

County *issues*

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Speaker Names House Committees

House Speaker Tom Craddick announced the following committee appointments:

- **Agriculture & Livestock:** Rick Hardcastle, Vernon, chair; Sid Miller, Stephenville, vice chair; Betty Brown, Terrell, CBO; David Swinford, Dumas; Lon Burnam, Fort Worth; Delwin Jones, Lubbock; J.E. "Pete" Laney, Hale Center.
- **Appropriations:** Talmadge Heflin, Houston, chair; Vilma Luna, Corpus Christi, vice chair; Leo Berman, Tyler; Dan Branch, Dallas; Fred Brown, College Station; Betty Brown, Terrell; Myra Crownover, Denton; John Davis, Houston; Joe Deshotel, Beaumont; Dawnna Dukes, Austin; Craig Eiland, Galveston; Dan Ellis, Livingston; Robert Gutierrez, McAllen; Peggy Hamric, Houston; Ruben Hope, Conroe; Suzanna Gratia Hupp, Lampasas; Carl Isett, Lubbock; Elizabeth Ames Jones, San Antonio; Lois Kolkhorst, Brenham; Ruth Jones McClendon, San Antonio; Jose Menendez, San Antonio; Joe Pickett, El Paso; Jim Pitts, Waxahachie; Richard Raymond, Laredo; Jim Solis, Harlingen; Jack Stick, Austin; Vicki Truitt, Grapevine; Sylvester Turner, Houston; Arlene Wohlgemuth, Burleson.
- **Border & International Affairs:** Norma Chavez, El Paso, chair; Bob Griggs, North Richland Hills, vice chair; Debbie Riddle, Houston; Gabi Canales, Alice; Joaquin Castro, San Antonio; Tommy Merritt, Longview; Irma Rangel, Kingsville.
- **Business & Industry:** Helen Giddings, Dallas, chair; Gary Elkins, Houston, vice chair; Kolkhorst, CBO; Trey Martinez Fischer, San Antonio; Burt Solomons, Carrollton; Dwayne Bohac, Houston; Joe Moreno, Houston; Rene Oliveira, Brownsville; Bill Zedler, Arlington.
- **Calendars:** Beverly Woolley, Houston, chair; Wohlgemuth, vice chair; Wayne Christian, Center; Hupp; Luna; Jerry Madden, Richardson; Menendez; Gene Seaman, Corpus Christi; Barry Telford, DeKalb; Truitt; Turner.
- **Civil Practices:** Joe Nixon, Houston, chair; Dan Gattis, Georgetown, vice chair; Woolley; Jaime Capelo, Corpus Christi; Yvonne Davis, Dallas; Will Hartnett, Dallas; Phil King, Weatherford; Mike Krusee, Round Rock; Patrick Rose, Dripping Springs.
- **Corrections:** Ray Allen, Grand Prairie, chair; Chuck Hopson, Jacksonville, vice chair; Stick, CBO; Jessica Farrar, Houston; Pat Haggerty, El Paso; Roberto Alonzo, Dallas; John Mabry, Waco.
- **County Affairs:** Glenn Lewis, Fort Worth, chair; Wayne Smith, Baytown; Carter Casteel, New Braunfels; David Farabee, Wichita Falls; Warren Chisum, Pampa; Farrar; Dan Flynn, Canton; Dora Olivo, Rosenberg; Chente Quintanilla, El Paso.
- **Criminal Jurisprudence:** Terry Keel, Austin, chair; Riddle, vice chair; Ellis, CBO; Jim Dunnam, Waco; Terri Hodge, Dallas; Mary Denny, Aubrey; Paul Moreno, El Paso; Aaron Peña, Edinburg; Robert Talton, Pasadena.

[Please see House Committees, continued on page 2]

[House Committees continued from page 1]

- **Defense Affairs & State-Federal Relations:** Frank Corte, San Antonio, chair; Scott Campbell, San Angelo, vice-chair; Berman, CBO; Dianne White Delisi, Temple; Seaman; Mabry; Merritt; P. Moreno; Rick Noriega, Houston.
- **Economic Development:** Jim Keffer, Eastland, chair; Mark Homer, Paris, vice chair; Isett, CBO; Eddie Rodriguez, Austin; Bryan Hughes, Marshall; Senfronia Thompson, Houston; Martha Wong, Houston.
- **Elections:** Denny, chair; Charlie Howard, Sugar Land, vice chair; Deshotel, CBO; Carlos Uresti, San Antonio; Bohac; Garnet Coleman, Houston; Linda Harper-Brown, Irving.
- **Energy Resources:** G.E. "Buddy" West, Odessa, chair; Farabee, vice chair; E. Jones, CBO; Joe Crabb, Humble; Canales; Delisi; Bill Keffer, Dallas.
- **Environmental Regulation:** Dennis Bonnen, Angleton, chair; Edmund Kuempel, Seguin, vice chair; Crownover, CBO; Chisum; Ismael "Kino" Flores, Mission; W. Smith; West.
- **Financial Institutions:** Solomons, chair; Christian, vice chair; Gutierrez, CBO; Hopson; Flynn; Ken Paxton, McKinney; Miguel "Mike" Wise, Weslaco. Solomons moves up from vice chair.
- **General Investigating:** Kevin Bailey, Houston, chair; Paxton, vice chair; Harold Dutton, Houston; Flynn; Keel. Paxton is new this year
- **Government Reform:** Swinford, chair; Pete Gallego, Alpine, vice chair; Allen; Bill Callegari, Katy; Casteel; Robby Cook, Eagle Lake; Todd Smith, Euless.
- **Higher Education:** Geanie Morrison, Victoria, chair; Rangel, vice chair; F. Brown, CBO; Jesse Jones, Dallas; Nixon; Chavez; Giddings; Ken Mercer, San Antonio; John Smithee, Amarillo.
- **House Administration:** Hamric, chair; Lewis, vice chair; Berman; Glenda Dawson, Pearland; Denny; Elkins; Giddings; Mercer; Robert Puente, San Antonio; Larry Taylor, Friendswood; West.
- **Human Services:** Uresti, chair; Elliott Naishtat, vice chair; Wohlgemuth, CBO; Villarreal; Christian; Brian McCall, Plano; Miller; Olivo; Elvira Reyna, Mesquite.
- **Insurance:** Smithee, chair; Seaman, vice chair; Eiland, CBO; Gallego; Thompson; Bonnen; B. Keffer; Taylor; Corbin Van Arsdale, Houston.
- **Judicial Affairs:** Hartnett, chair; T. Smith, vice chair; Solis, CBO; Alonzo; Corte; Hughes; Rodriguez; Telford; Ron Wilson, Houston.
- **Juvenile Justice & Family Issues:** Dutton, chair; Toby Goodman, Arlington, vice chair; Reyna; Todd Baxter, Austin; Castro; Dunnam; Hodge; J. Moreno; Morrison.
- **Land & Resource Management:** Anna Mowery, Fort Worth, chair; J. Jones, vice chair; Pickett, CBO; Tony Goolsby, Dallas; Ryan Guillen, Rio Grande City; Haggerty; Scott Hochberg, Houston; Howard; Noriega.
- **Law Enforcement:** Joe Driver, Garland, chair; Timoteo Garza, Del Rio, vice chair; Hupp, CBO; Burnam; Y. Davis; Glenn Hegar Jr., Katy; Keel. A freshman vice chair.
- **Licensing & Administrative Procedures:** Flores, chair; Mike "Tuffy" Hamilton, Mauriceville, vice chair; Raymond, CBO; Goolsby; D. Jones; Wise; Driver; Rob Eissler, The Woodlands; Homer.
- **Local & Consent Calendars:** Reyna, chair; Deshotel, vice chair; Baxter; Callegari; R. Cook; Hope; Howard; E. Jones; Kolkhorst; Rose; Solis.
- **Local Government Ways & Means:** Fred Hill, Richardson, chair; Hegar, vice chair; Jodie Laubenberg, Parker; Jim McReynolds, San Augustine; Mowery; Puente; Quintanilla.
- **Natural Resources:** Puente, chair; Callegari, vice chair; Hope, CBO; R. Cook; Hardcastle; Campbell; Charlie Geren, Fort Worth; Hamilton; Steve Wolens, Dallas.
- **Pensions & Investments:** Allan Ritter, Nederland, chair; Telford; McClendon, CBO; Grusendorf; Martinez Fischer; Peña; Rose.
- **Public Education:** Grusendorf, chair; Oliveira, vice chair; Branch, CBO; Dutton; Dawson; Eissler; Griggs; Hochberg; Madden.
- **Public Health:** Capelo, chair; Laubenberg, vice chair; Truitt, CBO; Coleman; McReynolds; Dawson; Naishtat; Taylor; Zedler.
- **Redistricting:** Crabb, chair; Villarreal, vice chair; Flores; Grusendorf; Isett; King; Krusee; Luna; Marchant; McClendon; Morrison; Pitts; Raymond; Talton; Wilson.
- **Regulated Industries:** King, chair; Hunter, vice chair; Turner, CBO; Wolens; Baxter; Crabb; Guillen.
- **Rules & Resolutions:** Al Edwards, Houston, chair; Wong, vice chair; Bohac; Canales; Casteel; Byron Cook, Corsicana; Eissler; Hughes; B. Keffer; Quintanilla; Zedler.
- **State Affairs:** Marchant, chair; Madden, vice chair; J. Davis, CBO; Elkins; Goodman; B. Cook; Gattis; Lewis; Villarreal.
- **State Cultural & Recreational Resources:** Harvey Hilderbran, Kerrville, chair; Geren, vice chair; Dukes, CBO; Larry Phillips, Sherman; Bailey; B. Cook; Kuempel.
- **Transportation:** Krusee, chair; Phillips, vice chair; Hamric, CBO; Hill; Laney; Edwards; Garza; Harper-Brown; Mercer

[Please see House Committees, continued on page 3]



Washington Watch

By Sue Glover

Governmental Relations Manager

PRESIDENT BUSH DECLARES EMERGENCY IN TEXAS

On Feb. 1, President George W. Bush declared that an emergency exists in the states of Texas and Louisiana in the wake of the loss of space shuttle Columbia. According to the press release issued by the Federal Emergency Management Agency (FEMA) the President's declaration authorizes FEMA to coordinate federal aid and ensure that responders to this tragedy have the resources they need. The emergency declaration provides that assistance will be provided as deemed necessary by the director of FEMA, and areas will be designated at a later date.

Although it is unclear whether counties will be entitled to reimbursement, we encourage counties to document any expenditure made to assist with the search, find and secure efforts for debris of the space shuttle Columbia.

Should funding become available at a later date your county could be entitled to some type of reimbursement for its search efforts. Clear and full detailed documentation of such expenses is absolutely essential.

Funding would be made under the provisions of the Stafford Act, which was enacted in 1993 to support state and local governments and their citizens when disasters overwhelm them.

We realize money is not a fundamental concern during these trying times; however we wanted to inform you that reimbursement for your efforts may be forthcoming and documentation will be required. For more information, please contact Sue Glover at 800-456-5974 or SueG@county.org. 🗗

Legislative News Now Online at *www.county.org*

The Texas Association of Counties Legislative Department has created a new "Legislative News" section on the front page of TAC's web site at www.county.org.

The Legislative News section provides the latest news from the Capitol, and when you click on the first "NEW" button, (Legislative Information) it will take you to a page with pertinent information such as a list of bills the TAC legislative department is tracking for each of the associations, and how to find the text of the bills, and more.

The list of bills being tracked will be updated on the web site every Tuesday.

Legislative news articles will be added constantly to

the front web page, with a link at the bottom that says "More Legislative Related Information" where you can read the archived articles listed by month.

The link to "Weekly Symposium Document" is a listing of each association's legislative initiatives. Immediately prior to TAC's 2002 pre-legislative conference, a legislative symposium was held where each association brought to the table a list of their legislative initiatives or areas of concern. As bills are filed throughout the session that will affect these areas, the staff will update the document weekly.

Finally, the entire Legislative staff is listed at the bottom of the Legislative Information page, including contact information. 🗗

[House Committees continued from page 2]

- **Urban Affairs:** Talton, chair; Van Arsdale, vice chair; Menendez, CBO; Bailey; Edwards; Hunter; Wong.
- **Ways & Means:** Wilson, chair; McCall, vice chair; Pitts, CBO; Hilderbran; J. Keffer; Luna; Paxton; Ritter; Woolley. Also, Craddick created two select committees and named the appointees:

- **State Health Care Expenditures:** Delisi, chair; Gutierrez, vice chair; Wohlgemuth; Crownover; Miller; Berman; Harper-Brown; Deshotel; Capelo; Uresti; Truitt.
- **Ethics:** Wolens, chair; Dukes, vice chair; Gallego; Denny; Hope; Kolkhorst; Isett. 🗗

Resources, Naturally

By Paul J. Sugg
Legislative Liaison



LOSS OF WATER IMPORTANT TO THOSE LEFT BEHIND

Although there have only been a couple of bills filed this session that deal with water transfers (HB 423 by Wayne Christian and SB 326 by Eliot Shapleigh), the implications of any large-to-medium scale transfer of either surface water or groundwater remain largely unknown. Although some academic research has been conducted in other western states (Arizona, Nevada) about the impact such transfers have on so-called third parties, there is little such research on the topic in Texas, a shortcoming we hope can be addressed by some of our finer research institutions.

The term third party is academic and political shorthand for the very real people and institutions that may well bear the brunt of the broader cost of moving large amounts of water from an area or region. The seller and the buyer (the first and second parties) both benefit from the transaction but it is unclear what benefit, if any, accrues to those that remain as the water leaves. Or perhaps I should say, what benefit accrues that try to remain as one of the significant foundations of life, not to say, economic sustenance, follows the dollar to the city or suburb or

factory. What happens to those small communities that, already feeling the pinch of a failing national agricultural policy and declining oil and gas reserves, face the loss of the stuff of life, water itself? Now certainly, there are water resources that are renewable (provided it rains when we expect it to – but sometimes it doesn't) and the transfer of that water may not be as problematic.

There are those that argue that water is simply a commodity and what occurs between a willing buyer and a willing seller is simply the will of the market (and therefore somehow sacrosanct). But as an irreplaceable resource leaves (perhaps never to return as itself or as economic lifeblood in some more refined form) the current and future state of a local and/or regional economy may well be in jeopardy, as could be local schools, businesses and local governments providing the most basic (and essential) services.

All that said as preface, it's a bit disappointing to see that in its report to the 78th Legislature, the Texas Joint Committee on Water Resources (made up of both House and Senate members) gave the matter some three or four lines in its recommendations: "Develop and implement mechanisms to benefit local communities from which water is exported, such as directing water export fees and/or revenues to local Economic Development Corporations, counties and school districts to benefit the communities of origin." We'd hope something as important as this to the future of the whole state might warrant some stronger language and some broader vision. 🗺️

Certain Housing Authority Purchases to Require Greater Public, Local Government Role

Future purchases of certain housing project sites by housing authorities housing would require a greater degree of public and local government participation under provisions of a bill filed by Rep. Anna Mowery.

This bill requires a housing authority to hold a public meeting prior to purchase of an existing multi-family project (such a meeting is already required before the construction of the same). The bill also requires that the public meeting include representatives from the political subdivision that requires a permit or certificate for the occupancy, operation or construction of the project and the municipality in which the project is to be located. If the project is not in a municipality, the county would send a representative to the public meeting (if the municipality or county is not otherwise

described by the language regarding any required permit).

More importantly for local governments, the bill provides that before a housing authority may authorize the acquisition of existing multi-family rental housing as a housing project or for the construction of a housing project, the authority must obtain written approval of the proposed site of the project from the political subdivision that that requires a permit or certificate as described above, as well as the municipality in which the project is to be located. If the project is outside a municipality, the housing authority must obtain from the county written approval of the proposed site of the project.

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

Bills Propose to Make Military Discharge Papers Confidential

Several bills related to military discharge papers (often referred to as DD-214) and the Public Information Act have been introduced to the 78th legislature. Three bills in particular have progressed to the next step of committee referral. House Bill 18 by Rep. Frank Corte has been assigned to the House Defense Affairs and State-Federal Relations Committee, of which Corte is the chairman. Corte's bill would exempt a veteran's military discharge papers from the required public disclosure under Chapter 552 of the Government Code, allowing only the veteran, a spouse, child, or parent of the veteran to have access to the form.

Senate Bill 81 by Sen. Judith Zaffirini and SB 85 by Sen. Jeff Wentworth are similar to HB 18. The bills allow the military discharge form to be exempted from public disclosure with only special rights of access allowed to the veteran, an immediate family member, or a survivor of the veteran who is eligible to receive benefits. Both senate bills have been referred to the Senate Veteran Affairs and Military Installations Committee (chaired by Sen. Leticia Van de Putte) for a public hearing. Public

hearing dates for these bills have not been scheduled at this time.

Sen. Jeff Wentworth has introduced SB 84 to clarify certain language. Under Ch. 552.221(a) of the Government Code, a public information officer of a governmental body is required to "promptly" release public information upon request. Senate Bill 84 provides that the term promptly indicates "as soon as possible under the circumstances, that is, within a reasonable time, without delay." This bill has been referred to the Senate State Affairs Committee (chaired by Sen. Bill Ratliff) for a public hearing. No date is scheduled at this time.

To view the text of legislation, go to www.capitol.state.tx.us and enter the bill number in the Quick Statue line. On the following screen click on "Text" and then look for the "Introduced version." For more information or assistance in locating legislation, contact Teresa Aguirre at 800-456-5974 or via email at TeresaA@county.org. 🗺️

Grievance Procedure Required Prior to Litigation

Representative Warren Chisum has filed a bill that would require a county or precinct officer to go thorough the grievance procedures prior to filing a lawsuit over the officer's salary, office and travel expenses. House Bill 554 also would allow a county or precinct officer to utilize the grievance procedure to challenge the amount of "salary, office and travel expenses or other allowances" allocated to the officer in the county's annual budget. Currently an officer can only use the grievance procedure to challenge salary "or personal expenses".

Travis County Constable Bruce Elfant has explained that the Justices of the Peace and Constables Association asked Rep. Chisum to introduce the bill after hearing that there were constables filing budget lawsuits against the county without first going through the grievance procedures. Elfant pointed out that this would only apply to lawsuits concerning the official's budget.

For more information on this proposed legislation, please contact Sue Glover 800-456-5974 or SueG@county.org. 🗺️

TEXAS ASSOCIATION OF COUNTIES

2003

POST LEGISLATIVE CONFERENCE

August 13-15, 2003

Hyatt Regency on Town Lake – Austin

Every two years the Texas Legislature makes changes that directly affect Texas counties. TAC's Post Legislative Conference is designed to help county officials evaluate the impact of new laws and provide explanations by peers, legislators and other professionals. General sessions explore issues of common interest and smaller meetings review changes specific to each county office. Austin's Hyatt Regency on Town Lake is the host hotel. With each registration, you receive a free copy of TAC's 2003 Legislative Analysis Report.

Hit The Links

Plans are in the works for an organized golf outing on Tuesday afternoon, August 12th. To participate, golfers must register no later than July 18th. Fee is \$40.

Bring Your Spouse

Registration fee for spouses is \$30 and provides admission to all conference programs including the Wednesday evening party and a special Thursday morning event.

Continuing Education

Application will be made for continuing education credit for county commissioners, tax assessor-collectors, county and district clerks, sheriffs, treasurers and auditors.

Registration and Accommodations

TAC will process both conference registration and hotel reservations. Conference registration is required to obtain reservations in the hotel room block.

Texas Association of Counties
2003 POST LEGISLATIVE CONFERENCE
 August 13-15, 2003 • Hyatt Regency on Town Lake, Austin

CONFERENCE REGISTRATION

Please complete and submit with applicable fees to Post Legislative Conference, Box 2131, Austin, Texas 78768 by July 18, 2003.

Cancellation Policy: Conference registrations are fully transferable to another individual but requests for refunds (less \$10 administrative fee) must be received in writing by Monday, August 4, 2003. Refunds after that date will be limited to one-half of the registration fee.

NO REFUND REQUESTS WILL BE HONORED AFTER SEPTEMBER 1, 2003.

Name _____
 County _____ Title _____
 Phone _____ Email _____
 Address _____

Staff: For planning purposes please indicate the office/official that you work for: _____

Spouse Registration

Spouse Full Name _____

Spouse registration fee includes admission to all General Sessions, Wednesday Evening Event and Thursday Spouse Activity.

Registration Fees:

Earlybird Postmarked By 7/18/03 Postmarked After 7/18/03 & At-door

Registration (Check space that applies)

Member county attendee	_____ \$225	_____ \$250
TAC Associate member	_____ \$225	_____ \$250
Non-member – government	_____ \$275	_____ \$300
Non-member - corporate	_____ \$425	_____ \$450
Spouse	_____ \$30	_____ \$30
Extra tickets for Wednesday evening event	_____ \$30 /ticket	_____ \$30 /ticket
Tuesday golf tournament fee	_____ \$40	not available
Total	_____	_____

HOTEL RESERVATIONS

DUE TO TAC NO LATER THAN JULY 18, 2003

To obtain hotel accommodations at special rates in the conference room blocks, your hotel reservation request and conference registration form must be received in the TAC offices no later than July 18th. Reservation requests after that date should be directed to the hotels. In most cases, non-conference rates will then apply if space is available. Registration and hotel reservations may be faxed to 512-477-1324. The Association reserves the right to reassign rooms if conference fees are not received within 30 days.

Please supply full information for hotel reservations:

Last Name _____ First Name _____
 Phone Number _____ Roommate Name _____

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

Preferences: Double/king bed; smoking/non-smoking, etc. _____

Special Services: To ensure our conference is ADA accessible to all, please contact the Education Staff at 1-800-456-5974 if you require special assistance.

Please check your preferred hotels

Indicate first choice with 1. Then number other choices from 2-6 in the order of preference. If your first choice is unavailable, a reservation will be made at the next available hotel according to your ranking. Each reservation requires a one-night deposit and/or credit card guarantee in order to secure/guarantee the reservation. Please note, a one-night deposit may be charged to your credit card by the hotel at the time the reservation is made.

Hotels (indicate preference by number with #1 indicating first choice.)

	Single Rate	Double Rate	Office Use
Only _____ Hyatt Regency on Town Lake(HQ hotel)	\$133	\$133	
_____ Embassy Suites	\$149	\$149	
_____ Radisson Hotel & Suites	\$ 85	\$105	

Hotel Deposit: TAC will confirm your conference registration and hotel assignment within 5 working days of receipt. Hotel rooms must be appropriately guaranteed for reservations to be held. The fast and easy way to accomplish this is to supply complete credit card authorization information below OR mail a one-night deposit directly to the hotel after you receive your hotel room assignment.

Credit Card Authorization:

_____ MasterCard _____ Visa _____ American Express

Expiration Date _____

Card Number _____

Cardholder's Name _____

The Texas Association of Counties is authorized to use the above card to guarantee my hotel reservation. I understand that one night's room charge will be billed through this card if I fail to arrive for my assigned housing on the confirmed date unless I have canceled my reservation directly with the hotel according to required cancellation procedures.

Cardholder's Signature _____

Please do not mail hotel deposit to TAC.

CI

Child Support Legislation Introduced

Several bills filed related to child support payments will affect the district clerk's office and courts, if passed.

District Clerks or other offices collecting child support payments may have to continue collecting funds past a child's 18th birthday under a proposed bill by Rep. Toby Goodman. In HB 234, Goodman proposes that a court may order a parent to continue making child support payments past a child's 18th birthday if a child qualifies. To be eligible, a child must be working toward a high school diploma or enrolled in other educational courses and comply with the minimum attendance requirements. If the child is over 18 and fails to meet one of the requirements, the child support payments would terminate.

Under current law, delinquent child support payments accrue interest at a rate of six percent per year. The parent ordered to make the payments must pay this interest in addition to any delinquent payments. Rep. Mike Villarreal has introduced a bill (HB 312) to increase the interest rate to nine percent per year.

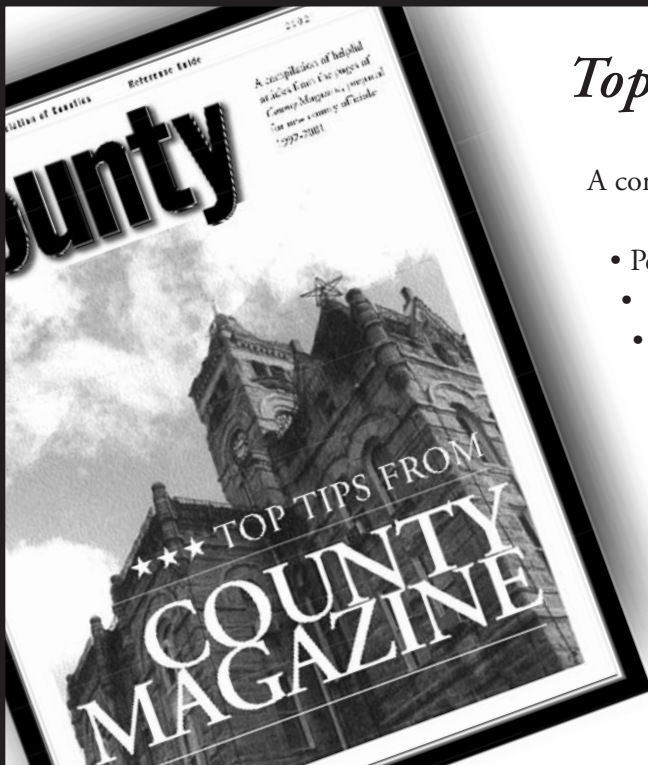
A newly introduced bill by Rep. Harold Dutton (HB 344) offers prison or jail inmates, incarcerated for 30 or more consecutive days, an opportunity to suspend any

required child support payments for the duration of his or her confinement. A confined individual can file a statement with the court swearing to the fact that he or she does not have adequate resources to continue child support obligations. The individual must also file a "notice of confinement" requesting suspension of payments during the confinement period and the court shall (if statutory requirements are met), without a hearing, order the child support payments and arrearages to be suspended.

The bill proposes that after the order is made, the clerk of the court has five days to notify the person who receives the child support payments of the suspension, the location of the payor, and the expected date of release from confinement, if known.

Certain violations are an exception to this offer of suspension.

To view the bills mentioned in this article, go to www.capitol.state.tx.us and enter the bill number (e.g. HB 344) in the Quick Bill Status line. For further information, contact Teresa Aguirre at 800-456-5974 or via email at TeresaA@county.org. 🇺🇸



Top Tips from County Magazine

A compilation of the most helpful articles of the past decade:

- Personnel Pointers
- Media Relations
- Purchasing Guidelines
- Management Skills
- Legislative Tips

This insightful, 101-page guide will help both new officials and veterans of public service with information that helps you do your job.

Cost is \$14.95 and \$5 for postage and handling. To obtain a copy, contact Rosalinda Mendez at 800-456-5974.

Bill Limits Role of Local Government in Scoring of Low Income Tax Credits

As filed, HB 428 removes a role local and state officials currently play in the system of grading low income housing tax credit applications. Applications that meet the threshold criteria are scored and ranked by the Texas Department of Housing and Community Affairs using criteria such as income levels of tenants, rent levels of the units, and the following that the bill would strike: "... the level of community support for the application, evaluated on the basis of written statements from local and state elected officials representing constituents in the area that include the location of the development. . . ." (Section 2306.6710(b)(1)(H).

The bill also strikes Sections 2306.6718(b) (providing the opportunity for comment on an application from members of the legislature representing the community and the chief executive of the local political subdivision) and (d) of the Government Code (TDHCA must consult with a mayor or county judge that opposes an application before the application is scored).

The Low Income Housing Tax Credit (LIHTC) Program was created by the Tax Reform Act of 1986, and was

first utilized by the real estate development community during calendar year 1987. Section 42 of the Internal Revenue Code of 1986, as amended (the Code), is the federal law that governs the LIHTC program. Effective 2002, it authorizes tax credits in the amount of \$1.75 per capita for each state. This amount equates to an annual award of approximately \$36 million in tax credits. The Texas Department of Housing and Community Affairs (TDHCA) is the only entity in the state of Texas with the authority to allocate tax credits under this program.

The tax credit program is the primary means of directing private capital towards the creation of affordable rental housing. The tax credits provide developers of low income rental housing with a benefit that is used to offset a portion of their federal tax liability in exchange for the production of affordable rental housing. The value associated with the tax credits allows residences in LIHTC developments to be leased to qualified families at below market rate rents.

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

Traffic Would Be Diverted Around Stationary Vehicles on Highways

Bills filed by Senators Gonzalo Barrientos and Mike Jackson will direct highway drivers to vacate the lane closest to a responding stationary emergency vehicle while passing the vehicle on the highway.

SB 193 by Barrientos seeks to add a new section (Section 545.157) to Chapter 545 of the Transportation Code. The added section would require drivers traveling on a highway with two or more lanes to vacate the lane closest to a stationary emergency vehicle if traffic conditions allow. Drivers not able to vacate a lane would be required to slow down and maintain a safe speed while passing.

Under SB 193, a driver who fails to slow down or vacate a lane and causes an accident would be charged

with a Class A misdemeanor.

SB 214 by Jackson differs from Barrientos' bill in that it does not set a criminal penalty for violation and requires drivers not able to vacate a lane to reduce their speed by 20 miles per hour (mph) if the speed limit is 25mph or more, and by five miles per hour if the speed limit is less than 25mph.

Each bill, which proposes a Sept. 1, 2003 effective date, has been referred to the Senate Infrastructure Development and Security Committee.

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

Attorney General Opinions



GA-0009: Honorable Robert Duncan, Interim Chair,

Natural Resources Committee, Texas State Senate, whether the wealth-reduction provisions of chapter 41 of the Texas Education Code apply to that portion of local property tax revenues attributable to a school district's tax rate in excess of

\$1.50 per \$100 valuation (RQ-0562-JC). **Summary:** The Education Code authorizes school districts to set a tax rate for maintenance and operations that is not to exceed \$1.50 per \$100 valuation of taxable property. Under article 2784g of the Texas Education Code Auxiliary Laws, the Deer Park Independent School District has been authorized by its voters to set its tax rate for maintenance tax and the interest and sinking fund combined at \$2.00 per \$100 valuation of taxable property, and Deer Park is considering raising its maintenance and operations tax above \$1.50 under this provision. The Deer Park Independent School District School, which has a "wealth per student" in excess of the statutory cap provided by Education Code section 41.002(a), is required by chapter 41 of the Education Code to reduce its wealth by reducing its taxable property or by increasing its student count. If the Deer Park Independent School District reduces its wealth per student by increasing the student count, the adoption of a maintenance and operations tax rate under article 27843 in excess of \$1.50 per \$100 valuation would affect its wealth reduction. The actual increase in outlay resulting from a particular tax rate may be computed by applying the relevant formulas set out in Education Code, chapter 41. The statutory methods that achieve wealth equalization by reducing taxable property would not be affected by revenues generated by a tax rate in excess of \$1.50 per \$100 valuation.

GA-0011: Honorable John W. Segrest, Criminal District Attorney, McLennan County, whether a county bail bond board is authorized to adopt a rule providing for the release of some of a license holder's security when the license holder will continue to engage in the bonding business (RQ-0579-JC). **Summary:** A county bail bond board is authorized to adopt a rule providing for the release of some of a license holder's security. Such a rule may impose reasonable restrictions on the release of security. The rule may not permit a license holder to reduce the license holder's security to an amount less than that required by section 1704.160 or section 1704.203 of the Occupations Code. See TEX. OCT. CODE ANN. §§ 1704.160, 1704.203 (Vernon 2003).

GA-0012: Honorable Bruce Isaacks, Denton County Criminal District Attorney, whether statutory county court judges in Denton County are entitled to receive benefit-replacement pay as part of their annual compensation (RQ-0576-JC). **Summary:** A statutory county court judge in Denton County who held office on August 31, 1995, is entitled to receive benefit-replacement pay. A Denton County statutory county court judge who did not hold office on that date is not entitled to receive benefit-replacement pay, if payment of such benefit-replacement pay would result in the statutory county judge's receiving more compensation than a district court judge in Denton County who assumed office after August 31, 1995.

GA-0013: Honorable Clyde Alexander, Chairman, House Committee on Transportation, Texas House of Representatives, assessment of costs and proper electorate for a proposal under chapter 253 of the Transportation Code that a county improve a road in a subdivision (RQ-0577-JC). **Summary:** The costs of any improvement to a road in a subdivision made under chapter 253 of the Transportation Code must be levied against the record owners of real property in the subdivision generally. Ballots for the election authorizing such an improvement must be sent to all record owners of real property in the subdivision.

GA-0014: Honorable Frank Madla, Chair, Intergovernmental Relations Committee, Texas Senate, effect of certain annexations on the

extraterritorial jurisdiction of the City of San Antonio (RQ-0580-JC).

Summary: Section 42.0225 of the Local Government Code, as adopted by Senate Bill 89 of the 76th Legislature, provides that a city's extraterritorial jurisdiction will not expand if it annexes an area that it owns and that is not contiguous to other territory of the municipality. If the city subsequently annexes the properties that separate the noncontiguous land from its boundaries, the city's extraterritorial jurisdiction will expand pursuant to Local Government Code section 42.021 to include, in the case of a city with a population of 100,000 or more, the unincorporated area within five miles of the city boundary. If a city annexes such land before December 31, 2002, the land will be subject to Local Government Code section 42.0225: (1) if it is included in its annexation plan, or (2), with respect to land that is not included in its annexation plan during the time period from December 31, 1999, to December 31, 2002, if the first hearing notice required by former section 43.052 was published on or after September 1, 1999.

GA-0015: Honorable Robert F. Vitolow, Rains County Attorney, whether the offices of county commissioner and city council member in the same county are incompatible as a matter of law (RQ-0581-JC).

Summary: The office of county commissioner and the office of council member of a city located in the county are incompatible as a matter of law. A county commissioner would automatically vacate office by accepting and qualifying for the second office. At that point, the former commissioner would not be entitled to vote at commissioners court meetings or to be paid as a county commissioner. In addition, the county judge would be authorized to appoint someone to fill the vacancy. See TEX. LOT. GOV' T CODE ANN. § 87.042 (Vernon 1999). That authority is not contingent upon a judicial declaration that a vacancy exists. Once the county judge appoints someone to fill the vacancy, the appointee will qualify for office upon taking the official oath and executing a bond. See id. § 81.002 (Vernon Supp. 2003). Once the successor commissioner qualifies for office, the successor commissioner is entitled to vote as commissioner and to be paid for holding that office. Attorney General Letter Opinion 88-049 is affirmed.

GA-0017: Honorable José Rodríguez, El Paso County Attorney, whether, in a proceeding under the Juvenile Justice Code, title 3 of the Family Code, the state may recover from a child or other nonprevailing party the cost of serving summonses under section 53.06 of the Family Code (RQ-0583-JC). **Summary:** A court may order any nonprevailing party to pay the costs incurred in issuing summons to various parties under section 53.06 of the Family Code. See Tex. Fam. Code Ann. § 53.06(a) (Vernon 2002); Tex. Civ. Prac. & Rem. Code § 31.007(a) (Vernon 1997); Tex. R. Civ. P. 131. A court may order a nonprevailing party, including a parent, guardian, custodian, guardian ad litem, or other necessary party to pay the service costs if the person is subject to an order under section 54.041 of the Family Code. See Tex. Fam. Code Ann. § 54.041 (Vernon 2002) ■



RQ-0012-GA: Honorable Ed C. Jones, County

Attorney, Angelina County, whether a member of the Board of Directors of Central Water Control and Improvement District can also be a paid employee of the Central Water Control and Improvement District.

RQ-0013-GA: Honorable Bruce Isaacks, Criminal District Attorney, Denton County, budget amendment process in Denton County. ■

Bill Opposes Agency Rules that Might Cost Counties Money

A recently filed bill would limit the costs local governments incur as a result of enforcing and administering certain state agency rules. As filed, HB 426 by Wayne Christian would prohibit a state agency (with exceptions) from adopting rules that include a fiscal note estimating additional costs to local governments due to enforcing or administering such rules. Neither could a state agency adopt rules that include a note stating the probable economic costs to

persons required to comply with the rules.

A state agency would be allowed to adopt such rules, however, if the statute for which any rules are promulgated expressly authorizes the adoption with any costs to local governments or individuals. Adopted rules would also have to include a reference to the specific statutory language authorizing the costs.

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

[From the Desk continued from page 12]

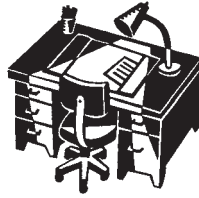
report and recommended, in part, "...[the] Committee staff solicited comments from varying sources, including the members of the Executive Branch, on what changes, if any, should be discussed as possible amendments to Article 4 of the Constitution. No substantive concerns were expressed, and no emergent consensus formed as to the need to revise this article." As to extraneous and outdated provisions contained in the 1876 document, the committee determined "... [That] most of the irrelevant or obsolete provisions of the Texas Constitution have been discovered and removed via constitutional amendment. A few minor changes have been suggested, but the consensus appears to be to leave these minor innocuous issues until enough such changes accumulate to for one substantial constitutional amendment." The continuation of the Committee was not re-authorized by the 78th Legislature; none-the-less, Chairman Joe Driver, Vice-chair Robert Puente and members Ray Allen, Kevin Bailey, Harold Dutton, Jr., Glenn Lewis, Anna Mowery, Burt Solomons and Dale Tillery are to be commended for their diligence and hard work over the past two sessions. **Togetherness** – it is not uncommon to see catchwords in a Texas Association of Counties' [TAC] publication, or on a conference banner – words that are intended to help encourage unity among county officials. The practice of promoting such themes is effective in bringing county officials together as they seek to improve their services to the public. One frequently used motto is: united we stand – lyrics from John Dickinson's The Liberty Song [1768]. **Oddity** – in one respect, this slogan can be viewed as curiously strange when used to promote

harmony among all county office-holders within a system of local governance specifically designed to challenge coziness and to diffuse centralized authority. **Paint your Wagon** – yet from another perspective, the absence of cohesion within the county family, especially during this legislative session, is surely its Achilles' heel. With a \$9.9 billion red flag in the State budget waiting to be planted on somebody's shore, enough said of the need to stay together. **Not completely wet** – it was Thetis who dipped her infant son [Achilles] in the River Styx whose waters were believed to confer invulnerability. Despite her far-reaching effort to make Achilles invulnerable in battle as an adult, he died from a wound made by an arrow that struck him in the heel – the only place on his body that remained dry because his mother's hand was cupped over it as she lowered him in the magical waters. **Who is the closest?** – I note with some amusement, but in good faith, that cities contend they are the governmental entity that is "closest to the people" – a proud contention, long advanced by the pacesetters of the people's pulse – Texas counties. **Legitimacy deep-rooted** – Jan. 11, 1971 the 61st House Interim County Government Study Committee found that "...[county] government is close to the people, and one of the reasons it functions as well as it does is the fact that so many officials are personally responsive to the citizens of the county." Actually, counties and cities are, and must remain, good working partners who stay close to the people. Together they must continue to keep the State well informed as to what the people of this great State really want from government. 🗺️

From the Legislative Desk

By Carey "Buck" Boethel

Director of Governmental Relations



Special Districts are easy to create and have for many years "eroded" the property tax base heretofore available to counties. In all fairness however, counties don't have a history of aggressively opposing the creation of these diminutive devils. In an interim report released Jan. 17 by the House Committee on General Investigating, it was noted that no one knows just how many special districts there are in Texas because there is no one source of data to document their origin or their continued use. It is known, the report finds, that "...in 1999, 1,241 special districts assessed property taxes and 515 special districts assessed sales taxes.... (T)here is concern, based on fact or perception, that the popularity and ease of creation have resulted in the proliferation of mini bureaucracies with overlapping, confusing, and conflicting powers of taxation and regulations that should be limited to the state, cities and

counties." **Appropriateness confirmed** – despite many specific areas of concern such as taxing authority, absence of information as to boundaries, annexation powers, voting methods and the ease of creation and conversion, the committee found "... that most purposes of special districts are appropriate and proper governmental functions." It did recommend that a commissioners court should be authorized to consider the feasibility, necessity and benefit of a proposed Fresh Water Special District [FWSD] when making a decision to grant or deny a petition for creation. **Special Question** – what's wrong with the idea of granting the Commissioners Court general authority to consider the feasibility, necessity and benefit for the creation of some other, but not all, special districts coupled with a local option to take up its purpose and hang on to the taxing authority? No doubt, it would be a "political hotbed" and undesirable in some regions, but when you consider the alternative (not stepping up to the governmental services plate) it, not unlike death, may ultimately prove to be much worse. The select committee on **Constitutional Revision** recently released its interim

[Please see From the Desk, continued on page 11]



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