

County *issues*

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contents

State Budget Crisis <i>Sensible Solution?</i>	1
Corrections Programs <i>Senate Restores Cuts</i>	2
Health Care Cuts <i>Grim Consequences</i>	3
Unfunded Mandates <i>Full Committee Support</i>	4
Washington Watch	4
Medicaid & CHIP Cuts <i>Economic Impact</i>	5
HAVA <i>Workgroup Convened</i>	8
County Affairs <i>Senior Citizens Advisor</i>	9
Indigent Health Care <i>Pending</i>	9
Resources, Naturally	12
Salary Review <i>Concurrent Resolution 19</i>	12
Air Quality Funding <i>Passes Senate</i>	13
County Affairs <i>Grievance Committee</i>	13
AG Opinions <i>Issued and Requested</i>	14
Best Practices Awards <i>Deadline: June 1</i>	14
Transportation Institute <i>Development Issues</i>	15
Drainage Ditch Bill <i>Maintenance</i>	15
From the Desk <i>Serious Monkey Business</i>	16

Counties Seek Sensible Solution to State Budget Crisis

County officials hope a legislative conference committee of five House members and five Senators will work toward a levelheaded solution to the state's budget crisis, without shifting the shortages to counties and property taxpayers to absorb.

Two proposed state budgets passed by the full House and the Senate Finance Committee would have profoundly detrimental effects on Texas' 254 counties and their property taxpayers if not changed as the budget process moves toward completion this month.

For counties, two main concerns are:

- Proposed cuts in health care for the poor and uninsured, which would have devastating effects on county-run hospitals and even jails;
- The outcome of the criminal justice budget, particularly possible cuts to adult probation, which could significantly increase county jail populations and costs.

"In a word, don't balance the state's budget on the backs of county taxpayers," said Harris County Constable Bill Bailey, president of the Texas Association of Counties (TAC).

"It's pretty obvious that no one runs for the legislature on a promise to force unfunded mandates on local government," Bailey said, "but in the pressure to address all the issues and concerns that Texans desire – even when there's no money to pay for them – lawmakers too frequently turn to counties to do the job. Counties can't afford it; county taxpayers have had enough!"

"Property taxes are too high, and this state faces a major property tax revolt if the answer to this (state) budget crisis is more property taxes," said Tarrant County Commissioner Glen Whitley, vice chair of the Texas Conference of Urban Counties.

"First, we support the state's balancing the budget without a tax increase – if they can do so without placing burdens on local governments that result in increased property taxes," Whitley said. "If they (legislators) cannot balance the budget without tax increases at the state or local level, then we would support a state tax increase instead of more increases in property taxes."

"We believe state leaders are the best judges of which state revenues should be increased if needed to avoid property tax increases," Whitley said, adding that county officials are committed to working with state officials to find solutions.

State solutions to the budget crisis are essential, instead of passing costs to counties, said Williamson County Commissioner Mike Hilginstein, vice chair of the Texas Conference of Urban Counties. "The property tax is the primary source of funding for county operations. As local taxpayers will no doubt verify, it is strained to the breaking point."

Even some House members expressed concerns to the news media about the possible shifting of costs to counties and property taxpayers.

[Please see *State Budget Crisis*, continued on page 2]

Senate Version Cuts Probation Less than House Budget

Senate budget-writers have partially restored House-passed budget cuts to local community corrections programs, including \$22 million for diverting mentally ill offenders from county jails. Action by the full Senate was pending as this publication was printed.

The Senate version of the budget still cuts by half probation programs that offer employment training and education services. While the House budget eliminated the \$12.8 million requested for these services, the Senate Finance Committee proposed restoring \$6.4 million for the biennium.

Also on the table is \$13 million for substance abuse counseling but Bonita White, head of the Community Justice Assistance Division of the Department of Criminal Justice, said that the substance abuse funding may be placed in the budget of the Texas Commission on Alcohol and Drug Abuse, which also provides treatment programs for offenders.

Cuts in any of these programs, however, are likely to increase recidivism by probationers when new crimes are committed, resulting in additional time served in county jails or state prisons, she said.

The Senate version fully funds the \$22 million jail diversion program that pays for contracts with 32 local mental health community centers to provide services for adult offenders on probation and juveniles on parole from the Texas Youth Council. Operated under the Texas Commission on Offenders with Mental Impairments (TCOMI), the program serves 5,500 clients annually. In a statewide survey, judges and probation officials said that

specialized mental health services for probationers was their number one need.

Within the TCOMI reductions is \$1 million annually, specifically for jail diversions in Harris, Montgomery, Travis and Bexar counties. The Criminal Justice Policy Council estimates that 16.7 percent of the population of prisons and jails have a mental illness.

At an April 9 Capitol news conference, McLennan County Judge Jim Lewis urged legislators to maintain funding for adult probation programs.

"If young offenders can't get that helping hand to finish their high school education and get assistance on finding a job, there is a much greater likelihood that our streets will be more crime-ridden, and eventually, our jails will be full," Judge Lewis said. "Judges throughout Texas have come to trust in these probation programs. It would be a shame to abandon these key parts of our community corrections network."

The County Judges and Commissioners Association of Texas and the Texas Conference of Urban Counties have urged their members to make their voices heard at the Legislature during the continuing budget process.

"Until they (legislators) come up with a way to pay for their budget shortfall, it's still way too early for county officials to relax," said Jim Allison, general counsel to the County Judges and Commissioners Association of Texas. "Any cuts that have been discussed or considered could end up back on the table."

For more information, please contact Jim Lewis (unrelated) at 800-456-5974 or via email at jiml@county.org. 📍

[State Budget Crisis, continued from page 1]

Said Rep. Charlie Geren (R-Fort Worth) to the *Fort Worth Star-Telegram* on April 9: "If whatever we pass out of here results in a local tax increase, it's a tax increase, I don't care how we couch it."

TAC and its members statewide also hope a constitutional amendment will win final passage in the House, be approved by the Senate and go before voters. The amendment, HJR91 filed by Rep. Glenn Lewis (D-Fort Worth), would require the State of Texas to set aside, to the credit of counties, adequate funds to pay all or some high percentage of the "on-going, usual and reasonable costs of performing a new program." If approved by voters, the amendment would take effect in 2004 or later, still leaving county taxpayers vulnerable in the meantime.

As the *Beaumont Enterprise* warned in an April 14 editorial, "Local government officials are worried that the state budget cuts will simply pass along expenses to them that they cannot avoid. Unless they have budget surpluses – and few do – they may have to raise taxes to handle the heavier burden..."

"State legislators should know all about this. For years they have complained about 'unfunded mandates' from the federal government – directives to do something that aren't accompanied by any money to pay for the changes.

"Unfunded mandates are bad, whether from the federal to state level or the state to local level. The 78th Legislature should keep this point in mind as it struggles with the state budget shortfall." 📍

Grim Consequences Predicted For Counties If Legislature Passes Cuts To Health Care

County officials from across Texas warn of potentially debilitating effects on county taxpayers unless the Legislature restores funding to health care for the uninsured, instead of current proposals that will shift many costs to the counties and property taxpayers.

"Property taxes are too high, and this state faces a major property tax revolt if the answer to this (state) budget crisis is more property taxes," said Tarrant County Commissioner Glen Whitley, vice chair of the Texas Conference of Urban Counties.

The House, on April 17, passed an appropriations bill that cuts both the amount doctors are paid for treating Medicaid patients (5 percent) and the number of indigent Texans who are eligible for Medicaid. The House plan removes tens of thousands of pregnant women, disabled and elderly patient from the Medicaid roles.

Then, on April 25, the Senate Finance Committee passed its version of the state budget, using several accounting tricks to lessen the cuts somewhat but still leaving many adults and children off the rolls of Medicaid and the Children's Health Insurance Program (CHIP).

Many counties already have doctors and providers refusing to treat Medicaid patients without local property tax subsidies. The proposed cuts will only exacerbate that problem.

Removing patients from Medicaid will add to the already high burden of paying for patients with no insurance – a burden that has been increasing on Texas property taxpayers by nearly 20 percent a year.

County officials hope a conference committee of House and Senate members will consider the effects on local taxpayers and work toward a better solution.

On County Government Day at the Capitol April 9, a bipartisan group of county officials held a news conference to outline the counties' concerns.

Tarrant County's Whitley told reporters that his county could face a 25 percent increase in property taxes if the county has to absorb cuts in health care and probation. He added if the county is forced by legislative budget actions into this situation, he would prefer to ask voters the difficult question of whether they choose to raise property taxes or shut down the Tarrant County Hospital District.

Harris County Commissioner El Franco Lee, chairman of the Texas Conference of Urban Counties, told the news conference, "Our message to legislators is simple: If you

dramatically cut state health care funding, which would also reduce federal funding, and you do not create real savings, local governments and taxpayers will be left in the lurch."

Williamson County Commissioner Mike Hilginstein, chairman-elect of the Texas Conference of Urban Counties, noted that unreimbursed health care expenditures increased an estimated 161 percent between 1990 and 2000.

The House-passed budget cuts more than 500,000 children from health benefits, more than 55,000 elderly or disabled Texans from home care services designed to keep them out of more costly nursing homes, and about 17,000 pregnant women from prenatal and birth coverage.

The Senate Finance Committee version, moving to the full Senate this week, cuts 211,000 Texans from Medicaid and CHIP and ends home health care for about 17,000 elderly and disabled.

Two recent studies – one by the Center for Public Policy Priorities (CPPP), a second by The Perryman Group – document the chilling effects of such drastic cuts to health care by the state.

The study by CPPP says the statewide losses from the House version would amount to \$3.1 billion by 2005, including a total Medicaid and CHIP caseload reduction of 368,702 and a CHIP enrollment reduction of 251,937 – despite an ever increasing population in Texas.

Take the examples of three Texas Senate districts, as outlined in the CPPP study.

- **District 5, represented by Sen. Steve Ogden (R-Bryan).** Estimated total losses in Medicaid and CHIP funds within the 14 counties equal \$76.3 million. By 2005, there would be a total caseload reduction of 8,411 residents, and 960 children would not be enrolled in CHIIP. The county-by-county losses would range from \$19 million in Williamson County and \$14.7 million in Brazos County to \$2 million in Lee County and \$1.6 million in Madison County.
- **District 21, represented by Sen. Judith Zaffirini (D-Laredo).** Estimated total losses in Medicaid and CHIP funds within the 16 counties equal \$398 million. By 2005, there would be a total caseload reduction of 42,792 residents, and 25,901 children would not be enrolled in CHIP. The county-by-county losses would range from \$211 million in Bexar County (which District

[Please see Grim Consequences, continued on page 5]

Unfunded Mandates Measure Passes County Affairs Committee

A constitutional amendment that would limit the Legislature's ability to impose unfunded mandates on local governments received unanimous committee support during County Government Day.

House Joint Resolution 91, filed by County Affairs Committee Chairman Glenn Lewis, seeks to amend Section 1, Article III of the state constitution by adding language that would establish a process to be followed by the Legislature when imposing mandates on local governments. HJR 91 would require the legislature to provide appropriations via immediate payment or reimbursement for mandates adopted after January 1, 2004.

The only exceptions provided under the joint resolution include mandates that must be implemented to comply with:

- a requirement of the state constitution, federal law or court order;
- a mandate approved by voters at a general election;
- a mandate enacted by a two-thirds vote of each house that expressly exempted the mandate from their election; or
- a mandate that incurred less than \$1,000,000 in aggregate costs per state fiscal year.

Jozette Maxwell, TAC Legislative Liaison, said the proposed amendment is one that TAC supports and is eager to see adopted.

"This measure will help counties plan for, manage and implement mandates without looking to ad valorem increases to cover costs. Counties are a vital partner with the state and a measure such as HJR 91 allows the partnership to continue," Maxwell said.

HJR 91 received overwhelming support from a number of county officials and entities which included TAC, TAC's Board of Directors, the Conference of Urban Counties and the County Judges and Commissioners Association of Texas.

The bill has been forwarded to the House Calendars Committee for floor debate consideration.

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



Washington Watch

By Sue Glover

Governmental Relations Manager

On February 20, 2003, President George W. Bush signed into law the Consolidated Appropriations Resolution for fiscal year 2003. Listed below are some of the appropriation highlights as they relate to Texas, prepared by the Legislative Budget Board.

CHILD SUPPORT ENFORCEMENT: Federal funds available to Texas increased by 19 percent or \$33 million.

CRIMINAL JUSTICE:

- **State Criminal Alien Assistance Program (SCAAP)** decreased by more than \$300 million for FY 2003. The decrease in Texas amounted to a 53.7 percent reduction from 2002 which results in \$15.8 million
- **Juvenile Accountability Incentive Block Grant** decreased from \$15.7 million to an estimated \$11.9 million in FY 2003.

HOMELAND SECURITY:

- \$51.1 million in Public Health Emergency Preparedness funds
- \$34.8 million for the Hospital Preparedness Program
- \$29.5 million in First Responder Grants

ELECTION REFORM GRANTS: Overall an estimated \$81.6 million gain for Texas

- \$57.7 million to meet voting system requirements (states must provide a 5 percent match to draw down the payments.
- \$17.5 million for administration of elections
- \$6.4 million for punch card and lever voting machine replacement

COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG):

Texas will lose \$3.1 million in FY 2003. Texas received \$88.4 million in CDBG funds support housing and economic development projects in FY 2002. 🗺️

Economic Impact of Medicaid and CHIP Cuts explained County by County

Texas economist Ray Perryman, Ph.D., issued a report April 4 that concludes that “local taxpayers, the Texas economy and the state Treasury would lose far more than the state budget would save from spending cuts in Medicaid and the Children’s Health Insurance Program (CHIP)”

“The Medicaid and CHIP initiatives are important to the Texas economy, and substantial reductions represent an inefficient and counterproductive mechanism to achieve fiscal balance,” said Dr. Perryman, president and CEO of The Perryman Group, an economic research and analysis firm based in Waco.

For every \$1 cut in State spending on Medicaid and CHIP, Dr. Perryman found that:

- State tax revenues drop by 47 cents;
- Local taxes rise by 51 cents;
- Health insurance premiums increase by \$1.34;
- The Texas health care system loses \$2.81 in federal funds (measured dynamically);
- Texas business activity declines by \$19.14 (measured dynamically);
- Texas hospitals, physicians and other health care providers provide 53 cents worth of uncompensated care;
- Increases in the number of uninsured Texans push health care costs up by 62 cents; and
- Retail sales plummet by \$1.77.

Dr. Perryman conducted his study, “Medicaid and the Children’s Health Insurance Program (CHIP): An Assessment of Their Impacts on Business Activity and the Consequences of Potential Funding Reductions,” at the request of the Texas Hospital Association and the Texas Medical Association.

“This study substantiates that cutting Medicaid and CHIP creates a financial burden on local governments, local taxpayers and the private sector,” said Jeff Turner, president/CEO of University Health System in San Antonio and THA chairman-elect. “In addition, restricting Medicaid and CHIP eligibility results in more than 600,000 new uninsured Texans, but it won’t stop people from getting sick or babies from being born. Instead, these now uninsured Texans will seek care in our already overcrowded emergency rooms, where hospitals are mandated to care for them, as long as we have the resources to keep the doors open.”

“We’ve known all along that cutting Medicaid and CHIP is bad for the physical health of Texans,” said Dr. Lewis Foxhall of Houston, chair of the TMA Council on Socioeconomics. “Now we can prove that it’s also bad for our financial health. The bottom line is clear: the Legislature needs to find other ways to balance the budget.”

Dr. Perryman’s complete report, including county-by-county and regional impact figures, is available at www.texmed.org/pmt/lel/cln/Perryman.pdf. 📄

[Grim Consequences, continued from page 3]

21 partially includes) and \$71 million in Webb County to \$1.7 million in Live Oak County and \$40,571 in McMullen County.

- **District 31, represented by Sen. Teel Bivins (R-Amarillo).** Estimated total losses in Medicaid and CHIP funds within the 26-counties equal \$99.6 million. By 2005, there would be a total caseload reduction of 12,217 residents, and 8,877 children would not be enrolled in CHIP. The county-by-county losses would range from \$27.6 million in Ector County and \$20.6 million in Potter County to \$188,335 in Hartley County and \$27,918 in Roberts County.

The complete study, with a breakdown for all counties, may be found at www.cppp.org.

The Perryman Group’s study estimates that cuts in Medicaid and CHIP would hurt the economy and actually cost the State of Texas money, with a dynamic revenue loss of \$0.46 for every state dollar cut. The losses stem from less state funds, fewer federal funds, decreased business activity and lost jobs, as well the cost of higher insurance premiums. Most importantly for counties, the study says local taxes would have to rise by \$0.51.

“Simply stated, the Medicaid and CHIP initiatives are important to the Texas economy,” the study concludes, “and substantial reductions represent an inefficient and counterproductive mechanism to achieve fiscal balance.”

The Perryman study may be found at www.perrymangroup.com. 📄

2003 COUNTY BEST PRACTICE AWARDS PROGRAM

AWARD CLASSES AND CRITERIA:

Superior Innovation

Programs or Initiatives should reflect:

- Significant cost and/or time savings
- A measurable increase in productivity and efficiency for the county
- Creativity, resourcefulness and ingenuity
- A significant level of innovation and streamlining of business procedures that benefited the county and/or the public.
- A new method or solution (program must have been developed and underway within the last 36 months.)

Outstanding Achievement

Programs or Initiatives should reflect:

- Extraordinary results beyond normal expectations
- Performance that resulted in landmark policy, program or legislative changes in support of county operations
- Demonstration of leadership
- "Heroic effort" in terms of difficulty in implementing a task/initiative which may have been unpopular or lacked resources
- A one-time extraordinary performance that produced tremendous benefit(s) for the county and the public

Exceptional Delivery of Service

Programs or Initiatives should reflect:

- Efficient, timely responses
- Consistent high quality reliable service
- Demonstrated customer satisfaction
- Exceeded established performance standard
- Willingness to "go the extra mile"

Trailblazer

A special award given to a county leader who:

- Shows a consistent commitment to promoting and facilitating innovation in their counties
- Serves as an agent of change through his or her personal contribution of time and effort to assist fellow county officials

CATEGORIES:

Public Safety and Corrections - law enforcement; jail operations; juvenile probation; crime prevention; etc.

Health and Human Services - youth and family services; employment services; health programs; county hospitals

Financial/ General Management - strategic planning; financial reporting; well-managed privatization

Technology - automated processes and services; web sites

Community Improvement - parks and recreation; transportation; libraries; preservation; environment

NOMINATIONS FORMAT

Instructions:

1. Complete one entry form per nomination and attach it to the narrative. The narrative should address the criteria described in the particular awards class of the nomination. The typed narrative shall not exceed six 8 1/2 x 11 pages.
2. The narrative description of your program or initiative should respond to the following (with the exception of the Trailblazer Award):

The Challenge - Write the impetus, need or concern that prompted the development of this program/project. (10 points)

The Solution - Describe the steps taken by the county to address the problem. Explain the objectives and how they were met. (40 points)

The Results - Describe the results of the program or initiative. How did the program affect the community and/or county operations? (40 points)

Summary - On its own page, write a capsule summary of approximately 100 words. This will be used for promotional purposes and in all summaries of your programs. Summaries must include elements of the challenge, solution and results. (10 points)

TRAILBLAZER:

The Trailblazer narrative description should include the person's history of county service, and describe how the person met the criteria described for this award, through detailed examples if possible. Narrative should not exceed three pages. Only one trailblazer will be selected from nominations.

ELIGIBILITY STANDARDS AND RESTRICTIONS:

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

APPLICATION

I. PROGRAM INFORMATION

County _____

Program Title _____

Official playing significant role _____

Award Class (circle one)	<i>Superior Innovation</i>	<i>Outstanding Innovation</i>	<i>Exceptional Delivery of Services</i>	<i>Trailblazer</i>
Category (circle one)	<i>Public Safety & Corrections</i>	<i>Financial/General Management</i>	<i>Community Improvement</i>	<i>Health & Human Services</i>
				<i>Technology Other</i>

II. CONTACT INFORMATION

Name _____

Title _____

Department _____

Address _____

City/State/Zip _____

Telephone _____ Fax _____

Email _____

III. SIGNATURE OF THE COUNTY JUDGE

Name _____

Title _____

Signature _____

ci

DEADLINE FOR SUBMISSION OF APPLICATIONS: JUNE 1, 2003

Send to TAC Leadership Foundation, 2003 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 Shayla Fleshman at 512-478-8753 or 800-456-5974. Additional copies of the application may also be obtained from the TAC Web site, www.county.org.

Help America Vote Act; Workgroup Convened

Congress authorized \$3.9 billion nationwide to implement the Help America Vote Act (HAVA) requirements; however, to date, only \$1.5 billion have been appropriated for this fiscal year.

Under Title I of the federal legislation, Texas is eligible for approximately \$23 million – \$6 million to replace punch card and lever voting systems and the remainder for the improvement of election administration, accessible voting machines, training and voter education. The new voting systems must be in place in time for the November 2004 elections.

Title II funds were originally authorized at \$205 million for the state, but only about \$57 million has been appropriated. In order to be eligible to receive the payments under Title II, several provisions must be met before the funding can be received. Two of the more significant requirements include filing a “state plan” with the new Election Assistance Commission, and coming up with a five percent state match.

First, the state plan must illustrate how the state will meet the new federal mandates listed in Title III. The Title III mandates include:

- adopting new voting system standards (allow voter to verify vote before casting, provide audit capacity, one accessible voting machine per precinct, alternative languages, definitions of what constitutes a vote) (effective November 2006);
- adopting a provisional ballot process (ballot counted only after voter’s eligibility is verified, eliminate challenge ballot process, segregate from regular ballots, means for voter to check on status of their provisional ballot, post sample ballot, instructions, voting information at each polling place) (effective January 2004);
- that the state and counties must be working from a single, centralized, uniform statewide voter registration list maintained and administered at the state level. (effective January 2004 but the Secretary of State plans to apply for a waiver extending the deadline to 01/2006); and
- new voter registration requirements (applicants must provide driver’s license number or last four numbers of social security number; to be verified by DPS or SSA). Additional information will be required on the voter registration application beginning Jan. 2004.

In addition to stating how the Title III requirements will be met, the state plan must also explain the following: how

the payments will be monitored and distributed; how the state will determine eligibility for local entities to receive funds; how state programs will be provided for voter education, election official education and training, and poll worker training; state adoption of new voting system guidelines; establish an Election Fund (determined by legislature); and more.

A second requirement to receive the Title II funding (\$57 million) is that the state must first match five percent of the total amount to be spent on HAVA requirements – approximately \$2.9 million. With the state’s current budget crunch, the Secretary of State’s office is committed to looking at other possibilities in the event the Legislature does not appropriate \$2.9 million to receive the federal match. One option that is being considered is using some of the Title 19 (Election Code) funds used by the tax assessors and voter registrars. While this would be a one-time hit to their fund, the county could get back more than they originally take out when the \$57 million is received, depending on how the money is disbursed to the counties. State and local entities are authorized to apply for this funding to make polling places accessible, to provide voter outreach and to train election officials on accessibility in the elections process.

HAVA also authorizes \$100 million in grants to make polling places accessible to voters with disabilities, but Congress has only partially funded this with an appropriation of \$13 million this year nationwide. The Office of the Secretary of State is sending a memo to counties encouraging them to apply directly for these funds. The funds will be administered by the U.S. Health and Human Services Administration.

A workgroup has been convened by the Office of the Secretary of State to write the state plan and to discuss avenues for meeting other HAVA requirements. The first meeting was held on April 3, and at least two more open meetings were scheduled for May 1 and June 27. The group includes two county clerks (Harris and Rockwall counties), two tax assessors (Harris and Newton counties), one county judge (Harris County), a Texas Association of Counties representative, and many other interested stakeholders and legislative staff. At the federal level, the Election Standards Board has been created and Secretary of State Gwyn Shea and Travis County Clerk Dana DeBeauvoir have been appointed to represent Texas. This board acts in an advisory role to the Election Assistance Commission. The goal of the

[Please see Help America Vote Act, continued on page 9]

County Affairs Approves Elderly Officer

The County Affairs Committee approved a substituted version of Rep. Warren Chisum's HJR 75 on April 24. As substituted, HJR 75 provides that the newly created position of county senior citizens advisor may be reimbursed for expenses incurred while serving in office but is not entitled to compensation for serving.

As filed, the proposed amendment would give the commissioners court authority to create an office to assist and serve the senior population without imposing unfunded mandates on the county. The position would not have been salaried or reimbursable unless the commissioners court made funds available. Representative Carter Casteel voiced concerns about the possibility that the office, at some point, might become a salaried position. In response, the committee voted favorably on her substitute language that separated the two issues of compensation for service and reimbursement for expenses.

Laura Kinder of the Texas Association of Counties said that crimes and fraudulent activities targeted at the elderly have increased in the past several years. While there are services and procedures in place to either prosecute these crimes or document and track these schemes, the majority of the elder population may be reluctant to report such information. State or federal agencies that may assist with such complaints from the senior population may oftentimes face geographical challenges when providing prompt responses or services, she said.

The proposed constitutionally created office of the county senior citizens advisor would serve as an immediately accessible, local contact for complaints and concerns from senior citizens.

For questions or more information, please contact Laura Kinder at 800-456-5974 or via email at LauraK@county.org. 🇹🇽

Indigent Health Care Bill Left Pending

The Indigent Health Care Mandate bill was heard in the House Public Health Committee April 23 and was left pending at the prerogative of Chairman Jaime Capelo. As previously reported, HB 1981 would amend Chapter 61 of the Health and Safety Code to change the net income eligibility level from 21 percent of the federal poverty level to 100 percent of the federal poverty level.

The legislation would also require that emergency medical services and durable medical equipment become mandatory services under the County Indigent Health Care Program. Currently both of these services are optional. The bill also would repeal the limitation of county liability, which

is currently \$30,000 or 30 days in a hospital or skilled nursing facilities per eligible resident, whichever comes first.

Several county officials, indigent health care coordinators and association staff testified against the proposed legislation. All the witnesses cited the huge financial burden the bill would place on counties.

Chairman Capelo, recognizing that many hospital districts do carry the burden of providing health care to out-of-county indigents, suggested that the committee look at this issue during the interim.

For more information, please contact Sue Glover at 800-456-5974 or SueG@county.org. 🇹🇽

[Help America Vote Act, continued from page 8]

HAVA workgroup is to have the state plan completed by July 2003 and published in the *Federal Register* for a 45-day public comment period. This has to be completed before the state can file the state plan with the Election Assistance Commission by the Sept. 30, 2003 deadline.

For more information on HAVA, log on to the Office of Secretary of State web site at www.sos.state.tx.us and scroll down to the lower right hand corner of the web page.

A first draft of the state plan has recently been posted to the web site.

At the state level, HB 1549 by Rep. Mary Denny has been introduced to implement the HAVA requirements in Texas. This bill has passed out of the House and has been referred to the Senate committee on State Affairs.

For further information on this article, contact Teresa Aguirre at 800-456-5974 or via email at TeresaA@county.org. 🇹🇽

2003 Post Legislative Conference

TEXAS ASSOCIATION OF COUNTIES

Education Co-sponsor:
LBJ School of Public Affairs

August 13-15, 2003
Hyatt Regency on Town Lake – Austin

*Tentative Agenda**

TUESDAY, AUGUST 12TH

1:00 Pre-Conference Golf
Tournament

WEDNESDAY, AUGUST 13TH

8:00 — 12:00 Pre-Conference Board
& Committee Meetings

1:30 — 3:00 Opening General
Session

3:30 — 5:00 Mini-General Sessions
7:00 Casino Night
and Dance

THURSDAY, AUGUST 14TH

8:00 — 12:00 Legislative Overviews:
Sponsored by the
County Officials
Organizations of

Texas
1:30 — 2:15 Concurrent Workshops
on Key Issues

2:45 — 4:00 Concurrent Workshops
on Key Issues

4:30 — 6:00 Open House at New
TAC Building

7:00 — 9:00 Best Practices Awards
at the Capitol

FRIDAY, AUGUST 15TH

8:30 — 9:45 Concurrent Workshops
on Key Issues

10:00 — 11:30 Closing General
Session

* Agenda subject to change due to
availability of speakers.

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 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
FULL Hyatt Regency	\$133	\$133
on Town Lake/HQ hotel)		
_____ Embassy Suites	\$149	\$169
_____ 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 _____ Discover

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.

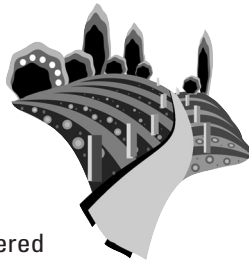
Cardholder's Signature _____

Please do not mail hotel deposit to TAC.

CI

Resources, Naturally

By Paul J. Sugg
Legislative Liaison



MORE NATURAL FLOWS

Senate Natural Resources considered committee chair Ken Armbrister's SB 1374 last week and voted out the bill as substituted the early part of this week. The bill is in at least partial response to efforts by a conservation group to provide that there is adequate water in a couple of our state's rivers to ensure that the rivers continue to support the natural life in and around them and the bays and estuaries they empty into at the Gulf. As discussed earlier in this space, the San Marcos River Foundation made application to the state agency responsible for issuing permits to use surface water. The Texas Commission on Environmental Quality did not grant the in-stream use permit for more than a million acre-feet un-appropriated water from the San Marcos and Guadalupe rivers; instead, the agency ruled that it does not have the authority to grant a permit for water that would stay within the rivers and their estuaries. The commission suggested such requests would better be addressed by the Legislature; thus SB 1374.

The bill would create a study commission on water for environmental flows, "...in recognition of the importance that the ecological soundness of our riverine, bay, and estuary systems and riparian lands has on the economy, health, and well-being of the state..." The commission would report its findings to the Legislature and expire in 2005.

We applaud the efforts to study the matter and earnestly hope that what is learned will be taken closely to heart by our chosen representatives. However, in the past couple of decades, millions of dollars in taxpayers' money has been spent on similar studies. Our hope is that this most current proposed study not be left to molder on the shelf; an even more earnest hope would be that we stop burying our collective heads in the sand (or silt, depending on where one buries one's head in an over-taxed riverine or estuary system). Will we learn from these once and future studies, or will we be condemned to repeat the same mistakes of our past, but with mistakes grown more destructive due to an ever-expanding population? Is there anything to be learned from the West's stranglehold on its Colorado River and the imminent destruction of our own Rio

Grande? Will the Guadalupe River end up choking and dying before it even reaches the San Antonio Bay and the Gulf? Will we learn to live within the limits that Nature has always placed upon Man or will we, in our hubris, continue to reject these natural limits, believing that we, as a people, a state, a nation, are somehow exempted from these restrictions by virtue of our own wisdom and our own cunning?

Here's a quote that's instructive when we look at the efforts of various and sundry people and entities intent on developing water resources and moving them about, unfettered by ecological or (significant) legal or regulatory restraints:

"Every considerable city in the state is about to be confronted by a water problem. But what is to be gained by the commonwealth if it robs Peter to pay Paul? Is all this worthwhile in order that Los Angeles [feel free to replace with your metropolis of choice—PJS] should be just so big?"

This quote comes from a letter to the editor of the *San Francisco Chronicle* that was submitted by a Miss Mary Austin and published in the September 3, 1905 edition of that newspaper.

Here's another quote (a bit older) by that old Greek, Herodotus, the father of History (5th Century, B.C.):

"Man stalks across the landscape, and deserts follow in his footsteps." 🇺🇸

Senator Barrientos Files Concurrent Resolution; Calling for Review of Peace Officer Salaries

Legislation that would create an interim committee to study the compensation and benefits of peace officers has been filed by Sen. Gonzalo Barrientos of Austin.

Senate Concurrent Resolution 19 requests the Lieutenant Governor and House Speaker to create a committee to review and study salaries of peace officers employed by the state. The resolution also requests the study include a comparison of local government peace officers salaries and benefits with those of state peace officers.

Sen. Barrientos states in SCR 19 that it is important to: "...employ the best qualified and most professional persons to serve as peace officers...and compensation and benefits paid to peace officers are a major factor in

[Please see Salary Review, continued on page 13]

Air Quality Funding Bill Passes Out of Senate Committee

The bill designed to fully fund the various programs of the Texas Emissions Reduction Plan (TERP) passed out of Senate Natural Resources with a number of changes. The committee substitute for HB 1365 was voted favorably from committee on April 16.

Senator Chris Harris authored the substitute and although it uses the engrossed version (the one passed by the House) as a model, the substitute differs in a number of significant ways. It increases the application fee for an automobile certificate of title from \$13 to \$28. The \$15 increase for each such application would be credited to the TERP fund; after Sept. 1 2008 (with the hope that all areas of the state would have met federal clean air standards by that point), the money will be credited to the Texas Mobility Fund. The substitute also reduces from 2.5 percent to 2 percent the surcharge on the sale or lease of

on-road diesel motor vehicles of over 14,000 pounds; it does add the surcharge to the "storage, use, or other consumption" of new or used construction equipment; how that is to be accomplished is not entirely clear in reading the bill.

The Senate substitute removes certain provisions from the engrossed version, including most of the House floor amendments. Some of the eliminated provisions include the 3-cent fee on non-dyed (agricultural) diesel, the prohibition on establishing vehicle standards more restrictive than the federal standards, the green building standards program, state and local government preferences for vendors that comply with TERP, and the prohibition on speed limits for environmental purposes.

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

Grievance Committee Legislation Clears County Affairs

Legislation by Senator John Carona relating to the selection of public members to the committee to review salaries and expenses of elected county or precinct officers was voted out favorably by the House County Affairs Committee April 23. SB 189, passed out of the Senate on February 26, would allow a commissioners court to select the nine public members of the grievance committee at the time a grievance committee hearing is requested or at anytime during the year, instead of in January, as now required.

Under current law Sections 152.014 - 152.016 of the Local Government Code, require the commissioners court to appoint a nine-member salary grievance committee in January of each year. Members of the committee are appointed to serve for the calendar year and to hear a salary appeal by elected county officials. However, according to numerous county officials, most counties do not adopt a budget until much later in the year and it proves difficult to assemble nine members at the later date. Also, most of the counties never receive a grievance committee request and therefore a lot of time is spent on organizing a committee, which may never meet.

SB 189 would require the public members of the salary grievance committee to be selected at a meeting of the court at anytime during the year, but not later than the 15th day after the date a request for a grievance committee hearing is received. The proposed legislation further requires the committee to hold a public hearing not later

than the 10th day after the date the request is received or the date the commissioners court selects the public members of the committee.

An amendment was added in the House committee that would clarify that the selection of the public members could be done at anytime of the year, but not later than the 15th day after the request.

The bill will now be reported to the House floor for consideration and if approved on to the Governor for final passage.

If you have questions concerning the proposed legislation, please contact Sue Glover at (800) 456-5974 or SueG@county.org. 🗺️

[Salary Review, continued from page 12]

attracting qualified candidates...as well as retaining them once they have been hired."

If the resolution is adopted, it would require an interim committee to study peace officer salaries and present a report to the 79th Legislature in January 2005.

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

Attorney General Opinions



GA-0056: Honorable Joe Crabb, Chair, Committee on Redistricting, Texas House of Representatives, Whether a local government may broadcast information about registered sex offenders on a local cable television channel (RQ-0623-JC). **Summary:** A local government may broadcast on a local cable television station all information about a registered sex offender that is contained in the registration form for sex offenders, except for information that is excepted by article 62.08(b). See Tex. Code Crim. Proc. Ann. art. 62.08(a), (b) (Vernon Supp. 2003). A registrant's numeric risk level is not public information until it first appears in a newspaper in accordance with the provisions of chapter 62 of the Code of Criminal Procedure that require notice to be published.

GA-0058: Honorable William M. Jennings, Gregg County Criminal District Attorney, When the license of a bail bond surety who sold bail bonds before the creation of the county's bail bond board was "originally issued" for purposes of section 1704.203(a), (f) of the Occupations Code (RQ-0625-JC). **Summary:** The term "license" in section 1704.203 of the Occupations Code refers to a license issued in accordance with chapter 1704. See Tex. Occ. Code Ann. § 1704.203(a), (f) (Vernon 2003). No bail bond surety's license could have been "originally issued" prior to the creation of a bail bond board under chapter 1704. Consequently, in a county where a bail bond board was created after September 1, 1999, a

bail bond surety must comply with section 1704.203(f). See id. § 1704.203(f).

GA-0059: Honorable Bruce Isaacks, Criminal District Attorney, Denton County, proper disposition of funds generated by the county jail inmate telephone contract (RQ-0629-JC). **Summary:** Revenues generated by the inmate telephone contract in Denton County constitute county funds. Such funds are to be paid into the county treasury and may be used for any legitimate county purpose. Attorney General Letter Opinion 97-030 is modified to the extent it conflicts with this opinion.

GA-0061: Honorable Carole Keeton Strayhorn, Comptroller of Public Accounts, whether certain unauthorized fees collected by counties and municipalities that cannot be returned to the persons who paid the fees constitute taxes that must be remitted to the Comptroller under chapter 111 of the Tax Code or abandoned property governed by the Property Code (RQ-0613-JC). **Summary:** Fees collected by counties and municipalities pursuant to unauthorized pretrial diversion agreements are not taxes governed by chapter 111 of the Tax Code. Counties and municipalities must administer abandoned fees and interest earned on the fees pursuant to chapters 74 and 76 of the Property Code. Attorney General Opinion JC-0463 (2002) is modified to the extent it suggests that abandoned fees must always be reported and delivered to the Comptroller pursuant to chapter 74 of the Property Code. ■



RQ-0034-GA: Honorable Ted G. Walker, Jasper County Criminal District Attorney, validity of imposing a fee on certain probationers, and proper disposition of such fees.

RQ-0035-GA: Honorable John F. Healey, Jr., District Attorney, Fort Bend County, whether a district attorney accrues lifetime service credit for longevity pay.

RQ-0036-GA: Honorable Randall W. (Randy) Reynolds, 143rd Judicial District Attorney, Reeves - Ward - Loving Counties, whether a home-rule municipality may ban the sale of glass containers of alcoholic or other beverages.

RQ-0037-GA: Honorable Ray Montgomery, District Attorney, Leon County, mineral rights to land under the right-of-way of Farm Road 39 in Leon County. ■

Deadline Approaching for County Best Practice Awards

June 1 is the deadline for counties to submit nominations for the 2003 Texas Association of Counties Leadership Foundation County Best Practice Awards. The awards program recognizes county programs and initiatives for innovation, achievement and customer service. In addition, folks can nominate their county leaders for the special Trailblazer award.

The purpose of the awards program is to recognize special efforts to improve efficiency in local government and share this information with others. To date, almost 50 county programs and two individuals have been honored.

This year, the awards categories and nomination process has been streamlined and new awards class has been added for exceptional customer service. Judges will

look for specific items when reviewing nominations. Ask yourself these questions when completing the nomination:

- How well did the program achieve its objective?
- Can other counties adapt your program to benefit their community?
- What is your program's current or long-term value to county operations?
- Did you explain how the program or initiative works?
- Is the program the first of its kind, or are you providing an existing service in a new and different way?

Winners will be recognized on Aug. 14 at a special awards ceremony on the Senate Floor with a reception following in the Lieutenant Governor's Reception Room. See page 6-7 for nomination form or go to www.county.org to download a form. ➡

Transportation Institute Survey Addresses Development Issues

The Texas Transportation Institute (part of the Texas A&M University System) recently mailed out a survey to Texas counties, designed to assist TTI in a study of growth and development issues in the unincorporated areas of the state. According to the survey's cover letter, due to this increase growth, "... many counties are finding it difficult to address problems that come with growth and urbanization." The study is sponsored by the Texas Department of Transportation and "is intended to assist them [TxDOT] in identifying opportunities for coordination and input in the local platting and development process."

The survey's questions touch, in part, on the following areas:

- whether a county requires platting;
- what department (or official) is responsible for handling plat applications;
- the process and sequence used in the county to review and/or approve plats;
- whether the number, location, and design of driveways to public roadways are considered as part of the county's plat review process;

- whether the county utilizes access easements on plats (for the purpose of consolidating or reducing driveways to public roads);
- whether or not the county has entered into an agreement with any city or cities as required by last session's HB 1445, the ETJ plat review bill;
- TxDOT's level of involvement in the review of plats for subdivisions of land adjacent to state roadways; and
- whether or not counties need more authority to regulate development and if so, in what areas of regulation (e.g., driveway locations, land use, drainage, parking, signage, etc.).

The institute sent a copy of the survey to all Texas counties which are encouraged to complete the survey and return it via facsimile, to the attention of Bill Eisele at TTI at 979-845-6008. The survey can also be completed on-line by logging on to the survey website located at http://tti.tamu.edu/transportation_planning/countysurvey.asp.

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

County Drainage Ditch Maintenance Bills Considered

Two bills that would require commissioners courts to perform drainage ditch maintenance (at the request of a private property owner under certain circumstances) were discussed before the House County Affairs and Senate Natural Resources committees.

As of the date of this publication, both bills were left pending in each committee.

House Bill 1687 by Rep. Warren Chisum and Senate Bill 860 by Sen. Jeff Wentworth are companion bills that seek to require commissioners courts, in counties with populations of 100,000 or less, to remove or clear blockages from drainage ditches when eligible property owners

request maintenance.

Both bills state a commissioners court must complete the maintenance before the 45th day from receipt of the property owner's request. Each bill also states that counties that do not meet the 45th day deadline will be liable to the property owner and adjoining property owners for the cost of "removal of the blockage and for property damage, personal injury, or death proximately caused by the blockage." Both bills also add silt to the definition of what may be considered as blockage.

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

[From the Desk, continued from page 16]

county monkey will be dead, empty cup in hand.

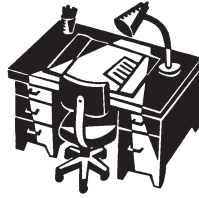
Pass the word – save the monkey: Thus far, with little time remaining to make its way through the process, HJR 91 (Constitutional Amendment on Unfunded Mandates) was reported favorably from the House Committee on County Affairs on April 25 and now resides in the infamous House Calendars committee unscheduled for floor debate. Members of the House Committee on Calendars: Beverly Woolley, chair (Houston), Arlene Wohlgemuth, vice-chair (Burlleson), Wayne

Christian (Center), Suzanna Gratia Hupp (Lampasas), Vilma Luna (Corpus Christi), Jerry Madden (Plano), Jose Menendez (San Antonio), Eugene "Gene" Seaman (Corpus Christi), Barry Telford (De Kalb), Vicki Truitt (Southlake) and Sylvester Turner (Houston). Remind the members of the Legislature, and the leadership, that their roadmap to reform must include their very own recommendation to stop the unfunded mandates on local government. County Government—the pulse of the people! 🇹🇽

From the Legislative Desk

By Carey "Buck" Boethel

Director of Governmental Relations



The Roadmap to Responsible Reform – on Jan. 14, the co-chairs (Sen. Florence Shapiro, Rep. Arlene Wohlgemuth, & Rep. Carl Isett) of the Texas Conservative Coalition Research Institute presented a State Finance Task Force Report to the members of the 78th Legislature. The comprehensive report, representing more than a year's work on evaluating the state budget and how Texas spends taxpayer dollars, is premised upon a "shared vision" designed to prevent "...tax increases by focusing policy makers on innovative reforms...[restoration of] fiscal responsibility and [establishment of] a common sense approach to state spending."

The 140-page financial reform document is replete with detailed recommendations about streamlining state government, many of which have been incorporated into bills this session. The authors also weigh in on behalf of local governments by expressly providing: "...the state

should repeal existing mandates and reject additional mandates – particularly unfunded ones – on local school districts and local property tax payers." This laudable and principled approach to fiscal reform is one that has become very dear and sacred to county government – see HJR 91, by Rep. Glenn Lewis, which proposes a constitutional amendment allowing a state mandate imposed on a county to have effect only if the state provides for the payment to the county of the cost of the mandate.

The Path to Property Tax Perdition – "The best form of government is one that is closest to the people." [State of Texas, Office of the Governor, Vision Texas: The Statewide Strategic Planning Elements for Texas State Government, February 2000.] If the state cuts its spending *without repealing the existing county mandates and without passing HJR 91, which would prevent additional unfunded mandates*, it will have perfected, not "a shared vision," but rather "blind soup-slurping" counties as junior partners. The only thing close will be the State's hand in the taxpayers' pockets. By then it will be too late – the State of Texas won't need an organ-grinder anymore because the

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



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