

County *issues*

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Child support conversion continues; Counties maintain responsibility

Although child support payments are being converted to the Office of the Attorney General's (OAG) federally mandated State Disbursement Unit (SDU), counties will continue to be responsible for a large portion of child support collections.

In 1996, the Public Responsibility and Work Opportunity Reconciliation Act (PRWORA) became federal law and immensely changed the child support system. The federal legislation requires each state to provide a central location to which employers should send child support payments. The SDU is the new central distribution center and the OAG has already commenced the data conversion process. This does not imply, however, that counties will no longer collect and disburse child support payments. On the contrary, counties will continue to process specific payments.

The local registry office will continue to process child support payments on Non-IV-D cases (cases handled by private attorney) in which the initial support order was entered prior to Jan. 1, 1994, and where the payments are not paid by income withholding ("Texas State Disbursement Unit Workgroup Report," December, 2000).

There are two types of payments that will go to the SDU: 1) payments on "all cases being enforced by the State pursuant to Section 654 (4) 42 USCA," and (2) payments on "all cases not being enforced by the State ...in which the support order is initially issued...after Jan. 1, 1994, and in which the income of the non-custodial parent is subject to withholding...".

The OAG has been working diligently to comply with the federal mandate and convert county data on IV-D case information (child support cases enforced by the OAG) to the SDU and to keep the SDU system updated on a daily basis. Thus far the following six counties have completed their data conversion: Bell, Bexar, Ector, McLennan, Midland, and El Paso. The OAG is doing this conversion county by county, employer by employer, with the goal of completing the data conversion of the states' top 30 counties (by population) by the end of 2002. The OAG intends for this conversion to have minimal disruption of payments to families, and to collaborate with their county partners on completing this enormous task.

According to a report entitled, "Office of the Attorney General: County Cooperative Agreements," there are three contracts that allow counties to provide child support services at the local level on cases paying through the SDU. They are the Local Disbursement, State Case Registry and Local Customer Service.

As incentive for assisting the state with data collection, the OAG will pass through a Federal Funds Participation (FFP) reimbursement to counties.

In February, 2000, the federal government approved an OAG request to allow counties to locally disburse payments. There are 38 counties that provided the requested information and subsequently, received a waiver from the central disbursement

[Please see Child Support, continued on page 2]

Counties to Receive Reimbursement During Child Support Conversion Process

The Office of the Attorney General is federally mandated to collect child support data from 1994 forward through the newly created State Disbursement Unit. The state is offering a few financial incentives through federal dollars received for counties to assist the OAG during the task of data conversion.

- Counties will receive \$5 for every paying Non-IV-D case sent to the SDU that has a wage withholding order entered on or after Jan. 1, 1994.
- With a State Case Registry contract, counties will be eligible to receive \$7.81 for every IV-D post-1998 case they provide to the state with updated information in order to maintain accuracy in the SDU database.

- With a Local Customer Service contract, counties will receive \$1.98 per customer service function on Non-IV-D cases.
- The OAG will pay counties for the costs associated with local disbursement at \$1.34 per disbursement. This is for the counties that received a waiver from the central disbursement requirement.

The incentive money that clerks collect for their efforts currently goes to the general fund. For more detailed information on the data conversion process and the counties continued responsibilities, please see article on Child Support. ➡

[Child Support continued from page 1]

requirement, and therefore, can continue to locally disburse child support payments. Although the payments are disbursed locally, the IV-D and Non-IV-D payments subject to income withholding post-1994, are still initially routed through the SDU. Counties that fall under the local disbursement waiver, are eligible to receive FFP reimbursement from the OAG at a rate of \$1.34 per disbursement.

Additional incentives for the counties to cooperate with the OAG data collection process are to sign a State Case Registry (SCR) or a Local Customer Service (LCS) contract. The functions of the SCR are mandated by PRWORA and it essentially acts as a repository for information about every IV-D child support case entered in Texas after Oct. 1, 1998. Counties provide SCR services by sending "daily updates from the local registry to the SDU to reflect new orders, modifications and changes in custody, etc." "Local registries will receive \$7.81 per update to the SCR." ("Texas State Disbursement Unit Workgroup Report," December, 2000)

Local Customer Service participants perform customer service functions on Non-IV-D cases and must provide the necessary resources to perform problem resolution functions for custodial and non-custodial parents on Non-IV-D payments only (i.e. research lost, unidentified, or undistributed payments). Problem resolution on IV-D cases is handled by the SDU with a dedicated toll-free number, which the local registries can also utilize to resolve problems with child support payments. Local registries that opt to perform customer service functions are eligible to "receive \$1.98 per customer service transaction." ("Texas State Disbursement

Unit Workgroup Report," December, 2000)

Even if a county does not have an SCR or LCS contract with the OAG, post-1994 child support payments are still required to go through the state, but counties without contracts are not eligible for the federal incentive payments distributed by the OAG.

The challenge of creating a central database for cases not handled by the OAG, the Non-IV-D cases, evoked lengthy discussion among the workgroup members. After extensive negotiations, the workgroup agreed that "counties will receive from the OAG a \$5 search fee for every paying Non-IV-D case in which the wage withholding order was entered on or after January 1, 1994" whether it is sent to the SDU electronically, by fax, or other means "Texas State Disbursement Unit Workgroup Report", December, 2000). The SDU ideally would like to have information on all cases including the pre-1994, Non-IV-D cases that go through the county only. For this, negotiations for reimbursement will have to take place with each local registry on an individual basis.

The bottom line is that the State Disbursement Unit is federally mandated under PRWORA to collect all child support payments enforced by the state (IV-D) and all cases not being enforced by the state (Non-IV-D) with wage withholding orders on or after Jan. 1, 1994. All other payments, i.e. Non-IV-D pre-1994 cases, will continue to be processed exclusively through the county. Because the state has this new order, they must collect case information from each county to fill the SDU database.

For additional information, please contact Teresa Aguirre at 800-456-5974 or teresaA@county.org. ➡

Rural Affairs Agency Discusses Priorities

Adequate health care and improved internet access/telecommunications infrastructure are essential to the future of rural Texas, according to legislators who led the campaign last session to create the Office of Rural Community Affairs. Many of these same legislators reiterated these and other reasons for the creation of the new state agency in a panel discussion at the agency's executive retreat, held recently in the county seat of Marion County, the historic city of Jefferson. In addition to the state legislators (and the area's U.S. congressman, Max Sandlin), attendees included the agency's board of directors, various state agency staff, local officials, and the general public.

This state agency (created by last session's HB 7) was created to develop policy specifically addressing economic and "quality of life" issues affecting the state's rural and small communities. The office also administers programs that support rural health care, the federal Community Development Block Grant non-entitlement program (formerly part of the Texas Department of Housing and Community Affairs), and programs to improve the leadership capacity of rural community leaders. The Local Government Assistance section of TDHCA was also transferred to the new agency.

The office is also charged with coordinating and monitoring the state's efforts to improve the results and cost-effectiveness of state programs in rural communities, monitoring developments that will have an effect on rural Texas (especially the actions of state government), and compiling an annual report on the condition of rural communities. As was noted by legislative leaders at the retreat, the goal of HB 7 was not to create new services and a new bureaucracy, but rather to better coordinate current services for rural communities. Robert J. "Sam" Tessen has been appointed executive director of the agency.

Discussion at the retreat also turned upon the challenges of letting people know about the agency, its purpose and functions. Suggestions included using state agencies and their personnel already in rural communities, Texas A&M's Cooperative Extension Service, and counties which are, as County Affairs Chair Tom Ramsay pointed out, functional extensions of state government.

Dr. Ronald Knutson also addressed the group (he contributed significantly to the 2000 interim report of the House Select Committee on Rural Development, a significant step in the creation of the office). Although he agreed with the need for adequate health care and the extension of modern telecommunications infrastructure

into rural communities, he also reminded his listeners of the need to repair existing infrastructure. Repair and replacement of aging roads and bridges throughout the state, especially in rural areas, should be a high priority, he continued, as should be the development of rural human capital and the alleviating of rural poverty through job creation, training, education and improved health care.

For more information or questions, contact Paul Sugg at 800-456-5974 or pauls@county.org. He will be serving as the TAC liaison to this new agency. 🗺️

Which Judges May Participate In CSCD Management?

Constitutional county judges are not eligible to serve on the local boards that oversee probation departments, according to a recent attorney general's opinion. Last September, the Trinity County Attorney asked the attorney general "whether constitutional county law judges who try misdemeanor criminal matters are entitled to participate in the management of community supervision and corrections departments under Section 76.002 of the Government Code." On Jan. 14, an opinion (JC-0452) was issued concluding "that they are not" entitled to participate.

Section 76.002(b), Government Code, provides that "district judges trying criminal cases and statutory county court judges trying criminal cases" are entitled to participate in the management of CSCD's serving those courts. Under Section 21.009, Government Code, the definitions of statutory county court and county court are clearly separate, as each was created under different sections of Article V, Texas Constitution. A statutory county court is created by the Legislature under Article V, Section 1 and includes county courts at law, county criminal courts, county criminal courts of appeals and county civil courts at law. A county court is created by the Legislature under Article V, Section 15 and is defined as "the court created in each county" and is not listed as one of the statutory county courts. Therefore, Atty. Gen. John Cornyn summarizes that "a judge of a county court is not a judge of a statutory county court and therefore is not included in the group of judges entitled to participate in the management of CSCD's."

To read this or other Attorney General Opinions/Requests, visit the AG web site at www.oag.state.tx.us or contact Lori Kinder at 800-456-5974 or via e-mail to LauraK@county.org. 🗺️

TEXAS ASSOCIATION OF COUNTIES LEADERSHIP FOUNDATION 2002 COUNTY BEST PRACTICES AWARDS APPLICATION

The TAC Leadership Foundation County Best Practice Award program will recognize a select group of county leaders who demonstrate outstanding achievement in innovation and effective management of county government facilities, processes or programs. Nominations will not compete against each other by category; rather, each submission will be carefully examined to determine how well it meets the criteria listed below. All Texas counties are eligible to submit applications with no limits on the number of programs from each county. This is the last year for submission of programs that have been in operation more than 36 months.

Eligibility Standards

- The facility, process or program must be in full operation by the deadline for submission of the application.
- County officials and/or staff, as part of their official duties, must have played a significant role in development.

Criteria

The nominated facility, process, or program must:

- Offer a new service to county residents, fill gaps in the availability of existing services, or tap new revenue sources;
- Improve the administration or enhance the cost effectiveness of an existing county government program;
- Upgrade the working conditions or level of training for county employees;
- Enhance the level of citizen participation in or the understanding of, government programs;
- Provide information which facilitates effective public policy making; or
- Promote intergovernmental cooperation and coordination in addressing shared problems.

Categories

- | | | | |
|------------------------|-------------------------|----------------------|-------------------|
| • Administration | • Employment/training | • Information tech | • Risk management |
| • Criminal justice | • Environment | • Libraries | • Transportation |
| • Economic development | • Fiscal/financial | • Parks & recreation | • Other |
| • Emergency management | • Health /Human service | • Preservation | |

Nomination Summary and Required Format

The nomination summary must:

- Be written on no more than six one-sided typewritten pages.
- Be written in layman's terms, so that the average reader can understand the objectives and judge the merits.
- Have measurable results
- Have the name of the facility, process, or program and county submitting the application on the top of each page.

The following six items are required on the nomination summary:

1. *Abstract of the Facility, Process, or Program* – In approximately 150 words or less, summarize your program. Abstracts of awards will be published.
2. *The problem/need for the facility, process or program* – Discuss the problem/need that prompted the development of the facility, process, or program.
3. *Description* – Provide a detailed description of the nominated facility, process, or program, including its objectives, the time frame for development and implementation, the clientele being served, the county's role in devising and implementing the facility, process, or program, and the contribution, if any, of other partners.
4. *Cost of the facility, process, or program* – Describe both the operating and capital costs incurred in developing and implementing the program (List all costs that would be incurred by a county attempting to replicate the program.)
5. *The results/success of the facility, process or program* – Provide a description of the results and of the success in meeting its objectives.
6. *Worthiness of an award* – Give justification for why this program meets the outlined criteria and should be awarded a County Best Practice Award.

APPLICATION

I. Program Information

County _____

Program Title _____

Official playing significant role _____

Program Category _____

II. Contact Information

Name _____

Title _____

Department _____

Address _____

Address _____

City/State/Zip _____

Telephone _____

Fax _____

Email _____

III. Signature of the County Judge

Name _____

Title _____

Signature _____

Deadline for Submission of Applications: May 31, 2002

Send to Susan Weems Wendel, TAC Leadership Foundation, 2002 County Best Practice Award, P O Box 2131, Austin TX, 78768. If you have any questions about the application process or would like additional application forms, please call Susan Weems Wendel at (512) 478-8753 or (800) 456-5974. Additional copies of the application may also be obtained from the TAC website, www.county.org.

Deadline for Border Colonia Improvement Proposals Announced

The Texas Department of Transportation has announced the deadline to receive proposals for the 2002 Border Colonia Access Program: no later than 5 p.m. Feb. 15.

Those counties eligible to apply for consideration (Brewster, Brooks, Cameron, Culberson, Dimmit, Duval, El Paso, Hidalgo, Hudspeth, Jeff Davis, Jim Hogg, Kennedy, Kinney, La Salle, Maverick, Presidio, Starr, Terrell, Val Verde, Webb, Willacy, Zapata and Zavala) are encouraged to contact their local TxDOT Regional Engineer's Office for information on how to submit a proposal.

Under provisions listed in SB 1296 and Rider 52 of the Appropriations Bill, TxDOT created the Border Colonia Access Program to administer \$175 million in bonds and notes to eligible counties along the Texas/Mexico border for colonia roadway improvement projects. Voters approved the bond package for colonia road improvements in November 2001.

TxDOT will initially issue only \$50 million of the \$175 million to eligible counties. The first half of the \$50 million (\$25 million) will be issued to counties based on their population with the remaining \$25 million being issued on a project selection criteria basis (see selection criteria). TxDOT will review each application submitted and determine which projects will be selected.

TxDOT hopes to announce selected projects this Spring. The remaining \$125 million of the bond package will be used for future Texas/Mexico border colonia road improvements. TxDOT has not announced when future program calls will be

TxDOT Border Colonia Improvement Projects Criteria

(As listed in 43 TAC §15.104)

TxDOT will consider the following criteria for project selection:

- 1) Population of the border colonia the project is to serve, based on the latest estimates from the Texas Water Development Board;
- 2) Condition of current roads, such as the number of existing paved roads in and to the border colonia the project is to serve;
- 3) Whether the project is on an existing or planned school bus route;
- 4) Access to other parts of the region, such as the number of roads, paved or unpaved, to the border colonia the project is to serve; and
- 5) The number resulting from dividing the border colonia population whose residences abut the project limits by the number of miles of roadway in the project.

posted. Specific Program rules can be found under 43 TAC §§ 15.100-15.106.

For more information regarding this article, contact Jozette Maxwell at 800-456-5974 or via email at Jozettem@county.org. 📍

Counties Begin to Prepare Tobacco Distribution Report

Tobacco Distribution Statements which depict 2001 expenditures are due to the Texas Department of Health (TDH) by March 31. Counties and hospital districts must have their reports in by the March 31 deadline to be eligible for tobacco distribution funds, which will be sent out in April.

According to the Texas Department of Health, for fiscal year 2000 Hospital Districts, counties and a few cities submitted expenditure statements totaling \$1,231,610,405. Based on these figures the comptroller paid out \$64,306,508 in April 2001 to eligible entities.

It is unclear at this point what amount will be distributed in April. The Tobacco Investment Advisory Committee look at the growth in the Permanent Trust Fund and make the necessary decisions about the disbursement. Distributions will be made solely on the interest from the fund, which currently sets at \$951 million, another \$500 million expected to be deposited in January.

Counties, which administer indigent health care programs, will report "unreimbursed health care" expenditures. Hospital districts will report taxes collected as well as the amount of unreimbursed county expenditures for jail health care. Counties that lie completely within a hospital district will need to calculate their unreimbursed expenditures for jail health care and submit them to the hospital district. The hospital district will complete one expenditure statement and submit it to TDH. Counties that have a public hospital will report the amount of money the county contributed to the hospital as well as other allowable expenses.

The expenditure statements must be mailed to the following address: Texas Department of Health, Office of Health Information and Analysis, Attn: Joe Walton, 1100 W. 49th Street, Austin, Texas 78756-3199. 📍

Attorney General Reviews Delinquent Tax Attorney Contracts

The Attorney General recently concluded that a delinquent tax attorney may not make a donation to the county that in effect refunds part of his or her compensation. The opinion in JC-0443 centers around the additional penalty authorized pursuant to Sec. 33.07 of the Tax Code.

Section 33.07(a), Tax Code, provides that a taxing unit or appraisal district may assess an additional penalty to defray costs of delinquent tax collection if the taxing unit or appraisal district contracts with an attorney to collect delinquent taxes. Prior to the 77th Legislative Session the penalty was not to exceed 15 percent; now it cannot exceed the amount of compensation in the contract with the delinquent tax attorney. Section 6.30(c) spells out that the compensation provided in the contract may not exceed 20 percent of the amount of delinquent tax, penalty, and interest collected. Accordingly, now the penalty authorized under Section 33.07(a) could be between zero and 20 percent, depending on what amount is specified in the contract.

In the opinion request submitted by the Bastrop County Criminal District Attorney, Charles Penick asks whether an attorney can contract with a county to collect delinquent taxes and donate personnel, equipment or money back to

the county to enhance the county's collection of delinquent taxes. The AG points to an earlier opinion issued in 1988 (JM 857) which also concluded that the additional penalty must solely be used to compensate the attorney with whom the county contracted. However, it appears in the request that Penick argues that a county can contract with a delinquent tax attorney to receive a percentage of the delinquent taxes collected. To support the argument, he cited Section 81.032 of the Local Government Code (enacted in 1999) which provides that the commissioners court may accept a gift, grant, donation, bequest, or devise of money or other property on behalf of the county for the purpose of performing a function conferred by law on the county or county officer. Penick pointed out that Sec. 81.032 was adopted after the prior opinion was issued in 1988.

The AG does point out in the summary that he cannot determine whether a particular donation to the county constitutes an allocation of the Section 33.07 penalty to the county. The opinion states "that determination would raise question of fact, which cannot be resolved in an attorney general opinion."

For more information or questions, contact Sue Glover at 800-456-5974 or sueg@county.org. 📍

American Heart Association Announces Matching Grant Funds for AEDs

County law enforcement and emergency response agencies serving communities outside of Austin, Dallas, El Paso, Fort Worth, Houston and San Antonio are eligible to apply for funding under the American Heart Association's (AHA) Texas AED Placement Program. The program, designed to assist first response agencies (law enforcement, fire and EMS) with costs associated with the purchase of automated external defibrillators (AED), is a \$1.1 million matching grant program. Deadline for applications is Friday, Feb. 15.

County agencies eligible for the matching grant funds will be required to provide 50 percent of the cost of the AEDs. Once applications are submitted, AHA will determine how many AEDs will be awarded to each agency. AHA advised preference will be given to agencies serving suburban, rural and frontier communities that are not located in the six major metropolitan cities in the state.

A statement from AHA said they are offering the program to first responder agencies in an effort to assist

personnel with saving lives: "If you or a loved one suddenly collapsed with a stopped heart, it is critically important that your heart is 'restarted' in less than six minutes...saving many more lives may depend on the arrival and proper use of an automated external defibrillator and first responder personnel trained to use it." AHA hopes to place approximately 800 AEDs in police and sheriff patrol cars, fire trucks and EMS response units by late Spring 2002.

AHA will announce grant awardees March 15. Those selected to receive AEDs will also receive training from AHA on how to use them.

To view additional eligibility requirements, or to download an application, access the AHA website at: texas.aedprogram@heart.org or contact them via phone at 888-433-7080.

For more information regarding this article, contact Jozette Maxwell at 800-456-5974 or via email at Jozettem@county.org. 📍

NEW FORMAT IN 2002!

The 2002 County Management Institute is essential for county officials and key staff determined to be top managers. A new focus on critical management skills and a streamlined format will greet participants of the newly redesigned Institute. Experienced business and government leaders address in depth issues critical to successful county operations.

Opening Keynote Address



Tony Brigmon, Southwest Airlines former "Ambassador of Fun" gives winning techniques for delivering great customer service, methods for resolving conflict and shares the philosophy and bottom line effectiveness of SW Airlines' efficiency practices.

CONCURRENT TRACKS:

- **GENERAL MANAGEMENT** Managers will learn skills to help them and their employees improve performance and cope with job stress and change. Two management skills -- navigating change successfully and coaching as a management tool -- will be thoroughly covered.
- **HUMAN RESOURCE MANAGEMENT** This essential area of county management is covered including employment law, effective hiring practices, performance measurement tools and harassment issues.
- **FINANCE MANAGEMENT** This full-day budget workshop will be a nuts & bolts session covering budget laws, revenue estimating, performance-based budgeting, the budgeting cycle and line-item budgeting for smaller counties. GASB 34's effect on counties will be discussed.
- **RISK MANAGEMENT** PROACTIVE minus REACTIVE equals SAFETY & LOWER COSTS FOR ALL. Executive-level sessions for safety, employee benefits and insurance professionals will focus on protection and control in key areas of exposure.

CLOSING GENERAL SESSIONS:

Disaster Preparedness and County

Security: This important issue has been on the front burner since Sept. 11. Coordination, cooperation and communication are the keys to success when dealing with a crisis situation. Learn how to effectively respond under pressure before these situations occur.

Continuing Education

Applications are filed with the appropriate governing bodies to approve continuing education hours for Auditors/CPAs, Clerks, Commissioners, Tax Assessor-Collectors, Treasurers and certified law enforcement officers claiming Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) hours.

Host Hotel

The Hyatt Regency Austin on Town Lake feels like home to many county people and is conveniently located close to Austin's downtown restaurants and attractions. Call 512-477-1234 and ask for a room in the Texas Association of Counties room block to receive the special conference rates of:
 \$115 – Single \$140 – Double
 \$165 – Triple \$190 – Quad
 After March 12 all rooms are subject to availability and price increase.

REGISTER BY MARCH 12 AND SAVE!

Save your spot and money while you are at it by registering early. Registrations postmarked by **March 12, 2002** are \$150 and those postmarked after March 12, are \$175. Either way, it's the best deal around!

Complete registration form and return with payment to *Texas Association of Counties, CMI 2002, P. O. Box 2131, Austin, Texas 78768* or FAX form to **512-477-1324** and mail check to same address.

Cancellation Policy

The conference registration fee is transferable to another person within your organization to attend this conference without additional charge. Requests for refunds must be submitted in writing (fax acceptable). An administration fee of \$10.00 is charged for all requests received in the Association office by April 2, after April 2, the administration fee is one half the registration fee.

Watch for more information on TAC's website, **www.county.org**, and by mail.

SCHEDULE OF EVENTS

WEDNESDAY, APRIL 3, 2002

9:00 a.m.-5:00 p.m.	Registration
9:00 a.m.-1:00 p.m.	Pre-conference Meetings
1:00-5:00 p.m.	General Sessions

THURSDAY, APRIL 4, 2002

8:00-5:00 p.m.	Concurrent Education Sessions
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FRIDAY, APRIL 5, 2002

8:00-11:45 a.m.	General Sessions
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The Texas Association of Counties is an approved CEU Sponsor member of the International Association for Continuing Education and Training.



For ADA accommodations or more information call Alice Kanelo at 800-456-5974.

2002 County Management Institute Registration Form

Name _____
 County _____ Title _____
 Address _____
 City/Zip _____
 Phone _____ Fax _____
 Email _____

☐ Payment Enclosed ☐ Payment to Follow ☐ Please Invoice

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

☐ Finance Management ☐ General Management ☐ Human Resource Management ☐ Risk Management

Complete Registration form and return with payment to Texas Association of Counties, CMI 2002, P.O. Box 2131, Austin, TX 78768 or FAX form to (512) 477-1324 and mail check to same address.

CI

Senate Jurisprudence to Review Court Costs and Fees

The Senate Jurisprudence Committee has kicked off its study of court costs, fee and fines by state and local entities.

In the meeting Jan. 24, Committee Chair Royce West asked those invited to testify to speak candidly on how fees and fines are collected, where the money goes as directed by statute, how effective they think the system is and to give reasonable suggestions and recommendations, including the elimination of fees.


Verma Elliott from the State Auditor's Office (SAO) testified that her office is following the mandate of SB 1377 to "review each fund and account into which money collected as a court cost is directed by law to be deposited to determine whether: (1) the money is being used for the purpose...for which the money is collected; and (2) the amount of the court cost is appropriate..." The SAO will only be reviewing the state portion of the fees; they will not be reviewing fines that are dedicated to county coffers.

Several witnesses testified that there is not a consistent definition of court cost, fees and fines. The terms are often utilized interchangeably, making data collection problematic. Also, the term "conviction" as it relates to court costs needs to be further defined.

Other witnesses, including county officials from the treasurer and clerk associations, respectively, indicated support for bills that were introduced last session to review and consolidate fees. Support was also

voiced to change the due dates of court costs to make the reporting system more uniform. The Travis County Auditor and presiding officer of the Texas County Financial Data Advisory Committee testified that revenue from fees and fines do not come close to covering the county's costs, but when complete, the Government Accounting Standards Board reports will show that an overwhelming number of programs are supported by the ad valorem tax, most of which covers justice related activities (i.e. courts, corrections etc.).

During the interim, the committee plans to compile a list of all court costs and fees to determine their necessity, look at the history and when they were authorized. Senator West's staff will provide a synopsis of each court cost and fee, categorized by state, county and city. Senator West directed his staff to work with the interested parties, including the Texas Association of Counties and the Texas Municipal League, to create a methodology for gathering the necessary data and also to devise consistent definitions for "court costs" and "conviction." West is interested in what portion of the money collected by the county is being sent to the state and how much the counties are retaining for their costs.

For additional information, please contact Teresa Aguirre at 800-456-5974 or teresaA@county.org. 

Workgroup endeavors to ease reporting requirements

Rider 9 of SB 1 requires the Department of Information Resources (DIR) to gather comprehensive data on the state's reporting requirements to eventually help ease the burden on cities and counties. As part of this workgroup, TAC staff attended a meeting on Jan. 11.

The workgroup is mandated to "compile a list of recommendations for the 2003 Legislature for streamlining and reducing reporting requirements on cities and counties." The second part of the rider stipulates that DIR, in coordination with the Comptroller's Office, local governments, TAC and other interested parties, should develop "functional specifications for a statewide electronic data clearinghouse" for the year 2004. Since the funding for this mandate has yet to be certified by the comptroller of public accounts, the workgroup is unable to fully satisfy the requirements of Rider 9, but the agency is pressing ahead to complete the following mandated tasks:

- take an inventory of required reports, review existing reporting requirements, and
 - wherever possible, place a moratorium on additional requirements, unless they are specifically required by law or essential to agency missions;
 - examine the state-funded telecommunications networks that connect with county courthouses to determine the costs and benefits of consolidating these systems;
 - compile a list of recommendations for the 2003 Legislature to improve data accuracy, electronic infrastructure and access to data by the public and elected officials at all levels of government for better decision-making;
 - develop data standards, as selected by DIR.
- The tasks that cannot be completed without funding

[Please see Reporting Requirements, continued on page 11]

Task Force Meets to Discuss Competency Evaluation

A newly created task force is looking at how Texas courts handle the competency of criminal defendants. Senate Bill 553 created a task force to “review the methods and procedures used to evaluate a criminal defendant’s competency to stand trial and use of the insanity defense and to submit a report to the 78th Legislature” that meets in 2003. There are many insufficiencies associated with determination of competency or mental illness of a defendant, and the task force is designed to ensure that the evaluation methods in place are adequate to provide defendants with sufficient and appropriate medical and legal service.

County officials will be interested in the outcome of this task force as it relates to the process of initiating the request for a competency examination, the county funds involved with the exam, the shortcomings in the criminal justice and Mental Health/Mental Retardation systems and ending with the possible use of the insanity plea and what that means.

The legislation states the following:

In conducting its review of the methods and procedures used to evaluate a criminal defendant’s competency to stand trial and use of the insanity defense, the task force shall:

- examine the process by which the examination of a defendant is initiated and administered, including the required and actual use of forms and other documentation;
- review the manner in which a person is appointed to conduct an examination;
- evaluate the adequacy of the qualifications and training of persons who may be appointed to conduct an examination;
- consider alternative means to increase cost effectiveness in the examination process; and maximize third-party payment of the costs of examinations; and
- assess the potential use and benefits of telepsychiatry.

During first meeting of the task force Jan. 23, Sen. Robert Duncan (Lubbock) was voted to chair the task force, and Rep. Patricia Gray (Galveston) was voted as vice-chair. The task force is comprised of psychiatrists, psychologists, Department of Criminal Justice, MHMR, attorneys, Council on mentally ill offenders, medical and law school representatives, a district judge, and the Texas Association of Counties.

The task force utilized the time of the first meeting hearing testimony from panels of experts on the juvenile justice system, adult system, and from advocacy

organizations. The group plans to look into potential statutory and programmatic changes, the use of third party payment and telepsychiatry, especially in rural areas.

The workgroup is mandated to submit specific recommendations for legislation by Dec. 31. For additional information, please contact Teresa Aguirre at 800-456-5974 or teresaA@county.org. ➡

Subdivision Regulation Sourcebook Mailed Out

All county judges and certain county professional staff have been mailed the updated version of TAC’s County Subdivision Regulation Sourcebook.

This edition reflects the most recent changes made to this area of county authority and responsibility by the 2001 Legislature, including HB 1445 and SB 873.

There are a limited number of extra copies that will be made available on a “first come-first served” basis. The sourcebook will also be posted on the TAC website at www.county.org. Please contact Paul Sugg at 800-456-5974 or pauls@county.org for more information. ➡

[Reporting Requirements continued from page 10]

relate to the second part of the rider and include the functional specifications, policies, procedures, training materials and options for funding the ongoing maintenance, or expansion of the clearinghouse for the statewide electronic data clearinghouse.

For now, the workgroup is working on a comprehensive survey to be sent to all state agencies to inquire about the reports (e.g. title, purpose, description, frequency etc.) each agency requires from the cities and counties. When the inventory is compiled it will be analyzed for common elements that need to be defined at a state level, with the intention of consolidating, modifying, or eliminating reports, thus easing the reporting requirements on cities and counties.

For more information, please contact Teresa Aguirre at 800-456-5974 or teresaA@county.org. ➡

New Project Delivery Methods Class Set March 18-19

The University of Texas has a new short course on alternative project delivery methods.

The SB 510 now allows a wide variety of project delivery options for county and local governments effective Sept. 1, 2001. Now public agencies have the option of procuring projects through Competitive Sealed Proposals, Construction Management-at-Risk and Design-Build. Use of these new project delivery approaches can produce outstanding results in cost, schedule and quality.

This two-day short course, designed for owners considering the use of Competitive Sealed Proposals, Construction Management-at-Risk and Design-Build delivery methods, is a comprehensive presentation of the new project delivery options available in Texas. Participants completing the course should be able to determine when it is appropriate to use a particular alternate project delivery method, and be able to implement its use within their organizations. A University of Texas at Austin certificate signed by the Dean of Engineering will be given to each registrant who completes the course.

For more information visit their website:

<http://lifelong.engr.utexas.edu/construction.cfm> or contact Jesse Pfeiffer, Jr., program director, Construction Industry Programs, jpfeiffer@mail.utexas.edu at 512-232-5154. ➔

Counties should be considered a Secured Debtor

Should counties be considered a secured debtor when someone who owes taxes files for bankruptcy? According to the National Association of Counties (NACo) and numerous county officials the answer is YES.

According to Marsha Gaines, Fort Bend County Tax Assessor-Collector, and member of the NACo Taxation and Finance Committee, "counties are taking a big loss because we are currently considered an unsecured debtor and only receive about 10 cents on the dollar from the bankruptcy court. By changing the law where counties are considered secured debtors, counties have a chance of recovering the total amount owed."

Congress is currently considering several pieces of bankruptcy legislation, including H.R. 333 by Congressman Gekas and S. 420 by Grassley, which has been in conference committee since last July. Although these pieces of legislation don't appear to be moving at this time, county officials may help in movement by urging their congressional members to support local government tax claims. ➔

Attorney General Opinions



RQ-0469-JC: The Honorable Frank Madla, Texas State Senate, whether a commissioners court may expend funds to construct or maintain a road that has not been designated a "public road".

RQ-0470-JC: The Honorable Jack Skeen, Jr., Smith County Criminal District Attorney, whether a county auditor may participate in an executive session of a commissioners court under the Open Meetings Act, and related questions.

RQ-0471-JC: The Honorable Charles Rosenthal, Jr., Harris County District Attorney, whether a peace officer is required to complete continuing education courses regarding traffic laws, and related questions

RQ-0474-JC: The Honorable Bill Turner, Brazos County District Attorney, whether section 37.123 of the Education Code, which creates the offense of "disruptive activity," requires proof of intent.

RQ-0475-JC: The Honorable Juan J. Hinojosa, Chairman, House Committee on Criminal Jurisprudence, whether the governor may raise the state vehicle registration fee without legislative consent, and related questions.

RQ-0479-JC: William H. Kuntz, Jr., Executive Director, TDLR, whether the executive director of the Department of Licensing and Regulation may require elevators, escalators, and related equipment to comply with the current version of code provisions promulgated by the American Society of Mechanical Engineers, and related questions.

RQ-0484-JC: The Honorable Hector Lozano, Frio County Attorney, whether a constable who fails to provide evidence of licensure under section 86.0021(b), Local Government Code, automatically forfeits his office, and related questions.

RQ-0485-JC: The Honorable Robert B. Scheske, Gonzales County Attorney, whether a fine imposed in a class C misdemeanor case in justice court may be collected by a private attorney or a private collection service.

RQ-0486-JC: The Honorable Russell W. Malm, Midland County Attorney, whether a county may enter into a multi-year lease of real property under particular circumstances, and related questions.

RQ-0487-JC: The Honorable M.P. "Dexter" Eaves, Victoria County District Attorney, the effect of amendments to section 623.011, Texas Transportation Code, regarding the authority of the Texas Department of Transportation to issue permits for travel on county roads and load-limit bridges.

RQ-0488-JC: Geoffrey S. Connor, Assistant Secretary of State, whether a 1999 amendment to article XVI, section 65, Texas Constitution, which removed the staggered terms for certain county offices, substantively affected county offices created since that date.

RQ-0491-JC: The Honorable Michael A. Stafford, Harris County District Attorney, whether a commissioners court may require disclosure of business and employment relationships by vendors subject to competitive bidding, and related questions.

RQ-0492-JC: The Honorable Richard J. Miller, Bell County Attorney, Construction of section 242.001(d)(4), which requires cities and counties to establish a "consolidated and consistent set of regulations related to plats and subdivisions of land".

RQ-0494-JC: The Honorable Bill Hill, Dallas County Criminal District Attorney, Whether a commissioners court may control the budget submitted by the presiding judge of an administrative judicial region. ■

Attorney General Opinions



JC-0438: The Honorable Susan D. Reed, Bexar County Criminal District Attorney, regarding longevity pay for certain assistant prosecutors (RQ-0397-JC). **Summary:** Subchapter D of chapter 41 of the Government Code, effective January 1, 2002, requires a county to pay a

longevity supplement of \$20 per month for each year of lifetime service credit to assistant prosecutors who have accrued four years of such credit, regardless of whether the legislature has appropriated sufficient funds to recompense the county for such payments. Such payments may not be offset against any other portion of an employee's compensation. The first four years of service time are to be counted in the calculation of the longevity pay.

JC-0439: The Honorable David M. Motley, Kerr County Attorney, whether statutes cited in various contracts under which Kerr County has transferred funds to certain nonprofit entities authorize the County to make the transfers (RQ-0398-JC). **Summary:** Under article III, section 52 of the Texas Constitution, a county may not grant public funds to a private nonprofit organization unless the county commissioners court determines that the grant serves a public purpose that the county is authorized to accomplish and the county adequately controls the transfer to ensure that the public purpose is accomplished. See Tex. Const. art. III, § 52; see also id. art. XI, § 3. Section 264.006 of the Family Code, which authorizes a county to provide services and support to children who need protection and care, empowers a county to transfer funds to a nonprofit organization that provides services and support to such children. Likewise, sections 264.402 and 264.403 of the Family Code authorize a county to participate in and provide funds to a child-advocacy center in accordance with a memorandum of understanding. A county may grant funds to a nonprofit entity to accomplish a statutorily authorized purpose, provided that the county determines the transaction will achieve a public purpose and that adequate controls are placed on the expenditure to ensure that the public purpose is accomplished.

JC-0440: The Honorable Rick Berry, Harrison County Criminal District Attorney, whether a Texas Natural Resource Conservation Commission rule requiring owners of surface-irrigation on-site sewage facilities to have ongoing maintenance contracts is authorized (RQ-0400-JC). **Summary:** A Texas Natural Resource Conservation Commission rule requiring owners of surface-irrigation on-site sewage facilities to have ongoing maintenance contracts does not exceed the Commission's statutory authority. Neither the rule nor the statutory provisions authorizing it violate federal due process or equal protection guarantees.

JC-0443: The Honorable Charles D. Penick, Bastrop County Criminal District Attorney, whether a county that contracts with an attorney for the collection of delinquent taxes may accept a gift from that attorney. (RQ-0410-JC). **Summary:** When a county contracts with an attorney to collect delinquent taxes pursuant to section 6.30 of the Tax Code, section 33.07 authorizes the county to impose an additional penalty on the delinquent taxes to provide compensation for the contract attorney. The additional penalty authorized by section 33.07 of the Tax Code is solely for the purpose of providing compensation to the contract attorney, and the attorney may not make a donation to the county that in effect refunds part of his or her compensation to the county. Whether a particular donation is a refund of the attorney's compensation under section 33.07 is a fact question.

JC-0444: The Honorable Tully Shahan, Kinney County Attorney, whether Kinney County is authorized to pay for the confirmation election for the Kinney County Groundwater Conservation District. (RQ-0456-JC). **Summary:** Kinney County is not authorized to pay for the confirmation election for the Kinney County Groundwater Conservation District and may not make a donation or grant to the District for that purpose.

JC-0451: The Honorable Phil Garrett, Palo Pinto County Attorney, whether a driver who falls asleep and drives off the road has committed an offense under section 545.060(a) of the Transportation Code (RQ-0421-JC). **Summary:** Although this office cannot determine in any particular instance in an attorney general opinion whether a person has violated section 545.060(a) of the Transportation Code, the offense of failure to drive in a single marked lane, the fact that a driver was asleep when he or she moved from the single lane does not as a matter of law remove that person's conduct from the scope of the statute.

JC-0452: The Honorable Joe Warner Bell, Trinity County Attorney, whether constitutional county law judges who try misdemeanor criminal matters are entitled to participate in the management of community supervision and corrections departments under section 76.002 of the Government Code (RQ-0433-JC). **Summary:** A judge of a county court established under article V, section 15 of the Texas Constitution is not a judge of a statutory county court for purposes of title 2 of the Government Code and therefore is not included in the group of judges entitled to participate in the management of a community supervision and corrections department under section 76.002(b) of the Government Code.

JC-0454: The Honorable John F. Healey, Jr., Fort Bend County District Attorney, regarding the authority of a justice of the peace to sentence a juvenile to detention for contempt, and related questions (RQ-0408-JC). **Summary:** A justice court may not order a child to be confined for a term of detention for contempt for violation of a justice court order. In the event that suit is brought against a county as a result of a justice court ordering a child detained for contempt without authority to do so, the county could invoke immunity with respect to state claims, but, depending on the facts, could be subject to suit under federal claims brought under 42 U.S.C. § 1983. A hearing for a child referred to juvenile court for contempt must be conducted as that for a child who has engaged in delinquent conduct. Neither status offenders nor nonoffenders may be detained in nonsecure detention facilities.

JC-0457: The Honorable J.E. "Buster" Brown, Chair, Natural Resources Committee, Whether new construction in an area of the state that is outside municipal jurisdiction may delay complying with the Texas Building Energy Performance Standards, chapter 388 of the Health and Safety Code, until September 1, 2002 (RQ-0430-JC). **Summary:** Effective September 1, 2001, new construction in an area of the state that is outside a municipality's jurisdiction must have begun complying with the building energy efficiency performance standards adopted under section 388.003 of the Health and Safety Code. See Tex. Health & Safety Code Ann. § 388.003 (Vernon Supp. 2002). Compliance may not be delayed until September 1, 2002. Likewise, since September 1, 2001, counties have had authority to monitor and may voluntarily enforce compliance in these areas under section 388.004. See id. § 388.004. ■

2002 SPRING LAW ENFORCEMENT REGIONAL WORKSHOPS:

Texas Association of Counties, In cooperation with: The Texas Jail Association

USE OF FORCE

In this newly expanded two-day course, law enforcers become aware of the complex legal issues involved in use of force and learn how to deal with such situations when they occur. Training topics will cover the statutory authority for use of force as found in the Texas Penal Code. Disruptive behavior of inmates and options when it comes to force, communication and weapon use will be examined. The 2002 Regional Law Enforcement Workshop series is free to Association members.

CONTINUING EDUCATION

Texas Association of Counties' Law Enforcement Education Committee **HAS APPROVED SIXTEEN TCLEOSE HOURS** for law enforcement officers who complete this two-day course. This curriculum satisfies a requirement for jailers to qualify for their Intermediate Jailer's Certificate.

OBJECTIVES

By the end of the workshop, participants will be able to:

- Understand the basic statutory authority for use of force.
- Utilize use of force models and use of force options.
- Know the common causes of disruptive behavior & disturbances.
- Take appropriate preventive or remedial action to avoid potential civil liability.

WHO SHOULD ATTEND

Sheriffs Chief Deputies Jail Administrators
Deputies Jailers

DATES & LOCATIONS

The 10 Regional Workshops are being held at a location near you. (Check the following for exact dates, times and locations)

Feb. 19 & 20 - Austin, Norris Conference Center,
2525 W. Anderson Lane, (512) 451-5011

Feb. 19 & 20 - Brownsville, Holiday Inn-Fort Brown,
1900 East Elizabeth, (956) 546-2201

Feb. 26 & 27 - Odessa, Holiday Inn Centre,
6201 East Business Loop 20, (915) 362-2311

Feb. 26 & 27 - Victoria, Holiday Inn, 2705 East Houston Highway,
(361) 575-0251

March 5 & 6 - Tyler, Holiday Inn, 3310 Troup Highway,
(903) 593-3600

March 5 & 6 - Lubbock, Holiday Inn Civic Center, 801 Avenue Q,
(806) 763-1200

March 12 & 13 - Huntsville Criminal Justice Center,
16th & Avenue H (936) 291-2151

March 12 & 13 - Abilene, Embassy Suites, 4250 Ridgemoor Drive,
(915) 698-1234.

March 19 & 20 - Waco, Hilton Hotel, 113 South University Parks Drive,
(254) 754-8484

March 19 & 20 - Amarillo, Ambassador Hotel, 3100 I-40 West,
(806) 358-6161

★ **REGISTRATION BEGINS AT 8AM AND THE PROGRAM WILL RUN FROM 9AM TO 4PM EACH DAY.**

HOW TO REGISTER

The 2002 Regional Law Enforcement Workshop series is free. Registering for the workshop you plan to attend is critical for determining facility and refreshment requirements. Early registration is encouraged to assist in planning for the meeting. Just fax or mail your completed registration form to Texas Association of Counties by Wednesday of the week before the program you plan to attend. For your convenience, you can also register on-line at www.county.org, under education.

The sites for these two-day workshops are chosen to allow travel within the same day for participants in nearby counties; therefore, no special arrangements are made for overnight accommodations. Check with each facility for their rates or nearest hotel.



The Texas Association of Counties is approved as a CEU Sponsor member of the International Association for Continuing Education and Training.



For ADA accommodations or more information call Jan Halverson or Lisa Garcia at 800-456-5974.

2002 LAW ENFORCEMENT REGIONALS - USE OF FORCE REGISTRATION FORM

Mail to TAC P.O. Box 2131 Austin, TX 78768-2131 or Fax to 512-477-1324

Please check workshop location:

- | | | | | |
|--|---|--|---|---|
| <input type="checkbox"/> 2/19&20 Austin | <input type="checkbox"/> 2/26&27 Odessa | <input type="checkbox"/> 3/5&6 Lubbock | <input type="checkbox"/> 3/12&13 Abilene | <input type="checkbox"/> 3/19&20 Waco |
| <input type="checkbox"/> 2/19&20 Brownsville | <input type="checkbox"/> 2/26&27 Victoria | <input type="checkbox"/> 3/5&6 Tyler | <input type="checkbox"/> 3/12&13 Huntsville | <input type="checkbox"/> 3/19&20 Amarillo |

Name _____ Title: _____

County _____ E-mail _____

Address _____ City _____ Zip _____

Phone _____ FAX _____

Date of Birth: _____ SS# _____

Please clearly circle your responses:

Are you licensed by TCLEOSE? YES NO

TYPE: 1-Regular 2-Reserve 3-Telecommunicator 4-Elected 5-County Jailer 6-Civilian

Contracting with Private Vendors for Collection of Added Fees Questioned

Gonzales County Attorney Robert B. Scheske recently requested the Attorney General to issue an opinion on whether an additional fine assessed by a justice of the peace, in conjunction with an arrest warrant in class "C" misdemeanor cases, can be considered eligible for collection by a private vendor as a "debt and accounts receivable...ordered to be paid by a court...as appropriate," as provided for in Article 103.0031 of the Texas Code of Criminal Procedure.

Scheske advised his question was prompted by the ongoing challenge faced by justice courts when traffic citations are issued and no arrests take place. Commonly, traffic violators are allowed to sign a citation agreeing to appear in or contact the court and when that does not happen, the court can issue an arrest warrant and attach fines acceptable to the court. Scheske's opinion request asks if the additional fines assessed may be contracted-out to private vendors for collection.

Section 2 of Senate Bill 1778, which was passed last year, amends Article 103.0031 of the Code of Criminal Procedure by giving counties the authority to add private attorneys to the list

of vendors eligible to receive contracts for fee collection purposes. However, Scheske's question to the AG asks for clarification on which fees are eligible to be contracted-out for collection: "Is the private attorney or private vendor authorized under this section of the Code of Criminal Procedure to collect fines referred to in the opinion request as an "acceptable" fine "suggested" by the Justice of the Peace as a debt or accounts receivable?" the request stated.

Additionally, Scheske's request notes that he does not believe such additional fines would be eligible for contracted collection services because the fine assessed was not rendered as a final order in open court where the defendant was present. Article 45.041 of the Code of Criminal Procedure states how justices and judges may direct defendants to pay fines and costs associated with violations and specifies under section (3)(d) that "All judgements, sentences, and final orders of the justice or judge shall be rendered in open court."

The Attorney General's Office has 180 days to issue an opinion or respond to County Attorney Scheske's request.

For more information regarding this article, contact Jozette Maxwell at 800-456-5974 or email at Jozettem@county.org. 🗺️

[From the Desk continued from page 16]

The **Task Force on Indigent Defense**, created under **SB 7**, is responsible for developing statewide policies and standards for providing legal representation and other defense services to indigent defendants. On Jan. 23, Gov. Rick Perry appointed two constitutionally elected county officials to a 13-member task force: **Judge Jon Burrows**, County Judge of Bell County and **Commissioner Glen Whitley** of Hurst, Tarrant County Commissioner for Precinct 3. The Governor has the power of appointment over 7 members; the remaining 6 are set in the statute or appointed by the Lieutenant Governor or Speaker of the House. Task force members will review plans submitted by all 254 counties in Texas to determine if they meet minimum standards as well as overseeing the distribution of grants to assist counties with indigent defense costs.

Head count—in the unopposed column for **House seats**, there are 22 Ds and 33 Rs. Of the remaining 95 places, 14 are exclusively Rs and 12 are solely Ds (other political parties excepted). That means 34 Ds and 47 Rs are assured of a place in the House Chamber in November. The other 69 seats are up for grabs in the general election. House members not seeking reelection include: Clyde Alexander, Kip Averitt (seeking a Senate seat), Fred Bosse, Kim Brimer (running for Senate), Bill Carter, Harryette

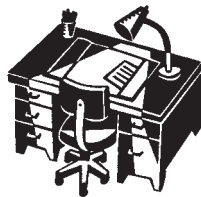
Ehrhardt, Kenn George (Land Commissioner contest), Patricia Gray, Judy Hawley, Juan Hinojosa (Senate race), Kyle Janek (Senate race), Rob Junell, Ron Lewis, John Longoria, Glen Maxey, Tom Ramsay (running for Agriculture Commissioner), Paul Sadler, John Shields (Senate contest), Dale Tillery, Bob Turner, Tommy Williams (Senate race) and Zeb Zbranek. On the **Senate side**, of the 18 unopposed seats, 10 are Rs and 8 are Ds—add one seat to each side (no opposing party) and the tally is 11 Rs and 9 Ds, leaving the outcome for the 11 leftovers to be determined in November. Senators Carlos Truan, David Sibley, Mike Moncrief and Buster Brown are not making a return to the revered chamber — Sen. David Bernsen is running for Texas Land Commissioner.

Don't forget to look on the newly configured TAC web site for TACNEWS, published every Friday. To access TACNEWS go to "online resources" and click "Legislative." 🗺️

From the Legislative Desk

By Carey "Buck" Boethel

Director of Governmental Relations



How's your **DA** doing, deferred annuity that is? Nationwide Retirement Solutions, formerly PEBSCO, reports that none of the funds within the NACo-sponsored program had Enron listed as one the top ten holdings. That's a **bit brief** for a financial report, but take a look at a detailed one — here's the **Texas County and District Retirement System's** response to inquires concerning Enron: "The TCDRS invests in the U.S. equity market by purchasing shares in a commingled passive index fund managed by State Street Global Advisors. At December 31, 2001 approximately 22 percent of the TCDRS investment portfolio was invested in the fund. The objective of the fund is to replicate the performance of the Wilshire 5000 index, representing all 7,000+ stocks traded on the U.S. markets. Since the Wilshire 5000 index includes all US stocks on a capitalization weighted basis the impact of the performance of any one stock in the index on the entire index is extremely small. Enron represented at its height

less than one-half of one percent of the index. Consequently the impact of Enron (or any other one of the 7,000+ companies) on the performance of the fund and on TCDRS' investment in the fund is extremely small. It has had and will have no impact on the benefits of current retirees or on the future funding of the TCDRS plans." **Huh? Say What!** I think they mean we may have **lost a little finger or two, but we can still operate heavy machinery!** The *Austin American Statesman* reported that Texas state agencies may lose \$68.5 million dollars in stocks and bond purchases from Enron and that local governments throughout Texas stand to lose \$139 million in property taxes (no preferential creditor's status in bankruptcy proceedings).

The House standing committee on **County Affairs** will have a new leader in the 2003 general session. **No deposit, no return:** Chairman Tom Ramsay (D-Mt. Vernon), instead of seeking reelection, has entered the statewide race for Commissioner of Agriculture. He faces Ernesto De Leon in the Democratic primary, whereas incumbent Republican Susan Combs has no primary opponent. Senator Frank Madla, Chairman of the Senate standing Committee on **Intergovernmental Relations**, is unopposed in his reelection bid in Senate District 19.

[Please see From the Desk, continued on page 15]



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