

# County*issues*

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## Mandatory Collective Bargaining Legislation Remains Pending



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

**A** federal bill which would impose minimum collective bargaining standards

for state and local police, firefighters, and emergency medical services personnel in every state remains pending in Congress despite a recent effort to move the legislation through the Senate.

The bill, also known as the Public Safety Employer-Employee Cooperation Act of 2009, has been filed in both the House and Senate. It would require state and local governments to allow eligible public safety employees to form and join unions, bargain collectively over hours, wages, and working conditions, and sign labor contracts. The bill, in its current version, would also allow states to exempt political subdivisions with populations of less than 5,000 or which employ fewer than 25 full-time employees, and would prohibit strikes and lockouts. The Federal Labor Relations Authority would

determine whether state law meets the standards established by the legislation. The bill does not presently provide any funding for implementation.

In May, Senate Majority Leader Harry Reid (D-Nev.) considered attaching the legislation as an amendment to the Supplemental Appropriations Act of 2010. However, procedural obstacles prevented the amendment from progressing. According to reports, the bill remains a priority for Sen. Reid.

The National Association of Counties (NACo), the National League of Cities and the National Sheriffs' Association are all opposed to the

legislation. In a recent joint letter to U.S. senators, these organizations asserted that the bill "would establish a precedent for federal interference in all employee-employer relationships between state, county and municipal governments and their employees."

Reid's bill is filed as S. 3194. Sen. Judd Gregg (R-N.H.) has introduced a similar bill in the Senate, S. 1611, while Rep. Dale Kildee (D-Mich.) is sponsoring the bill, H.R. 413, in the House. The bills are currently pending.

For additional information on this article, please contact TAC Legislative Staffer Laura Garcia at (800) 456-5974 or [laurag@county.org](mailto:laurag@county.org) ★



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## Denton County Receives County Floodplain Management Excellence Award



By Bruce Barr,  
TAC Legislative Staff

**T**he County Floodplain Management Excellence Award was presented to Denton County Judge Mary Horn by the Texas Floodplain Management Association (TFMA) at its annual conference in Fort Worth, where the county was recognized for its excellence in the field of floodplain management.

Two years ago, Denton County Public Works Director Bennett Howell III and his staff started on a path of revising the county's floodplain development regulations. Working from an ordinance first promulgated in 1979, the department revised the regulations to meet or exceed Federal FEMA requirements, incorporating county, city and Upper Trinity Watershed District regulations along the way.

"Working to equalize development minimums across the county was a big challenge," Howell said. "We wanted to make sure there was consistency for builders. Instead of looking for ways to skirt the county's development regulations, builders are becoming used to and accepting a county standard."

With a staff that includes three Certified Floodplain Managers (CFMs), another challenge the Public Works Department has is outreach to the public. Supporting the "Turn Around Don't Drown" program and other public awareness initiatives, public works staff has set up booths at the county fair and maintains a website with a GIS mapping service that displays the status of all low water crossings in the county. The county is also partnering with the Upper Trinity River Water District on watershed awareness outreach. The program's goal is to educate people on the importance of watershed protection and how to improve the environment.

Like most of the counties in Texas, Denton County is woefully un-mapped for detailed flood hazard analysis. With approximately 20 percent of unincorporated Denton County in a special flood hazard area and half of that area unstudied, Howell has been working the North Central Texas Council of Governments (NCTCOG) to include county projects in the COG's master plan.

"With the scope of work as large as it is, we don't expect the whole county can be mapped as one project," Howell said.

"We're just hoping some of the county will be studied under the COG plan."

With the vast improvements it has made to its floodplain management program during the last couple of years, Denton County richly deserves recognition in the form of the Texas Floodplain Management Association's County Floodplain Management Award.

For additional information on this article, please contact TAC Legislative staffer Bruce Barr at (800) 456-5974 or [bruceb@county.org](mailto:bruceb@county.org). ★



Texas Floodplain Management Association (TFMA) President John Grounds presents Denton County Judge Mary Horn with the County Floodplain Management Excellence Award. Roy Sedwig, TFMA executive director, is pictured at the dais.

### KEY COUNTY DATES

#### July 2010

*Counties with the population of greater than 500,000.* Commissioners court to appoint election judges for county election precincts at July term. TEX. ELEC. CODE, §32.002.

**July 13-14 - DWI Court Workshop,** Texas Association of Counties Events Center, Austin.

**July 15, p.m. –** Deadline for semi-annual report of political contributions and expenditures by candidates and certain officeholders. TEX. ELEC. CODE, §§254.0063(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 25 –** Certified appraisal roll due to tax assessor-collector from the appraisal district. TEX. TAX CODE, §26.01(a).

#### August 2010

*Counties with population of 500,000 or less.* Commissioners Court to appoint election judges for county election precincts at August term. TEX. ELEC. CODE, §32.002(a).

**Aug. 1:** Certified appraisal roll, collection rate, debt taxes, etc., due to commissioners court from tax assessor-collector. TEX. TAX CODE, §26.04(b).

**Aug. 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).

**Aug. 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).

# Unfunded Mandate: Sex Offender Registration Act Deadline Nears



By **Lori Nicholes,**  
*TAC Legislative Staff*

**C**ongress passed HR 4472, the Adam Walsh Child Safety and Protection Act of 2006

(AWA) in an effort to enhance sex offender tracking systems nationwide and link all states to one national sex offender registry. The AWA required all states to implement the Sex Offender Registration and Notification Act (SORNA) within three years or risk losing 10 percent of their Byrne Memorial Justice Assistance Grant funds (JAG) — the largest federal criminal justice funding stream available to states — each year until the requirements are met. Compliance with SORNA mandates states to collect uniform and specific types of information on sex offenders; establish rules consistent from state to state for how long the person must be registered; comply with regulations on how information is verified; share the information with appropriate agencies; and impose penalties for failing to register.

A recent article on the National Conference of State Legislatures (NCSL) website addresses the unfunded mandates that the federal government has imposed on the states through the passage of the Adam Walsh Act. *Sex Offender Law*

*Strains States: June 2010* notes that "Little of the money authorized in the act has been appropriated to states to help meet the numerous requirements in the measure." *A Cost-Benefit Analysis of SORNA Implementation, January 2010*, also on the NCSL website, provides information from several states that have issued public statements and white papers saying

offense, the AWA and SORNA seek to expand the registration for juvenile sex offenders for a possible term up to 25 years (as noted in California's cost benefit analysis). "The most troublesome provision in the act for state lawmakers requires juveniles age 14 and older guilty of sexual acts involving aggravated sexual abuse to register on a public list. Critics believe

this will work against efforts to rehabilitate these young offenders, an emphasis of the juvenile justice system," says the June 2010 article.

The Senate Criminal Justice Committee met on June 10 to learn more about the impact AWA might have in Texas. Agencies such as the Texas Council on Sex Offender Treatment and the Department of Public Safety provided interesting testimony about the effectiveness of the current sex offender registry and the impact and potential costs of meeting the SORNA requirements. The Municipal Police Chiefs and Austin Police Department also had representatives in attendance. A statement echoed throughout the hearing was that the AWA and SORNA



the 10 percent non-compliance penalty is far less than the cost to implement the Adam Walsh Act.

In addition to requiring retroactive registration for offenders who re-enter the criminal justice system for any

impose unfunded mandates on the state and those unfunded mandates will be imposed on local law enforcement agencies as well.

## **Offender Registry**

*continued on page 4*

## Resources, Naturally Listening rather than telling



By Paul J. Sugg,  
*TAC Legislative Staff*

**J**oe Pickett wants to hear from you. Not only does he want to hear from you now via e-mail or other forms of correspondence, he plans to come to the TAC annual conference to listen directly to you. Rep. Joe Pickett chairs the House Committee on Transportation.

He represents part of El Paso County and has done so since 1995. He has had an abiding interest in transportation, both at home in El Paso and across the state. He also has a background in local government, having served on the El Paso City Council and on the board of the El Paso Central Appraisal District and currently chairing the El Paso Metropolitan Planning Organization. Pickett recognizes the important role local governments and local officials play in our state's transportation system. He also wants to better understand the transportation challenges you, the county official doing the hard work at the local level, face, and he also wants to know how you think these challenges can be addressed.

To that end, he has reached out to you, personally. Pickett recently drafted a letter addressed to county judges and commissioners and asked TAC to distribute the letter via e-mail, which we have done.

I won't repeat the letter verbatim, but I want to revisit elements of it and, most importantly, encourage you to respond to the chairman. He recognizes how complicated this session may be, given the state's looming budget shortfall, the challenges of redistricting, as well as legislature's regular order of business. He wants to get out in front of all of that and start gathering comments and suggestions on past legislation and any ideas for legislation prior to this next session. Pickett notes all the topics his committee heard about last session: local option transportation funding; cell phone usage/texting bans, transportation reinvestment zones; debt issuance/using bonds to fund highway projects, regional mobility authorities; rail; red light cameras; project selection and planning; overweight vehicles and permits; vehicle registration fees; metropolitan planning organizations; and TXDOT's sunset review.

The chairman has asked to hear from every county judge, commissioner and tax assessor-collector on these and other issues. His very capable committee clerk, Leigh Anne Lauderdale, awaits your comments, either via regular mail: House Committee on Transportation, P.O. Box 2910, Austin, Texas 78768-2910 or via e-mail: Leigh.Lauderdale\_HC@house.state.tx.us.

Chairman Pickett also intends for the House Committee on Transportation to conduct a public hearing at TAC's Annual Conference on Sept. 2, 2010. This is a new, exciting and very welcome opportunity to let the chairman and the members of his committee know about your priorities and ideas for the next session. ★

### For more information

To read the full text of Chairman Pickett's letter to county officials, visit <http://www.county.org/resources/legis/dynContView.asp?cid=462>

### **Offender Registry** *continued from page 3*

In addition to the financial concerns of implementing the federal legislation during tough economic times, another primary concern regarding the list is its size and the requirement that registration is currently "offense" based instead of "risk" based, whereby low risk-level offenders are placed on the same registration list as high-risk predators. Chairman Whitmire asked witnesses if "the list has grown to such an extent that it really loses impact" and the answer was consistently "yes;" Whitmire said "sometimes less is more."

Steve McCraw, executive director of the Department of Public Safety (DPS), provided the committee with statistics from the state's sex offender registry:

- approximately 61,000 sex offenders are currently in the Texas DPS registry
- 55, 497 are adults registrants
- 5,693 are juvenile registrants

When asked how many of the 61,000 registrants were high-risk, McCraw was provided with preliminary numbers from an impromptu query of the data—about only 8,233 of the 61,000 offenders could be classified as high-risk.

"APD focuses their resources on high-risk monitoring in the community, those most likely to reoffend," Lieutenant Greg Moss of the Austin Police Department said.

Moss agreed with the chairman that the Adam Walsh Act and SORNA would require additional resources and manpower to implement and

### **Offender Registry**

*continued on page 5*

# State Sales Tax Collections: Slight Increase in April, May



By Paul Emerson,  
*TAC State Financial Analyst*

This article is a brief update on a familiar topic that was covered in the January 2010 *County Issues* —

state sales tax collection. After continuing to decline the first months of 2010, state sales tax collections made very modest gains the past two months — 1.4 percent in April and 0.1 percent in May — compared to the same period last year. This modest increase may be a sign that the economy is about to turn around.

As indicated in the chart to the right, March 2010 marks the lowest sales tax collection (\$1,458 million) during the past two years, which gives the appearance that April (\$1,675 million) and May (\$1,775 million) collections increased substantially. But when comparing these increases to last year's collections for the same time period, this figure only reflects a slight increase.

In May 2010, \$567 million in sales tax allocations was distributed to local government — this is a 4.7 percent increase compared to May 2009.

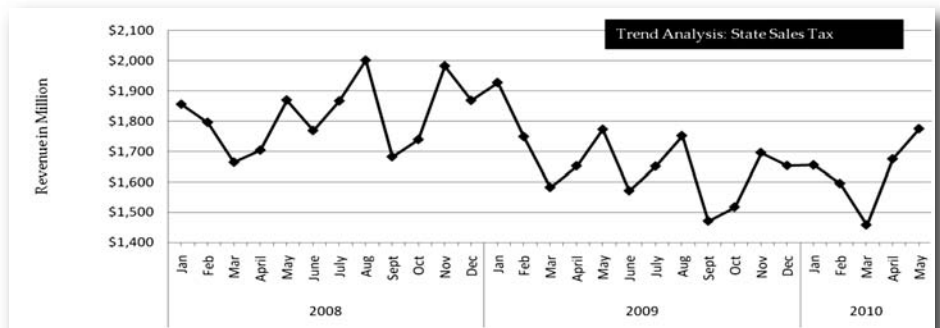
## State Agency Legislative Appropriations Requests

In anticipation of the \$18 billion shortfall the state is facing this coming January 2011, along with the possibility that the sales tax may start declining again, the Legislative Budget Board (LBB) has asked state agencies to maintain their current budget level with the 5 percent reduction when they submit their Legislative Appropriations Requests (LARs) for 2012-13. In addition, agencies have been asked to submit a

detailed plan on how they would reduce their next biennium budget by 10 percent. Right now, several social programs have been exempted from this request. Agencies must submit their LARs to the LBB by August 2010, which leaves the LBB approximately five months to review the LARs and prepare the baseline budget for 2012-13.

With the possibility of an additional 10 percent reduction, various programs may be reduced or eliminated, which could directly impact local and county governments.

For more information on this article, please contact Paul Emerson, TAC State Financial Analyst, at (800) 456-5974 or [paule@county.org](mailto:paule@county.org). ★



## Offender Registry *continued from page 4*

maintain; he stated there are currently about 1,300 registered sex offenders in Austin, but not all are high-risk. Moss also added that educating the community about the sex offender registry is challenging since the list is so large and "offense" based instead of "risk" based. The specific challenge, he said, is explaining the difference between a registered sex offender versus a sexually violent predator.

The Senate Criminal Justice Committee will continue looking at Texas' sex offender laws and registry requirements and gathering information about the fiscal impact that SORNA would have on local governments.

The original July 2009 AWA deadline for implementation was extended until July 2010 to give more states the opportunity to become compliant. There are currently only

three states implementing the Adam Walsh Act and SORNA (Florida, Delaware and Ohio); states that have not met the mandates by July 2010 may request a second, one-year extension. The aforementioned articles may be viewed on the NCSL website at [www.ncsl.org/default.aspx?tabid=20368](http://www.ncsl.org/default.aspx?tabid=20368).

For additional information on this article, please contact TAC Legislative staffer Laura Nicholes at (800) 456-5974 or [lauran@county.org](mailto:lauran@county.org). ★

# Funding Concerns Lead Coffee with TAC Discussion



By Aurora Flores-Ortiz,  
TAC Legislative Staff

**O**n June 3, Cameron County hosted local elected officials from Willacy and Cameron counties. TAC staff Aurora Flores Ortiz and Laura Garcia welcomed the group and explained the goal of the informal meeting was to provide the opportunity to have open discussion on topics ranging from legislative issues for the upcoming session to ongoing local concerns.

Ways and Means Chairman René Oliveira began by informing the group the upcoming legislative session will be a busy and tough session for members, including the redistricting task of drawing congressional, legislative, judicial and state board of education districts for 2012 elections. The chairman also addressed the growing state budget deficit, which is generating many questions for county officials about how counties will be affected.

"This session will be a purely defensive one. There are no new monies, all frills have to go. Some of your county funds may be cut," Oliveira said.

Participants expressed concerns about the need to maintain public safety and avoid county jail shortages in funding and staffing. Even in tight budget times, local mental health issues and the elderly cannot be ignored and the worry remains that

unfunded mandates will be passed down to the county level. Cameron County Judge Carlos Cascos mentioned the county's use of short term compromises such as percentage cuts as opposed to eliminating entire positions as one way his county has addressed local budget concerns and remained fiscally conservative.



Cameron County Judge Carlos Cascos helped host a Coffee with TAC in Cameron County June 3.

Transportation to follow through on local projects and to protect overweight corridors was also discussed. County officials cited flooding of certain precincts and colonia subdivisions as important issues to rural areas.

In closing, TAC staff thanked the officials for attending and emphasized the need for lines of communication to remain open in order to help serve all counties during the legislative session. Judge Cascos expressed his thanks for the opportunity to have an open dialogue.

"TAC provided an opportunity to convey various concerns and issues

More talk revolved around the need to have local authority regarding subdivision zoning and guidelines, noise ordinances and garbage collection in rural areas. The need for the Department of

## Upcoming 2010 Coffees with TAC

Hidalgo and surrounding counties  
September

Johnson and surrounding counties  
September

Jefferson and surrounding counties  
October

that can be introduced by our local legislative members and hopefully enacted into law," Cascos said.

### Legislative Outreach Continues

The TAC Legislative Department is planning Coffees with TAC in host counties Hidalgo and Johnson in September and Jefferson County in October. Other areas of the state may also be included.

Prior to the 81st Legislative Session, TAC staff Aurora Flores Ortiz set in motion the redefined pre-session Coffees with TAC in host counties Concho, Potter/Randall and Taylor. The regional outreach involved a total of 32 counties with 88 attendees.

Legislative Director Carey Boethel stressed the importance of continued outreach.

"The coffee with TAC program is an upgrade of the old TAC 'listening posts,'" Boethel said. "The big difference is our staff today really know how to listen and then help counties based on what they have heard."

If you are interested in hosting a Coffee with TAC, please contact Aurora Flores Ortiz at [aurorafo@county.org](mailto:aurorafo@county.org) or (800) 456-5974. ★

# TAC Unit Road Survey Available to Counties



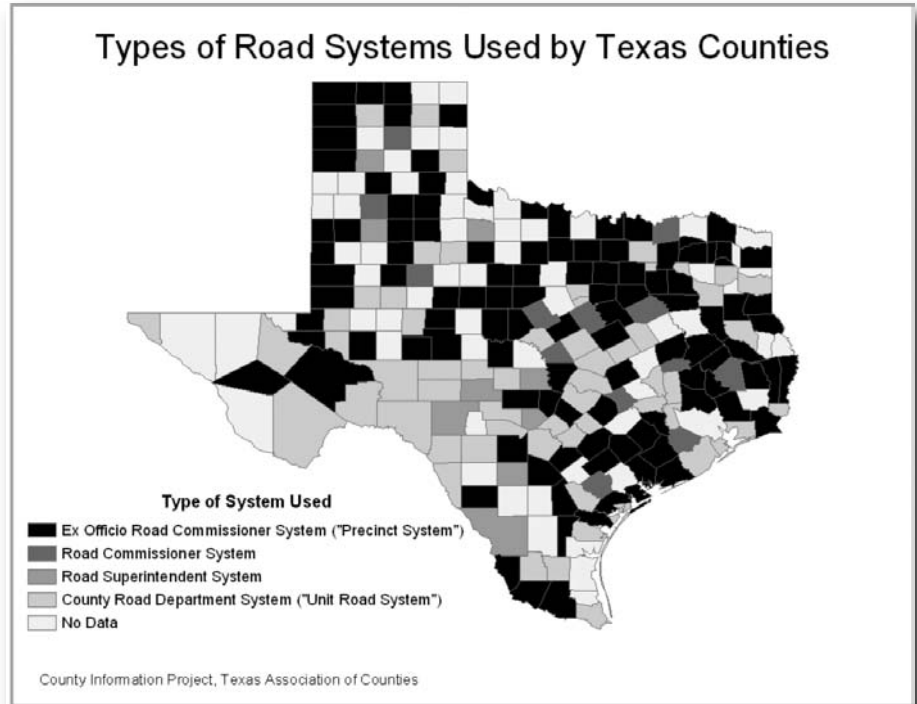
By Tim Brown,  
*CIP Senior Analyst*

**T**he TAC County Information Project finalized the unit road survey by publishing the County Road System Report earlier this month. The report identifies 59 counties that use the County Road Department System described in Subchapter D, Chapter 252 of the Transportation Code, commonly referred to as the “unit road system,” as seen in the accompanying map.

Under this system, a county creates a road department that has responsibility for the construction and maintenance of county roads. If a county adopts Subchapter D, the ownership and use of county road department equipment, materials, and supplies, and the administration of the county road department are based on the county as a whole without regard to commissioners' precincts.

More typically, commissioners retain those responsibilities and duties under what is known as the precinct system, which is described in Subchapter A, Chapter 252, Transportation Code; 110 counties use this Ex Officio Road Commissioner System.

Subchapters B and C describe two less well know systems. The Road Commissioner System found in Subchapter B is used by 13 counties.



This system provides for the county to employ up to four road commissioners who must reside in the district in which they are employed. Note that road commissioners are distinct from county commissioners, who are elected to their office, not hired by the county. Each road commissioner “controls the overseers, laborers, tools, machinery, and vehicles to be used on the roads in the road commissioner's district and may require overseers to deploy laborers to open, work on, or repair roads or to build or repair bridges or culverts in the district.”

The least utilized road system is the

Road Superintendent System described in Subchapter C. Under the Road Superintendent System, the county commissioners court appoints a road superintendent for the county or one superintendent in each county commissioner's precinct. The road superintendents then have general supervision over the public roads in the road superintendent's county or precinct and the county inmates working on the roads. Only nine counties reported using road superintendents.

Both the road commissioners described in Subchapter B and the road superintendents described in Subchapter C are subject to the general supervision of the commissioners court.

If you have any questions about the Unit Road Survey, please contact Tim Brown at [timb@county.org](mailto:timb@county.org) or (512) 478-8753. ★

## For more information

A color map and full version of the report is available at [www.county.org/resources/countydata/products.asp](http://www.county.org/resources/countydata/products.asp) in PDF format.

# TOOLS FOR TOUGH TIMES

## *Counties Sharing Solutions*

### TEXAS ASSOCIATION of COUNTIES **2010 Annual Conference & Expo** Renaissance Hotel • Austin • Sept. 1-3

**C**urrent economic conditions present Texas counties with unique challenges. The 2010 Texas Association of Counties Annual Conference & Expo provides an environment for county officials to network and use peer resources to develop ideas and create tools to get through these tough times.

Breakout sessions feature roundtable discussions on county issues where attendees discuss their challenges and share ideas. The conference also prepares attendees for the next legislative session by highlighting proposed laws and interim charges that affect counties.

#### **Registration and Accommodations**

**TAC now accepts credit cards for your registration fee!**  
Visit [www.county.org](http://www.county.org) today to register online.

Early registration is now open with a special fee of \$230. After Aug. 16, the registration fee is \$255. Spouse registration is \$30 and provides admittance to all conference programs, including the opening evening reception and a special spouse event on Thursday afternoon.

The Renaissance Hotel is full, and overflow hotels are now available. TAC has negotiated group rates at two overflow hotels approximately 1.5 miles from the Renaissance Hotel. Call the hotels directly and ask for

the "Texas Association of Counties" group rate. Both hotels offer a complimentary shuttle to and from the Renaissance Hotel until 6 p.m. upon request.

**Hampton Inn Austin NW/Arboretum**  
3908 W. Braker Ln., Austin, TX 78759  
(512) 349-9898  
Single/Double Rate: \$99/night  
Parking: complimentary

**Homewood Suites Austin NW**  
10925 Stonelake Blvd., Austin, TX 78759  
(512) 349-9966  
Single/Double Rate: \$115/night  
Parking: complimentary

#### **Parking Rates at the Renaissance Hotel**

Self-Parking: free  
Overnight Valet: \$11      Day Only Valet: \$14

#### **Continuing Education**

We are applying for credit for the following: county and district attorneys, auditors, county and district clerks, commissioners, justices of the peace, PHR and SPHR, purchasing agents, tax-assessor collectors, TCLEOSE and treasurers. Visit the Education Center at [www.county.org](http://www.county.org) for updates on continuing education credits as they are approved.

[WWW.COUNTY.ORG](http://WWW.COUNTY.ORG)



## Expo

The Conference Expo showcases more than 100 companies with a wide variety of goods and services designed specifically for counties.

## Special Activities

### 2010 TAC Annual Conference & Expo Golf Tournament

Tee time is 1 pm on Tuesday, Aug. 31, at River Place Country Club. Registration is \$50 and includes a golf cart and range balls. Tournament fees need to be paid prior to Aug 31. Register online at [www.county.org](http://www.county.org). Please indicate your playing partner and your handicap.

### Opening night Casino & Dance

Entertainment provided by local Austin band, HEYBALE!

## Speakers

### Opening Keynote Speaker



**Ben Philpott** is a senior reporter for KUT-FM, Austin's National Public Radio affiliate. Ben has covered state politics and dozens of other topics for the station since 2002. He's been recognized for outstanding radio journalism by the Radio and Television

News Directors Association, Public Radio News Directors Incorporated, the Houston Press Club and the Texas AP Broadcasters. Before moving to Texas, he worked in public radio in Birmingham and Tuscaloosa, Alabama, and at several television stations in Alabama plus Tennessee. Born in New York City and raised in Chattanooga, Tennessee, Ben graduated from the University of Alabama with a degree in broadcast journalism.

### Closing Keynote Speaker



**J. Mark Warren** is the training coordinator and consultant with the Texas Association of Counties in his hometown of Austin, Texas. He assists the Association with the vision, development and delivery of training for both the internal and external customers of Texas county government. Since 2007, Mark has traveled more than 30,000 miles across Texas delivering a training message of inspiration, motivation and new direction. His presentations revolve around leadership, interpersonal communication, relationship skills, workplace diversity and professionalism, bridging the generations and customer service excellence. In addition to his teaching, training and traveling duties, Mark works with the TAC Leadership Foundation and has served as the coordinator of its Leadership class since 2003. After graduating from St. Edward's University in 1977, Mark spent 23 years with the Texas Department of Public Safety, retiring in 2000 as the assistant commander of the Training Academy in Austin.

## Roundtable Topics & Discussions

Breakout sessions on Thursday, Sept 2 will feature roundtable topics on current issues pertinent to your office and your county. Spend the afternoon sharing ideas and developing solutions with other county officials and staff in this unique classroom environment. The four round table discussions are from 1-2:15p.m., and repeat at 2:45-4p.m.

### Planning for Health Care in Texas

How will the federal health care reform bill or the anticipated state budget shortfall impact county indigent health care programs, public hospitals, hospital districts or health care insurance for county employees? As counties budget for 2011 and beyond, these questions remain unanswered. This session includes a panel of health care experts discussing how these changes could affect Texas counties.

### Transparency

An increasingly prominent topic at all levels of government, transparency is being studied by several legislative interim committees. Participants will discuss the benefits and challenges of placing county financial information online and other aspects of digital transparency.

### Criminal Justice

A county's role in the criminal justice system is very complex with responsibilities ranging from arrests to court appearances to prison transportation. This session lets participants talk to experts on indigent defense, community diversion programs and jail population management and share their successful practices.

### Growth Management within County Government

Population growth stresses county infrastructure that counties build and maintain. Without proper planning, growth can cause many problems, like the need for additional personnel and facility capacity. Come talk to county officials who have experienced these challenges and the solutions they've found.

### Conversation with Former State Representative Fred Hill

Join an informal discussion with an expert on legislation. Fred Hill served as chairman of the House Local Government Ways and Means Committee and is a strong supporter of local government. Hill discusses "big picture" issues in the upcoming 82nd Legislature including the effective tax rate calculation, the \$18 billion state budget gap, the likelihood of the state passing the buck to local governments via unfunded mandates, redistricting, proposals to lower local revenue and appraisal caps and tax base problems caused by a 2007 law changing oil and gas valuations.

# Overseas Voters to Request Ballots Electronically



By Nanette Forbes  
*TAC Legislative Staff*

**V**oting and registering in the next general election will be easier than ever before for Texans who serve in the military or reside overseas. Since the last election, Congress enacted the Military Overseas Voters Empowerment Act (MOVE) to remove some of the barriers to voting that these populations have traditionally faced.

The law requires Texas counties to implement a system that permits military and overseas voters to register to vote and to request mail

## Want to comment?

The Texas secretary of state has proposed administrative rules to implement MOVE in Texas. County officials may provide written comments on the rules until July 3, 2010. The rules may be accessed at [www.sos.state.tx.us/elections/forms/moverule.pdf](http://www.sos.state.tx.us/elections/forms/moverule.pdf).

ballots electronically. These voters must also be allowed to request and receive a blank ballot electronically. The legislation is intended to streamline the voter registration process and to reduce the length of time that it takes for military and overseas voters to receive balloting materials and to return their voted ballots through the mail.

MOVE does not authorize the voters to transmit their voted ballots electronically. Instead, the

determine whether their voted ballots have been timely received by the election officials.

The Texas secretary of state has proposed administrative rules to implement MOVE in Texas. The rules were published in the Texas Register on June 4, 2010. County officials may provide written comments on the rules to the secretary of state until July 3, 2010. The secretary of state estimates that the final rules will be adopted shortly thereafter. The rules may be accessed at [www.sos.state.tx.us/elections/forms/moverule.pdf](http://www.sos.state.tx.us/elections/forms/moverule.pdf).

In May 2010, pursuant to the Help America Vote Act (HAVA), the Secretary of State distributed approximately \$19 million in supplemental funds for counties. Counties may use "the funding for activities consistent with the requirement set forth in the MOVE Act."

For additional information, please contact TAC Legislative Staffer Nanette Forbes at (800) 456-5974 or [nanettef@county.org](mailto:nanettef@county.org). ★



## Attorney General Opinions Issued

**GA-0778:** Honorable Joseph D. Brown, Grayson County Criminal District Attorney, whether a commissioners court may amend the county budget to reduce salaries for the county clerk's office because the clerk closed her office temporarily for a weather-related emergency. **Summary** Based on the information provided to us, we believe that a court would likely conclude that the Grayson County Commissioners Court may not transfer funds to reduce the salary line item to deprive the clerk's employees of payment for the time period that the clerk dismissed them due to a thunderstorm

and power outage in the county courthouse, because such a reduction would intrude upon the elected county clerk's sphere of authority.

**GA-0780:** Honorable Glenn Hegar, Chair, Sunset Advisory Commission, Texas State Senate, application and constitutionality of section 5.017(b) of the Texas Property Code with respect to restrictive covenants that were in existence and recorded in a county's public records prior to the statute's effective date. **Summary** Section 5.017(b) of the Property Code does not apply to restrictive covenants that were in existence and recorded prior to the

statute's effective date.

**GA-0781:** Honorable Byron Cook, Chair, Committee on Environmental Regulation, Texas House of Representatives, whether a water supply corporation has the option of refusing to extend service under sections 13.2501 and 13.2502, Water Code. **Summary** Pursuant to subsection 13.2502(a) of the Water Code, if a water supply corporation receives a request for water service from an applicant and can document that the conditions in that subsection exist, the water supply corporation may, but is not required to, provide water service to the applicant. ■

## Committed to Healthier and Happier County Workers

"Before we switched our health coverage to TAC, we had high deductibles and some pretty unhappy employees. Now the county's health care costs are under control, our benefits package is better and we've stopped shopping for coverage every year. And through the Healthy County initiative, we've made a commitment to healthier, happier workers."

— Bastrop County Commissioner Lee Dildy,  
Boardmember, TAC Health & Employee Benefits Pool

TEXAS ASSOCIATION of COUNTIES  
HEALTH AND EMPLOYEE BENEFITS POOL



## Attorney General Opinions Requested

**RQ-0886-GA:** Honorable Eddie Lucio, JR., Chair, International Relations and Trade, Texas State Senate, eligibility for health insurance of survivors of a public servant killed in the line of duty.

**RQ-0889-GA:** Honorable Joe Shannon, Jr., Tarrant County Criminal District Attorney, whether a court investigator appointed by a probate judge is covered by a county civil service system.

**RQ-0890-GA:** Rod Bordelon, Commissioner of Workers Compensation, Texas Department of Insurance, whether a workers' compensation carrier may pay for a prescription drug at a rate lower than the fee rate allowed under the guidelines of the Division of Workers' Compensation of the Department of Insurance. ■



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# From the Legislative Desk

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

## Tax Exemption Issue Requires Consensus

Community Housing Development Organizations have been the subject of remedial legislation the past two sessions of the Texas Legislature. Despite legislative efforts, some central appraisal districts continue to disallow exemptions from ad valorem taxation. Litigation involving the tax exemption issues has resulted in different decisions by different courts. Since the Texas Supreme Court chose not to hear the lower court decisions, those distinguishable opinions serve as precedent as to the granting of exemptions. The issues continue to become more complicated, protracted and unresolved. Litigation is expensive, lengthy and, in many instances, inconclusive. A consensus is needed in order to lay the matter to rest legislatively. Property owners, financiers, appraisal districts are being asked to undergo a facilitation process with the objective of achieving a consensus on the major issues so that legislation can be pre-filed and sent through the process as early as the rules will allow. ★

## County Officials Invited to Voice Legislative Concerns

In January 2011, when the Texas Legislature convenes in regular session, county teams that participate in legislative educational programs will need to be ready to operate at optimum levels for the ensuing five to six months. That's because, instead of the usual homogeneity of legislative dynamics, next time there will be a number of heterogeneous fissionable forces bombarding one another. Reshuffling and changing of House and Senate districts has always tested the friendships and character of the members; the economic conditions prevalent among most industries will challenge any legislative action that would increase the burden of the commercial sector; and, the state projected shortfall — estimated to be \$18 billion — complicates everything from attempts to maintain the status quo to efforts seeking to implement innovative ideas. TAC is interested in hearing from any county official who is interested in participating in the next legislative review program that will operate during the session. ★

### For more information

For more information, please contact TAC Legislative Director Carey Boethel at [CareyB@County.org](mailto:CareyB@County.org) or (800) 456-5974.