health*

HB 515 Vaught - Relating to the expansion of the boundaries of the Dallas County and Tarrant County Hospital Districts. This bill proposes letting citizens of surrounding counties petition to join the Dallas or Tarrant County Hospital Districts. *03-30-09 H Committee action pending House County Affairs*

HB 1436 by Burnam - Relating to depositing revenue received by this state from undocumented immigrants to the indigent emergency medical services and preventative health care reimbursement fund. This bill creates a dedicated account in the state general revenue account called the Indigent Emergency Medical Services and Preventative Health Care Reimbursement Fund. The comptroller shall deposit \$424.7M of revenue annually to provide state assistance for a governmental entity or hospital district for the cost of emergency medical services, preventative health care services, and other health care services provide to indigent persons not reimbursed by Medicaid or any other state or federal funding source. *03-02-09 H Introduced and referred to committee on House Public Health*

HB 1744 by Jackson, Jim - Relating to employer liability for the cost of health care services provided to certain indigent employees. This bill makes an employer who knowingly employs an illegal immigrant liable to the county, public hospital, or hospital district for providing services to illegal residents. This bill also allows the entity to bring

action against the employer for costs of the care. *03-03-09 H Introduced and referred to committee on House Public Health*

HB 2205 by Gonzales - Relating to a county's eligibility to receive state assistance for health care expenditures that exceed eight percent of the county's general revenue levy for the year. This bill would allow counties who make payments to Medicaid for health care services eligible for the state assistance program. *03-31-09 H Meeting set for 8:00 A.M., E2.012 House Public Health*

HB 2614 by Heflin - Relating to county general revenue levy for indigent health care. This bill allows for the county to exempt payments of principal or interest on county debt when calculating the general revenue tax levy. *03-12-09 H Introduced and referred to committee on House County Affairs*

HB 2710 by Coleman - Relating to indigent health care services provided by a county. This bill increases county liability for indigent health care by requiring counties to include physical and cocupational therapy services as a basic service. *03-30-09 H Committee action pending House County Affairs*

HB 3408 by Gonzales - Relating to a county's liability for the costs of basic health care services. This bill increase the county's liability for indigent health care service by adding the following to basic services:

- ambulatory surgical center services;
- diabetic and colostomy medical supplies and equipment;
- durable medical equipment;
- home and community health care services;
- social work services;
- psychological counseling services;
- services provided by physician assistants, nurse practitioners, certified nurse midwives, clinical nurse specialists, and certified registered nurse anesthetists;
- dental care;
- vision care, including eyeglasses;
- services provided by federally qualified health 1centers, as defined by 42 U.S.C. Section 1396d(l)(2)(B);
- emergency medical services; and any other appropriate health care service identified by board rule that may be

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Significant Bills

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determined to be cost-effective. *03-31-09 H Meeting set for 8:00 A.M., E2.012 House Public Health*

HB 3474 by Coleman - Relating to indigent health care. This bill directs the commissioner of Health and Human Services Commission to adopt rules relating to improving indigent health care (IHC) services provided in Texas. The commissioner is granted a number of areas of regulation which include authority to:

- require public and private hospitals to implement an IHC program as developed by the commissioner;
- regulate over contracts for entities providing indigent health care services;
- expanding eligibility for indigent health care services by various methods, including raising the income level for eligibility;
- maximizing available state and federal funding to be used for provision of indigent health care, including federal stimulus money
- utilizing available private funding for provision of indigent health care;
- increasing spending on indigent health care by matching county funds with state funds;
- expanding the range of services offered to indigent patients through an indigent health care program, including dental services, physical therapy, and occupational therapy;
- increasing access to preventative treatment, including dental treatment, vaccinations, regular physical examinations, and routine screenings for health conditions, to lower the cost of emergency treatment;
- developing incentives for providers of indigent health care to provide a wider variety of optional services;
- regulations for federally qualified health centers to assist those entities in providing indigent health care as efficiently as possible;
- outcome-based performance standards for indigent health care designed to improve the quality of care and lower the cost of care. *03-19-09 H Introduced and referred to committee on House Public Health*

HB 4494 by Eiland - Relating to indigent health care costs related to a declared disaster. This bill allows a county in response to a natural or manmade disaster to exempt from the county rollback rate all expenditures paid

to a state agency in support of indigent health care services. *03-25-09 H Introduced and referred to committee on House Ways and Means*

HB 4503 by Coleman - Relating to charity care and government-sponsored indigent health care provided by certain hospitals. This bill requires a for-profit hospital who receives a tax abatement from a county to provide charity care in an amount equal to at least 5% of the hospitals gross patient revenue. *03-25-09 H Introduced and referred to committee on House Public Health*

SB 188 by Deuell (Same as HB 142 by McClendon) - Relating to disease control programs to reduce the risk of certain communicable diseases. The Committee Substitute to SB 188 bill would authorize a local health authority to operate or contract with an organization to operate a disease control program that authorizes one-for-one syringe exchanges; offers education on the transmission and prevention of communicable diseases; and assists participants in obtaining health-related services, including substance abuse treatment services and blood borne disease testing. The bill authorizes such programs to charge a fee for the new syringes and sets forth provisions relating to the distribution and handling of such syringes and reporting. *3-19-09 Passed the Senate (Vote Y:23 / N:6);*

SB 526 by Nelson - Relating to grants for federally qualified health centers. This bill removes the expiration date on the Department of State Health Services grant program for establishing new federally qualified health centers. This bill also allows for grants to help maintain existing facilities. *03-12-09 S Committee action pending Senate Health and Human Services Companion: HB 1169 by Martinez - 03-31-09 H Meeting set for 8:00 A.M., E2.012 House Public Health*

SB 957 by Watson - Relating to the ability of a county, public hospital, or hospital district to purchase or arrange for the purchase of certain health coverage or benefits for eligible residents. This bill will allow a county to arrange for the purchase of health coverage for eligible residents. *03-26-09 S Recommended for Local/Uncontested Calendar Companion: HB 1628 by Naishtat - 3-3-09 H Introduced and referred to committee on House County Affairs*

SB 2334 by Lucio - Relating to a county's eligibility to receive state assistance for health care expenditures that exceed eight percent of the county's general revenue levy for the year. This bill allows any indigent health care

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enforce regulations relating to severe weather. Bracketed for counties bordering the Gulf of Mexico or a county bordering such a county, this amends Ch. 233, LGC to allow a commissioners court to vacate or relocate occupants of buildings damaged by severe weather and to secure, repair, remove, or demolish buildings rendered inhabitable. It also allows commissioners court to adopt and enforce a residential building code. It defines land abandoned due to the effect of severe weather and allows a commissioners court or city council to acquire that property via eminent domain, as provided in Ch. 21, Property Code. *3-24-09 Referred to House Insurance*

HB 4182, HB 4605, HB 4607 by Guillen

– These all address regulating development around Lake Falcon in Zapata County. *All referred to County Affairs.*

SB 1365 by Shapleigh - Relating to development regulations in certain flood-prone counties. As filed, this applies only to El Paso County and gives that county additional authority. *3-17-09 Referred to Senate Subcommittee on Floods and Evacuations.*

SB 2100 by Wentworth - Relating to granting certain counties regulatory authority around military facilities in certain circumstances. This is similar to Rep. McClendon's HB 143 and gives additional authority to the commissioners courts in Bexar County and counties adjacent to Bexar to regulate development near military installations. *3-13-09 Filed.*

SB 2451 by Wentworth - Relating to authorizing certain counties to adopt buffer zone regulations and comprehensive land development plans. Bracketed for Travis County, it allows for the establishment of buffer zones between unlike land uses. *3-18-09 Filed.*

SB 2452 by Wentworth - Relating to granting Travis County authority to

regulate certain land use and impose certain development fees. As noted in the caption, this applies only to Travis County, giving the commissioners court additional authority, subject to an election. *3-18-09 Filed.*

Next are selected bills amending Chapter 232, Local Government Code, to include the various subchapters.

HB 1680 by Gallego – Relating to an application filed with a county commissioners court to revise a subdivision plat. This amends Subchapter B to allow a commissioners court to impose a fee for a plat revision. The amount of the fee must be based on the cost of processing the application, including the notices required (newspaper and certified mail to all owners in the subdivided tract). *3-27-09 Recommended for Local and Consent.*

HB 2275 by Raymond – Relating to creating a task force to develop uniform standards for subdivisions in the unincorporated areas of counties near the international border and in economically distressed counties. This creates a Task Force on Uniform County Subdivision Regulations to resolve conflicts and unnecessary complexities in the laws governing the regulation of development near the international border and in economically distressed counties in order to develop uniform subdivision standards in those counties. Task force membership would include Subchapter B and Subchapter C county officials appointed by the Texas Water Development Board (TWDB), private land developers appointed by the governor, a representative appointed by the attorney general, a member of TWDB, and representative appointed by the secretary of state (SOS is also to provide administrative support to the task force). The task force is directed to

identify conflicts and deficiencies in current law, develop recommendations and draft proposed legislation to create uniform standards for the regulation of subdivisions in counties near the international border and in economically distressed counties. The deadline for submission to House and Senate standing committees with jurisdiction over border regions or county affairs is Dec. 1, 2010. *3-23-09 Voted favorably from committee as substituted House Border and Intergovernmental Affairs.*

SB 578 by Wentworth – Relating to the authority of a county to regulate land development after a local option election. This would give commissioners court, following an election ordered by the commissioners court, the authority to require buffer zones between unlike land uses and require a developer to help pay for the off-site roadway improvements necessary to serve a development. *2-23-09 Referred to Intergovernmental Relations.*

SB 967 by Hegar - Relating to the disclosure by the developer of the subdivision of planned highway projects that will go through or be adjacent to a subdivision. This requires advertisements of any form related to subdivided land indicate the location of each highway project contained in: TXDOT's unified transportation program; TXDOT's statewide transportation improvement program; the official planning document of a local transportation entity, including a regional mobility authority, regional tollway authority, county toll road authority, and that is identified in the planning document as going through or running adjacent to the subdivision. It also amends Subchapter A, Chapter 232, adding Sec. 232.0034 "Additional Requirement: Disclosure of Highway Projects". It states that the

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Juvenile Justice Update

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million to establish and implement a software and technology support component to assist all local juvenile probation departments with improved communications, efficiency and accuracy of data and data sharing capabilities.

4. ADOPTED – \$6.5million for mental health assessments and services.

5. ADOPTED – \$48 million reduction in Full Time Employee positions at Texas Youth Commission.

6. ADOPTED – \$1.6 million for a Regional Transition Center for the

Texas Youth Commission. The House Appropriations Subcommittee on Criminal Justice adopted partial funding for the Title IV-E state replacement request and Juvenile Justice Case Management funds, but made no appropriations for the local pilot diversion programs. Differences between the House and Senate versions of the General Appropriations Act will be addressed in conference committee.

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

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commissioners court by order shall require a plat application have attached to it a description and map of any of these projects and that are identified in the planning document as going through or running adjacent to the subdivision. *3-9-09 Referred to Transportation and Homeland Security.*

SB 1873 by Zaffarini - Relating to subdivision platting requirements in counties near an international border. This amends Subchapter B, applicable to counties within 50 miles of the Mexican border. Among other things, this amends the definitions of "lease" and "sale", changes the minimum lot size from 5 acres to lots less than 5 acres, decreases minimum road width, and amends the bond requirements. *3-11-09 Filed. Companion: HB 4669 by Guillen 3-13-09. Referred to Border and Intergovernmental Affairs.*

SB 2097 by Wentworth - Relating to granting counties authority to regulate certain land use. Among a variety of things, this expands the scope of the application fee charged to include review of other improvements described in the plat (currently limited to streets, roads, and drainage). It expands the scope of the bond requirements (currently applicable to roads, streets, and drainage) to include other infrastructure, including water supply and sewage collection and treatment systems. It expands the financial guarantee in lieu of bond to include other infrastructure and drainage requirements. It also changes the Subchapter E fire suppression system requirements from subdivisions with fewer than 50 lots, 2,500 gallons to fewer than 10 lots, 5,000 gallons; 10 or more lots, 5,000 gallons if there is a centralized water system or 10,000 gallons if there is not a centralized water system. *3-13-09 Filed.* 🗺️



COUNTY
GOVERNMENT
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Significant Bills

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county to claim expenditures made for health care services provided through Medicaid, including indirect reimbursement through transfers of funds to the state for those services. *03-13-09 S Filed* 🗳️



HOMELAND SECURITY

By Aurora Flores-Ortiz

TAC Legislative Staff

SB 11 by Carona- Relating to the investigation, prosecution, and punishment for certain gang-related and other offenses and to the civil consequences of engaging in certain activities of a criminal street gang. SB 11 authorizes judges to require consecutive sentencing for certain gang-related offenses; requires gang intervention programs for juveniles adjudicated to have engaged in a gang-related offense; creates a cause of action for affected persons or entities to bring civil law suits against gangs who have caused harm; creates a special unit within the Texas Department of Public Safety to investigate law enforcement corruption related to organized crime and criminal gang activity; and includes other provisions relating to forfeiture of assets, criminal street gang intervention programs, and the creation of offenses of online promotion of a criminal street gang or issuing threats relating to gang membership. *Committee action pending Senate Transportation and Homeland Security 03-25-09*

SB 12 by Carona- Relating to emergency management. SB 12 authorizes county judges and mayors to have enforcement authority under a mandatory evacuation order. It also authorizes the governor to issue a mandatory evacuation order, but only with the agreement of a mayor or county judge. SB 12 adds Sections 242.0395 (Registration With Texas Information and Referral Network) and 247.0275 (Registration With Texas Information and Referral Network) to the Health and Safety Code to require convalescent homes and assisted living facilities to register with the Texas Information and Referral Network and to inform residents and their families and guardians about evacuation assistance services. *Committee action pending Senate Transportation and Homeland Security 03-25-09.*

DISASTER RELIEF

SB 181 by Gallegos - Relating to uniform reentry procedures for essential personnel entering an area evacuated during a disaster or other emergency. SB 181 authorizes the orderly reentry of essential personnel into an area evacuated during a natural disaster. The bill requires the governor, in cooperation with the Department of Public Safety, to establish by rule the uniform reentry procedures, for essential personnel who can be admitted, prioritize the order of reentry for those personnel, and establish methods to authenticate the identity of those personnel. *03-18-09 Returned to full committee, Senate Intergovernmental Relations, without amendments.*

PURCHASING

HB 78 by Flynn - Relating to the amount of a county expenditure for which competitive bidding is required. This bill increases the amount from \$25,000 to \$50,000. *3-25-09 Recommended for Local and Consent Calendar.*

HB 117 Heflin (Identical) - Relating to the amount of a county expenditure for which competitive bidding is required. *03-23-09 Committee action pending House County Affairs.*

HB 2573 Gonzalez Toureilles (Identical)-Relating to the amount of a county expenditure for which competitive bidding is required. *03-23-09 Committee action pending House County Affairs.*

SB 253 Estes (Identical) - Relating to the amount of a county expenditure for which competitive bidding is required. *02-11-09 Introduced and referred to committee on Senate Intergovernmental Relations.*

HOMELAND SECURITY/IMMIGRATION

HB 266 by Berman - Relating to regulating the provision of benefits and services to, and the verification of the employment status of, immigrants and to enforcing laws relating to immigrants. This bill would require counties to verify that new employees are legally allowed to work in this country and must use E-verify, or comparable application. To get a "public benefit" from any local government, including counties, an individual must complete an affidavit stating they are here legally. The local government must then provide free notary services to have the affidavit notarized. There are exceptions for things such as emergency medical care, any benefit for which federal law says there is no such requirement, etc. Anyone incarcerated for a felony or

Significant Bills *continued on page 11*

Significant Bills

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"intoxication offense" must have the status checked to verify whether or not they are here legally. Currently local law enforcement only checks individuals about whom they are suspicious. *02-17-09 Introduced and referred to Committee on House State Affairs.*

TRANSPARENCY

HB 1039 by Paxton - Relating to the creation of county databases containing information on county expenditures. This bill, among many things, states the commissioners court of a county shall establish and post on the internet a database of county expenditures that is electronically searchable by the public and be intuitive. The bill is a huge unfunded mandate for counties only. The population bracket for the bill is 20,000 or greater in population. Many of the small counties do not have websites or the staff or the software to comply with the bill. The cost of redaction is also an issue. The software expenses are estimated to be in a wide range from \$200,000 to \$500,000 both for initial purchase and to add staff to run the software and database should this be implemented. *02-23-09 Introduced and referred to Committee on County Affairs.*

HB 2743 by Paxton - Relating to the availability of certain county financial information on certain counties' Internet websites. This bill states the commissioners court shall maintain an electronic checking account transaction register in a searchable format for counties with a population of 50,000 plus. Costs include purchasing software for counties that do not currently have it and or hiring personnel to maintain the input of information and to troubleshoot the software. Redaction of privacy and juvenile concerns is another cost to counties as is sharing the electronic transaction register with anyone interested who requests the data as the bill states.

HB 4301 by Legler - Relating to the availability of certain county, municipal, and school district financial information on certain Internet websites. Chapter 134 Financial Disclosure of this bill states the commissioners court of a county shall maintain the transaction register for the county's checking account in a searchable electronic spreadsheet format and shall share the data with any

interested person who requests the data. The bill also states a county shall post on the internet website a statement of the county's obligated and unobligated fund balances. These balances shall be updated at least once a month and the statement will remain for two years. *03-24-09 Introduced and referred to committee on House Public Education.*

COUNTY GOVERNMENT STRUCTURE

HB 1223 by Laubenberg - Relating to persons authorized to make payroll deduction for county employees. This bill allows the commissioners courts to name a non elected county employee as a payroll officer. Treasurers testified that the bills adds language that delegates authority of the county treasurer to someone not elected and with no formal training to assume the statutory responsibility. *03-16-09 Committee action pending in County Affairs.* 🗳️



ELECTIONS

By Nanette Forbes
TAC Legislative Staff

HB 135 by Straus – Relating to elimination of straight-party voting. *02-12-09 Referred to House Committee on Elections.*

An identical bill has been filed, **SB 317 by Wentworth**, to eliminate straight-party voting. *3-09-09 Action pending in Senate Committee on State Affairs.*

A duplicate bill has been filed, **HB 1768 by Branch**, to eliminate straight-party voting. *3- 03-09 Referred to House Committee on Elections.*

HB 157 by Chavez – Relating to the registration of voters at a polling place and related procedures.

The legislation: 1) requires DRE's to produce paper audit trail that the voter can see but not handle. Electronic vote totals used for canvass. Paper trail ballots used in recount; 2) for DRE's acquired before 1/01/10 do not have to have paper audit trail if; a) the voter is given the option to vote a paper ballot instead of using the machine; b) certain pre-election security measures are taken; and, c) a permanent record is made of each ballot cast in either paper or electronic format. 3) Secretary of State (SOS) may require county that uses DRE's to provide source code and other documentation on the voting system. 4) Additional testing of equipment required. 5) Public logic and accuracy testing with at least one two-person team involved in the testing. 6) At least 90 days before

Significant Bills *continued on page 12*

Significant Bills *continued from page 11*

election, clerk/election administrator submits physical security plan to SOS. 7) More security during transfer of equipment from pre-election storage through election day and back to storage. 8) Cannot use DRE on election day if used in early voting. If passed, the bill will take effect on 1/01/10. *02-12-09 Referred to House Committee on Elections.*

A duplicate bill has been filed, **HB 245 by Alonzo**, relating to the registration of voters at a polling place and related procedures. *2-17-09 Referred to House Committee on Elections.*

HB 246 by Alonzo - Relating to the date of the primary election and related procedures.

The legislation moves the primary election date from the first Tuesday in March to the first Tuesday in February and the runoff primary election date from the second Tuesday in April to the second Tuesday in March.

The bill also advances candidate filing deadline triggering the constitutional resign-to-run provision for certain county officials who file for a different office with more than one year remaining on their current terms of office. *02-17-09 Referred to House Committee on Elections.*

HB 306 by Dutton – Relating to the compensation of election judge or clerk.

The bill increases minimum pay for election workers to 1.5 times the federal minimum wage rate. Also requires election workers to be paid within 72 hours after the compensation statement has been submitted. *02-17-09 Referred to House Committee on Elections.*

HB 337 by Harless – Relating to the costs of holding certain joint elections. The legislation relieves an independent school district that holds a joint election with a county from paying any costs associated with an election or during early voting by personal appearance. This would affect most counties. *02-17-09 Referred to House Committee on Elections.*

HB 452 by Allen – Relating to early voting by mail by any qualified voter.

The legislation expands early voting by mail to persons to include all voters not just those absent from their county of residence, ill or disabled, 65 years of age or older, or confined in jail. *02-18-09 Referred to House Committee on Elections.*

An identical bill has been filed, **SB 137 by Ellis**, relating to early voting by mail by any qualified voter. *2-10-09 Referred to Senate Committee on State Affairs.*

HB 513 by Vo – Relating to allowing a person who will be 18 years of age on the date of the general election for state and county officers to vote in the preceding primary

elections. The enabling legislation to accompany **HJR 34 by Vo** allowing 17 year olds to vote in a primary election if they will be 18 by the subsequent November general election.

Opposition expressed in testimony indicated legislation would create complications for voter registrars in processing the voter rolls and require updating software to include two additional date fields which would be costly. A representative from the Secretary of State's Office testified it would create a state fiscal note. *03-16-09 Committee action pending in the House Committee on Elections.*

HB 790 by Burnam – Relating to the counting of a provisional ballot cast by a voter in a precinct in which the voter does not reside.

The legislation would change provisional voting and allow a registered voter to vote at any polling place regardless of where they live. A committee substitute will be offered to make the legislation applicable to counties only. *03-16-09 Action pending in House Committee on Elections.*

HB 1103 by Guillen – Relating to a study regarding uniform election dates.

The legislation requires the Secretary of State to conduct a study on the effects on local governments in eliminating the May uniform election date, to determine whether longer ballots would negatively affect voters' behavior, and to determine whether voting districts would need to be consolidated if the May uniform election date is eliminated. *03-16-09 Action pending in House Committee on Elections.*

SB 362 by Fraser – Relating to requiring a voter to present proof of identification. *03-31-09 Referred to Committee on House Elections*

Chairman Todd Smith announced during the House Elections Committee hearing held on March 23 that testimony on SB 362 will be taken on April 6-7. Invited testimony will be heard on April 6 and public testimony will be heard on April 7.

Similar legislation has been filed, **HB 373 by Anderson**, on requiring a voter to present proof of identification. *02-17-09 Referred to House Committee on Elections.* Additional similar legislation has been filed, **HB 3556 by Bonnen**, requiring a voter to present proof of identification. *03-19-09*

SB 1134 by Duncan – Relating to the authority for certain high school students to serve as election clerks. *03-31-09 Placed on Senate Intent Calendar*

Significant Bills
continued on page 13

Significant Bills

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SB 1152 by Hinojosa – Relating to the making or acceptance of political contributions in a courthouse; providing penalties.

The legislation prohibits the acceptance of political contributions in any courthouse. Courthouse is defined as any building where state, county, or municipal judicial proceedings are conducted. Currently the restriction only applies to the State Capitol. *03-13-09 S Referred to Senate Committee on State Affairs.*

An identical bill has been filed, **HB 1359 by Anchia**, relating to the making or acceptance of political contributions in a courthouse; providing penalties. *03-02-09 Referred to House Committee on Elections.* ➡



JUVENILE JUSTICE

By Laura Nicholes
TAC Legislative Staff

HB 3689 by McClendon (Same as SB 1020 by Hinojosa) – Relating to abolishing the Texas Youth Commission and the Texas Juvenile Probation Commission and transferring the powers and duties of those agencies to the newly created Texas Juvenile Justice Department. This bill addresses the Sunset recommendations to abolish the existing juvenile justice agencies and merge all juvenile services into one agency. A committee substitute relating to the continuation of TJPC and TYC is planned. The substitute will establish one Board responsible for oversight of both agencies and will incorporate program specifics from the original bill and related legislation. *4-02-09 Meeting set for 8:00 A.M., E2.010 in House Corrections.*

HB 3688 by McClendon – Relating to the continuation and functions of the Texas Juvenile Probation Commission and the creation of the juvenile justice improvement plan committee. This bill provides a 2015 Sunset date if the TJPC is continued; it mandates the TJPC to collect comprehensive data concerning the outcomes of local probation programs throughout the state; and finally, it mandates the development of a Comprehensive Juvenile Justice Improvement Plan Committee and the development of a five year plan. *3-19-09 Introduced and referred to*

committee on House Corrections.

HB 3687 by McClendon – Relating to the continuation and functions of the Texas Youth Commission and the creation of the juvenile justice improvement plan committee. This bill provides a 2015 Sunset date for the TYC if the agency is continued. It also mandates that, at the request of a court that commits a child to TYC, the TYC shall provide the court with periodic updates on the progress of the child while in the TYC. The report may not include information that is protected from disclosure under state or federal law. Finally, it mandates the development of a Comprehensive Juvenile Justice Improvement Plan Committee and the development of a five year plan. *3-19-09 Introduced and referred to committee on House Corrections.*

SB 1374 by West – Relating to community based programs for juveniles in certain counties. This bill authorizes juvenile boards in counties with a population of at least 335,000 to apply for grants to establish and implement community corrections pilot programs for certain juvenile offenders. *3-17-09 Introduced and referred to committee on Senate Criminal Justice.*

SB 1237 by Estes (Same as HB 2378 by Heflin) – Relating to the authority of certain juvenile probation officers to carry firearms. This bill authorizes juvenile probation officers to carry firearms in the course of an officer's official duties if the officer possesses a certificate of firearms proficiency and is authorized to carry a firearm by the chief juvenile probation officer. *3-17-09 Introduced and referred to committee on Senate Criminal Justice (House version referred to Public Safety).* ➡



COUNTY JAILS

By Laura Nicholes
TAC Legislative Staff

HB 1335 by Gonzales-Toureilles – Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Department of Criminal Justice on parole or to mandatory supervision. *3-26-09 Committee action pending in House Corrections.*

Significant Bills *continued on page 17*

A Whole NEW Counter Culture

*a focus on customer
service in counties*



SERVING TEXANS

past, present, future

Texas Association of Counties 2009 Annual Conference & Vendor Expo

Hilton Hotel • Austin • Aug. 24-26

Counties represent the face of local government. For many in your community, you are the first, and sometimes the only, contact they'll ever have with government. The 2009 TAC Annual Conference & Trade Show will focus on enhancing your efforts to offer your constituents sound county services with outstanding customer service.

Breakout sessions will cover legislative changes as well as methods to ensure customer service satisfaction. Topics will

include everything from establishing a culture of service to best practices in phone etiquette.

What happened in the 81st legislative session?

Discover the issues that shaped the 81st legislative session, and discuss legislative changes that will affect your county and office. State leaders, state legislators and key legislative staff will guide us through a complete discussion of issues from the 81st session.

TAC Celebrates 40 Years of Service to Counties

It's been our honor to serve you for 40 years. We invite you to celebrate with us Tuesday, Aug. 25. We'll provide snacks and drinks as we commemorate our years in service to you.

Registration and Accommodations

County officials and staff receive a special early registration rate of \$225 for the entire conference until July 27, and \$250 after July 27. Spouse registration is \$30 and provides admission to all conference programs, including the Monday evening reception and a special spouse event Tuesday. Visit the Education Center on www.county.org, or call the Education Department at (800) 456-5947 for more information or to register.

The conference host hotel is the Hilton at 500 E. 4th St. in Austin. When you register for the conference, we'd be happy to handle your hotel reservations as well. Just let us know when you fill out the registration form.

Continuing Education

The TAC Annual Conference & Vendor Expo is an opportunity for elected officials to acquire continuing education hours. We're applying for continuing-education credits for county commissioners, county and district clerks, treasurers, tax assessor-collectors, sheriffs, attorneys and auditors. Visit the Education Center on www.county.org for updates on continuing-education credits as they're approved.

Trade Show

Our annual vendor expo showcases vendors who offer services you can use. More than 100 companies will be on hand with a variety of goods and services designed specifically with counties in mind.



www.county.org

REGISTRATION FORM

**2009 Texas Association of Counties Annual Conference & Trade Show
Aug. 24-26 • Hilton Hotel, Austin**

CONFERENCE REGISTRATION

Please complete and submit with applicable fees before July 27 to:

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

Forms may be faxed to: (512) 477-1324

Name: _____

Title/Office: _____

County/Company: _____

Address: _____

City/State/ZIP: _____

Email: _____

Spouse's Full Name: _____

REGISTRATION FEES: Please check box(es) that applies

	Before July 27 (postmarked)	After July 27 (postmarked)
County Member (employee)	<input type="checkbox"/> \$225	<input type="checkbox"/> \$250
TAC Associate Member	<input type="checkbox"/> \$225	<input type="checkbox"/> \$250
Non-Member (government)	<input type="checkbox"/> \$275	<input type="checkbox"/> \$300
Non-Member (corporate)	<input type="checkbox"/> \$425	<input type="checkbox"/> \$450
Single-Day (Tues., Aug. 25)	<input type="checkbox"/> \$150	<input type="checkbox"/> \$175
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 Aug. 9 to receive a full refund minus a \$10 administrative fee. Refund requests received AFTER Aug. 17 will be subject to an administrative fee equal to half the registration fee. NO REFUND REQUESTS WILL BE HONORED AFTER SEPT. 9, 2009.

HOTEL RESERVATIONS

Please complete all information below so we can better serve your requests.

First Name: _____

Last Name: _____

Phone Number: _____

Roommate(s) Name: _____

Arrival Date: ____ / ____ / ____ Departure Date: ____ / ____ / ____

Room Preference* (check all that apply):


☐ King Bed ☐ Two Double Beds

☐ Smoking ☐ Non-Smoking ☐ Handicapped

Please check preferred room type:

	Single Rate	Double Rate
Hilton Austin Hotel 500 East 4th St. Austin, Texas 78701 (512) 482-8000	<input type="checkbox"/> \$139/ night*	<input type="checkbox"/> \$149/ night*

*plus any applicable taxes (15%) and parking fees

 **Special Services:** To ensure that our conference is ADA accessible to all, please contact TAC at (800) 456-5974, if you require special assistance.

*Please note that room preferences are REQUESTS ONLY. We will do our best to honor requests. Requests will be honored first-come, first-served basis, based on hotel availability.

HOTEL CANCELLATION POLICY: In the event that you need to cancel your hotel reservation, please contact the Education Department at (800) 456-5974 or email your cancellation to Ashley Albers at ashleya@county.org, so we can release the room to another attendee.

TAC reserves the right to reassign hotel rooms if conference fees are not received within 30 days of registration. An alternate method to guarantee a hotel room is to mail one night's deposit directly to the hotel.

CREDIT CARD AUTHORIZATION

NOTE: Credit card information is used only to guarantee hotel accommodations, NOT conference fees.

Credit Card Type: ____ MasterCard ____ Visa ____ American Express ____ Discover

Credit Card Number (please print clearly): _____ Exp. Date: _____

Cardholder's Name: _____

The Texas Association of Counties is authorized to use the above card to guarantee my hotel reservation. I understand that one night's room rate may be charged upon guarantee. **If I fail to cancel my hotel room by notifying TAC before the deadline date, or by notifying the hotel directly, I understand that one night's room rate will be charged to my card.**

Cardholder's Signature: _____ Date: _____

Tracking the Federal Stimulus Implementation

Grant Opportunities Announced



By **Laura Garcia**
TAC Legislative Staff

The economic stimulus package, also known as the "American Recovery and Reinvestment Act (ARRA)," was enacted on February 17, and the federal government has been working quickly to implement the legislation since then. With an aim of immediate stimulus and job creation, a vast portion of the funding included in the \$787 billion package must be expended prior to Labor Day.

The legislation includes funding provisions for infrastructure, public safety, community development, energy efficiency strategies, and healthcare, among other program areas. Much of the

funding available for local governments focuses on existing programs such as the Community Development Block Grants and Byrne Justice Assistance Grants; however, there are newly funded initiatives, as well.

The Texas Association of Counties (TAC) is presently monitoring the implementation of the stimulus package and is working on identifying potential county funding opportunities. TAC will update its website (<http://www.county.org/resources/legis/stimulus/index.asp>) with this information as it becomes available with details on how Texas county governments can apply for funding. County officials interested in stimulus opportunities should monitor the website frequently, as information relating to the stimulus package continues to develop. The site

will be updated with supplemental details as opportunities and applicable guidelines become known.

GRANT PROGRAMS RECENTLY ANNOUNCED

Community Oriented Policing Services (COPS) Hiring Recovery Grant Program

Application Deadline: April 14, 2009

This competitive grant program provides funding directly to law enforcement agencies having primary law enforcement authority to create and preserve jobs and to increase their community policing capacity and crime-prevention efforts. Additional information about the program, including the grant parameters and application procedures, can be

Stimulus *continued on page 18*

Appraisal Reform Elements Filed Separately



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

Elements originally intended to be included in the committee substitute of Rep. John Otto's original appraisal reform bill, HB 2, have been filed as separate bills, have been referred to House Ways and Means and were heard at the committee's April 1 hearing. The separate bills that have been filed are the following:

- **HB 3611 by Otto** - Relating to the consolidation of appraisal review boards. This allows adjoining central appraisal districts (CADs), through interlocal contract, to consolidate their appraisal review boards (ARBs);
- **HB 3612 by Otto** - Relating to the creation of a pilot program that

allows taxpayer appeals from certain appraisal review board determinations in certain counties to be heard by the State Office of Administrative Hearings. Creates a 3-year pilot project in Bexar, Dallas, El Paso, Harris, Tarrant, and Travis central appraisal districts to allow certain appeals of decisions by an appraisal review board (property with a market or appraised value of more than \$1 million) to be made to an administrative law judge with the State Office of Administrative Hearings (SOAH);

- **HB 3613 by Otto** - Relating to the determination of the market value of a residence homestead for ad valorem tax purposes on the basis of the property's value as a residence homestead. Prohibits a residence homestead from being valued on its

highest and best use (and rather require the market value of a residence homestead be determined solely on the basis of the property's value as a residence homestead);

- **HB 8 by Otto** - Relating to certain studies and reviews of appraisal districts conducted by the comptroller of public accounts. Changes the Comptroller's annual property value study (PVS) to every other year, with the Comptroller conducting an audit of appraisal district methods and procedures in the off years.

Mr. Otto will not be filing a bill amending the requirements and duties of the taxpayer liaison officer, as was included in an early, unfiled draft of HB 2.

For more information, contact Paul Sugg at 800-456-5974 or pauls@county.org. ➡

Significant Bills

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HB 1711 by Turner (Same as SB 1786 by Whitmire) – Relating to requiring the Texas Department of Criminal Justice to establish a comprehensive reentry and reintegration plan for offenders released or discharged from a correctional facility. *3-26-09 Voted favorably from committee as substituted, House Corrections*

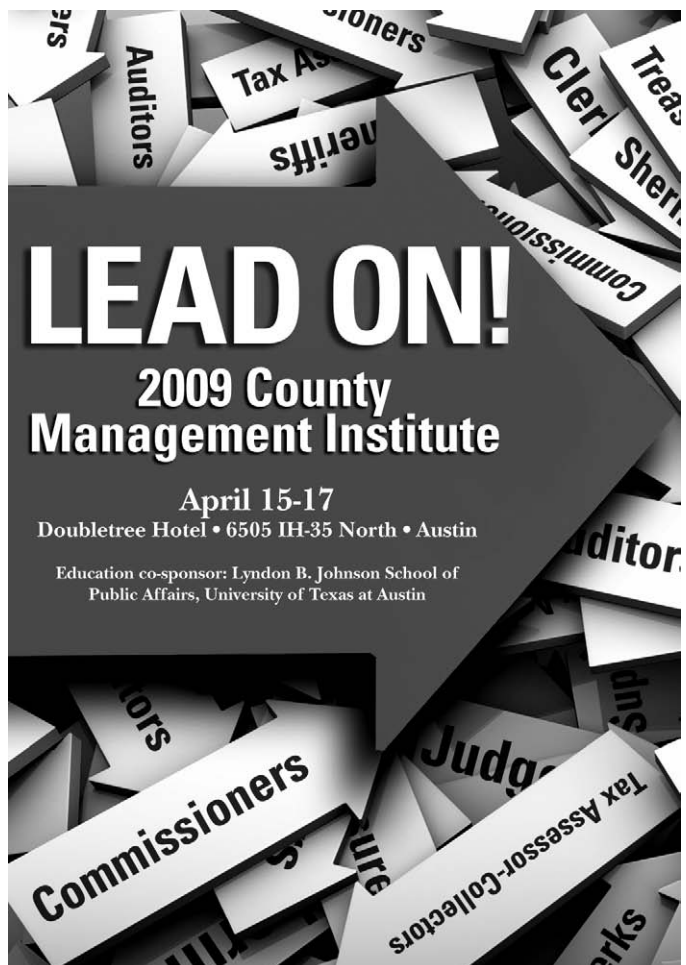
HB 1714 by Dutton - Relating to the repeal of the authority of a county to contract with a private entity for jail facilities. This bill would have a significant impact on counties in that it would eliminate one option counties have in addressing the housing of inmates. The bill does allow existing contracts with private vendors to remain in force. *3-03-09 Introduced and referred to committee on House Corrections.*

HB 2100 by Martinez-Fischer – Relating to procedures for certain persons charged with certain new offenses or an administrative violation of a condition of release from the Texas Department of Criminal Justice on parole or to mandatory supervision. This bill addresses “blue warrant” inmates who have violated a condition of parole and are currently prohibited from posting bond prior to a court hearing. HB 2100 would authorized a parole officer to note on the face of a warrant if an offender was eligible to post bond and be released from jail prior to a court hearing. Eligibility standards would prohibit certain offenders from qualifying for release. *3-19-09 Committee action pending in House Corrections.*

HB 2170 by Chavez – Relating to the minimum number of county jailers necessary to staff a county jail. This bill would mandate a county to employ at least one county jailer for every 48 inmates housed in the county jail. In addition, the commissioners court of a county would be mandated to provide sufficient funding for the employment of county jailers in the numbers required. The bill is attempting to place the current guard to inmate ratio of 1 to 48 in statute rather than maintaining it in

Rules prescribed by the Texas Commission on Jail Standards. *3-09-09 Introduced and referred to committee on House County Affairs.*

HB 2246 by Turner – Relating to the ratio of correctional officers to prisoners in a county jail. This bill would place the guard to inmate ratio in statute rather than maintaining it in Rules prescribed by the Texas Commission on Jail Standards. The bill mandates 1 correctional officer on each floor of a jail housing 10 or more inmates and 1 correctional officer per 48 inmates housed on a floor. In addition, commissioners courts would be mandated to provide the sheriff with resources necessary to ensure that staffing requirements are met. *3-09-09 Introduced and referred to committee on House County Affairs.* ➔



Attorney General Opinions Issued



GA-0694: Honorable Roy L. Cordes, Jr., Fort Bend County Attorney, whether a county must consider longevity pay when determining a statutory county court judge's salary under Government Code section 25.0005(a).

Summary Based on the plain language of the statute, a county may, but is not required to, consider the amount of longevity pay received by some but not all district judges in the county when determining the salary for a statutory county court judge in accordance with Government Code section 25.0005(a).

GA-0695: Honorable Frank J. Corte, Jr., Chair, Committee on Defense and Veterans' Affairs, Constitutionality of proposed legislation that would provide for the suspension or revocation of the business license of employers of undocumented aliens.

Summary If the Texas Legislature were to enact a statewide licensing statute that closely tracks the Legal Arizona Workers Act, and the Fifth Circuit Court of Appeals were to adopt the reasoning of the Ninth Circuit Court of Appeals, such a statute would be upheld on the grounds that, as a licensing statute, it is within the exception to the Federal Immigration Reform and Control Act of 1986.

GA-0696: Honorable Armando R. Villalobos, Cameron County District Attorney, duties and compensation of foreign-language interpreters appointed under Code of Criminal Procedure article 38.30. **Summary** Foreign language interpreters appointed pursuant to Code of Criminal Procedure article 38.30 in a criminal proceeding are required to interpret for a witness or the person charged. They are not required to perform translation work for the district attorney in preparation for a criminal proceeding, and their compensation under article 38.30 does not cover such work. The commissioners court has authority to prepare the county budget, but it can be enjoined from adopting a budget that fails to provide essential funding for a prosecuting attorney's office.

GA-0697: Mr. Robert Scott, Commissioner of

Education, Texas Education Agency, Authority of a home rule city to enforce land development regulations against an independent school district for the purposes of aesthetics and the maintenance of property values.

Summary A home rule city may enforce its reasonable land development regulations and ordinances against an independent school district for the purposes of aesthetics and the maintenance of property values.

GA-0699: Honorable Frank J. Corte, Jr., Chair, Committee on Defense and Veterans' Affairs, Texas House of Representatives, local government policies that hinder enforcement of federal immigration laws.

Summary The Texas Legislature is not prohibited from adopting some form of legislation designed to compel local governments to comply with any duties they may have under federal immigration laws, so long as such legislation is not inconsistent with federal law.

GA-0700: Honorable Elton R. Mathis, Waller County Criminal District Attorney, reimbursement for the court reporter of the 506th District Court,

Summary When the official court reporter of the 506th District Court performs official duties in a county other than the court reporter's county of residence, the court reporter is entitled to reimbursement by the other county for actual and necessary expenses under Government Code section 52.055, subject to statutory limits. Section 152.011 of the Local Government Code does not authorize the commissioners court to set and pay the expenses of the court reporter for a district court.

GA-0701: Honorable Pete Gallego, Chair, Committee on Criminal Jurisprudence, Texas House of Representatives, whether a justice of the peace is authorized to hear truancy cases involving students who are enrolled in a district that is located outside the boundaries of the justice's precinct. **Summary** An offense for failure to attend school under section 25.094(a) of the Education Code may be prosecuted in a justice court of any precinct in the county in which the alleged truant resides or in which his school is located. ■

Stimulus *continued from page 16*

accessed on the TAC website at:
<http://www.county.org/resources/legis/stimulus/ARRA-COPS.asp>.

Southern Border/High Intensity Drug Trafficking Area Grant Program
Application Deadline: April 17, 2009

This program offers competitive grants to combat criminal narcotics activity stemming from the southern border of the United States, including enhancing border jails, community corrections, and detention operations, as well as enhancing justice information sharing, collaboration, and problem solving. Additional information about the program can be accessed on the TAC website at:
<http://www.county.org/resources/legis/stimulus/ARRA-SoBorder.asp>.

Rural Law Enforcement Assistance Grant Program
Application Deadline: April 22, 2009

This competitive grant program helps rural areas combat crime and aids these areas in improving the capacity of rural law enforcement agencies to conduct investigations. Additional information about the program is available on the TAC website at:
<http://www.county.org/resources/legis/stimulus/ARRA-RuralLaw.asp>.

Edward Byrne Memorial Competitive Grant Program
Application Deadline: April 27, 2009

Byrne Competitive Grants are similar to Justice Assistance Grants and are focused on ensuring job growth and retention. However, instead of providing grants based on a formula, the Bureau of Justice Assistance at the Department of Justice administers these funds based on a competitive process. These grants help state and local communities improve the functioning of the criminal justice system. Additional information about the program can be accessed on the TAC website at:
<http://www.county.org/resources/legis/stimulus/ARRA-ByrneCompetitive.asp>.

Stimulus *continued on page 19*

Attorney General Opinions Requested



RQ-0785-GA Hope Andrade, Texas Secretary of State, effect of a final conviction for a felony or a misdemeanor crime of moral turpitude on a notary public

application or commission.

RQ-0786-GA Honorable Armando G. Barrera, Jim Wells and Brooks County Attorney, authority of a county bail bond board to assess a

fee to bail bond companies to recover the costs of hiring a bail bond administrator.

RQ-0787-GA Honorable Richard R. Hicks, III, Caldwell County Criminal District Attorney, whether premiums paid for group health insurance by the Caldwell County Employee Benefit Trust are subject to insurance premium taxes under section 222.002 of the Insurance Code. ■

Stimulus *continued from page 18*

Edward Byrne Memorial Justice Assistance Formula Grant Program (JAG)—Local Solicitation

Application Deadline: May 18, 2009

This formula grant program helps support various aspects of the criminal justice system, including multijurisdictional drug and gang task forces, domestic violence programs, courts, corrections, treatment, and justice information sharing initiatives. Additional details about the program, including information on the entities eligible for formula grants, is available on the TAC website at: <http://www.county.org/resources/legis/stimulus/ARRA-JAG.asp>.

Pre-Application Procedures

The federal government requires all applicants for discretionary grants to complete a registration process that may take at least 21 days. Entities that do not currently have a DUNS (Data Universal Numbering System) number should request one at <http://fedgov.dnb.com/webform/displayHomePage.do>. A DUNS number is a unique number that identifies and tracks entities receiving federal funds. Additionally, applicants must have a current registration with the Central Contractor Registry (CCR) (<http://www.ccr.gov/>). An eligible grant recipient cannot submit an application for funding until this process is complete. For additional information or questions regarding the registration process, applicants can visit the federal grants website (http://www.grants.gov/applicants/applicant_faqs.jsp) or call the Grants.gov Contact Center at (800) 518-4726.

If you have any questions or need additional information, please contact Laura Garcia or Elizabeth Vela at (800) 456-5974 or via e-mail at laurag@county.org or elizabethv@county.org. 📍

From the Desk *continued from page 20*

People are engaged in the subject of the economy. Back during the 1980's, a nationwide recession was more like a depression in Texas because of the bust in the oil and gas industry, to which the Texas economy was so closely tied. Farm and ranch land just kept increasing in worth until the bottom fell out of the oil industry and took the value of Texas real estate with it. We've been through eleven recessions and eleven recoveries since the great depression, but what we are experiencing now is unprecedented—the effects of a faltering world economy. Texas has lagged behind other states in feeling the adverse effects of the recession because nowadays we are more diversified and maintain very strong institutions—how long the Texas economy can sustain itself without substantial economic woes is anybody's guess. The 43rd Annual New Braunfels—Comal and surrounding counties' **Legislative Conference** held March 21st took on a sustained level of professionalism punctuated by uncertainty as speakers, panelists and hosts alike delivered and discussed the economic prospects for the years ahead. The warp speed of developing technology and the inevitable chaos that follows emerging blocks of significant information were among some of the more challenging subjects taken up by panelists. Even though the Texas House of Representatives got off to a slow start, primarily because of the transition in the House leadership, conference panelists noted the importance of a legislature that is now engaging in debate on energy concepts and fiscal implications arising out of tax proposals—all of which is a good thing and something the House members had gotten away from the last few sessions. On the lower side of things, renewable energy was emphasized as an area where Texas has fallen behind. Capital investment in renewable energy programs and resources are noticeably being directed to states like Colorado and California. Texas, as one of the most prolific carbon emitters, is on the losing side of carbon trade initiatives. However, if Texas can become highly efficient in processing oil and gas in our refineries, the federal government will shut down the big waste states instead and our efficiencies could become an unanticipated benefit for Texas. **Closing thoughts**—"I apprehend no danger to our county from a foreign foe...Our destruction, should it come at all, will be from another quarter. From the inattention of the people to the concerns of their government, from their carelessness and negligence, I must confess that I do apprehend some danger. I fear that they may place too implicit a confidence in their public servants, and fail properly to scrutinize their conduct; that in this way they may be made the dupes of designing men, and become the instruments of their own undoing. Make them intelligent, and they will be vigilant; give them the means of detecting the wrong, and they will apply the remedy." June 1, 1837 Daniel Webster, U S Senator 1782—1852. *County Government, it's the pulse of the people.* 📍



From the Legislative Desk

By Carey "Buck" Boethel, Director of Governmental Relations

American Recovery & Reinvestment Act (ARRA) aka Economic Stimulus Plan:

Despite the criticisms associated with the ARRA and the hyper inflation that eventually may follow, there are some programs we shouldn't blindly ignore because many of the competing states are taking the money. TAC has been identifying and posting some of the more viable grants on its web site together with comments on any "sticky strings" we may discover that bind counties in some way or another. **Save time and make the deadline**—there is a way to speed up the application process or at least avoid getting

farther behind. Please see Laura Garcia's article in this newsletter (toward the end of the article, on page 19) where she talks about getting numbers assigned to a county applicant by following certain pre-application procedures. Please read her article and you may be able to shave off as much as three weeks of the process. TAC has examined and described on its web site many of the programs that are available to counties. In most cases the grant is laid out in a two-page explanation indicating the eligibility requirements, the total amount of funding of the grant program and other important

information. In most cases, the grants appearing on the TAC web site are those between county and federal agency and accordingly, do not involve a Texas state agency or a Council of Government aka COG. **Maintenance & Update**—TAC will establish and maintain a routine updating process and post new information on its listed grants as new data becomes available. **On the minds of most**—regardless of where you find yourself these days, the coffee shop, a business meeting, a conference or just listening to the radio while driving to work—what you hear and see is nearly universal.

From the Desk *continued on page 19*

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



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