

County *issues*

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**BEST
PRACTICES
AWARDS
DEADLINE:
*June 1, 2003***

Houston Newspaper Highlights Counties' Plight

(As this edition of County Issues went to print, many questions remained regarding the outcome of the state's budget considerations and their impact on counties. In recent weeks, however, several county officials have visited the editorial boards of major state newspapers to express concerns on the potential for shifting the burden of state services to counties. The following editorial was published in the May 9 Houston Chronicle following a visit by county officials to the Chronicle's editorial board.)

PASSING IT ON: PAY NOW IN TEXAS BUDGET OR PAY MORE LOCALLY

"Republican lawmakers say they are bound and determined to close the state's \$9.9 billion revenue shortfall without raising taxes. They've remained steadfast in their resolve before pleas to continue to fund services for the state's most vulnerable residents. They've thrilled many taxpayers with their battle cry of holding the line on taxes.

But that's an impossible dream.

Texas already underfunds critical programs that provide health insurance for impoverished children, medical services for the very poor (including pregnant women and infants), care for the mentally ill and mentally retarded, and services for the disabled and elderly that allow them to remain at home and productive in their community. Sure, cuts to these programs will "shrink government," but they will do nothing to stanch demand driven by current need and Texas' burgeoning population.

Nor will the proposed cuts prevent county governments from raising local taxes to make up the difference and, down the road, pick up the tab for added strain on emergency and trauma care centers, crisis services for patients with uncontrolled

[Please see Counties' Plight, continued on page 2]

Final Weeks of Legislative Session Interrupted

Fifty-one House Democrats did not report to the House of Representatives on May 12, which barred reaching a quorum. Without 100 members present, the House of Representatives cannot conduct most of its business. House members speaking from Ardmore, Okla. cited the "redistricting bill" as the straw that broke the proverbial camel's back. A wide variety of exclamations have characterized the Democratic maneuver, ranging from "extortion" to "the appropriate use of the House rules." Whatever the outcome, many bills are swirling near the drain. ➡

[Counties' Plight, continued from page 1]

mental illness, and county-run operations, like jails and probation programs, because of problems that festered.

Don't just take editorial writers' word for it. Listen to the members of the Texas Association of Counties – Democrat and Republican elected officials – who are urging lawmakers to consider what impact their actions in Austin will have in the provinces. The group wants legislators to develop “a statewide solution to the budget crisis, instead of passing the burden to counties and their ad valorem taxpayers.”

‘The pain will fall squarely on the county’s shoulders to do more with even less funding from outside,’ Harris County Commissioner El Franco Lee says. He contends there are only two outcomes for the drastic state budget cuts on the table: new local taxes, or longer lines for services for the poor, sick and disabled, and an increased risk of dying for everyone because of emergency rooms overwhelmed by residents with no alternative health care.


Lee is a Democrat, but the budget concerns cut across party lines. Harris County Constable Bill Bailey, a Republican, is president of TAC. He signed the organization’s resolution warning against “draconian budget cuts without increasing state revenue.” The group also is working to pass a resolution for a constitutional amendment, HJR 91, that would require the state to fund

all mandates it prescribes for local governments.

According to figures released by the Center for Public Policy Priorities, Harris County can expect to lose between \$368 million and \$410 million in state and federal dollars over the 2004-2005 biennium from major cuts proposed in the House and Senate to Medicaid and the Children’s Health Insurance Program.

TAC estimates that for every \$1 the state cuts in Medicaid and CHIP dollars, local entities have to raise an additional 51 cents in local sales taxes, employer health insurance premiums go up by \$1.34, and medical facilities and doctors lose 53 cents in uncompensated expenses.

Late in the week, Lt. Gov. David Dewhurst appeared to be priming Senate budget writers for a hard battle, directing one senator to oppose any House compromise that falls short of the \$60 billion spending outline the Senate has proposed. The House plan calls for \$58.6 billion in general revenue spending.

Adopting either plan would mean throwing a heavy load of new obligations onto local taxpayers. Is passing the buck really responsible fiscal conservatism or political smoke and mirrors? Perhaps it would be just as well if this struggle leads to a special session during which lawmakers could hammer out a more equitable outcome.” 

Editorial Board Visits Get the Word Out

(Working with the Texas Conference of Urban Counties and the County Judges and Commissioners Association of Texas, the Texas Association of Counties recently arranged for several county officials to meet with the editorial boards of major Texas newspapers. Below are excerpts of some of the articles that have appeared on the editorial pages of these papers.)

From the May 10 Fort Worth Star-Telegram:

“... Here’s another economic lesson that taxpayers should understand: The need for health care and the delivery of it in crisis circumstances for the working poor will not end when the Legislature leaves Austin with its no-new-taxes vow intact.

No, the burden will shift to the John Peter Smiths of Texas – and when the money runs out there, the Tarrant County Commissioners’ Court will have to step up. And you do know that increased taxes from the county show up on the property tax bill, don’t you?

So all those candidates running on tax policy had an asterisk attached to what they said.

*No new *state* taxes. County and city taxes are somebody else’s problem.”

From the May 9 El Paso Times:

“... It will be county politicians – and Thomason Hospital officials – who will be forced to sacrifice their political reputations (er, let’s graciously assume that said reputations are intact) to raise taxes to offset the state’s massive cuts.

In the end, though, it’s the taxpayers who will get crucified.

‘It’s absolutely penny-wise and pound foolish,’ El Paso County Judge Dolores Briones said of lawmakers’ efforts to enact massive cuts without working harder to generate revenue at the state level. ‘This is lying to the public that they’re not going to raise taxes. This is going to cause huge tax increases ...’

[Please see Editorial Board, continued on page 4]

Fee Bills Moving Slow this Session

Fee bills have not been popular this legislative session; however, several fee bills are moving through the process. The following is a summary of selected fee bills and their status.

HB 249 by Rep. Goolsby would allow a county clerk or county tax assessor the option to assess a fee similar to what the treasurers collect for returned checks. Currently, the treasurer can assess a fee ranging from \$15 to \$30 on insufficient checks, and the county clerk and tax assessor can assess a fee ranging from \$15 to \$25 for the same. This bill would simply allow county clerks and tax assessors to assess the higher fees available to county treasurers. This would result in a slight increase in county revenue. The bill was received in the Senate and referred to the Committee on Jurisprudence.

HB 494 by Rep. Jesse Jones would give the commissioners' court the option of increasing the courthouse security fee from \$5 to as much as \$10 on civil cases filed in a county court, county court at law or district court. An increase in court costs from \$5 to \$10 is proposed for a felony offense in a district court, and an increase from \$3 to \$10 is proposed for misdemeanor offenses in a county court, county court at law, or district court. (JP courts would continue to collect \$3.) The collection of fees on felony and misdemeanor offenses is mandatory. The funds collected by the clerk of the court are deposited by the treasurer into a courthouse security fund, and can only be expended according to current statute (Code of Criminal Procedure Art. 102.017(d)). The bill was received in the Senate and referred to the Committee on Jurisprudence.

HB 1037 by Rep. Ritter is similar to HB 494. This bill proposes to give the commissioners' court the option of increasing the courthouse security fee from \$5 to \$10 only on civil cases, except on a case in which an adoption is requested or in which termination of a parent-child relationship is sought. The House Committee Report states that the courthouse security fee already imposed on criminal cases is often not collected, because the defendant is indigent or otherwise unable to pay. Consequently, the report says that security systems are not adequately funded. Charging the \$10 on only civil cases, it is believed, will remedy the situation. This bill was received in the Senate and referred to the Committee on Jurisprudence.

HB 538 by Rep. Hope would affect Chapter 152 of the Civil Practice and Remedies Code on alternative dispute resolution systems. The proposed bill gives the commissioners' court the option of increasing a court cost from \$10 to \$15 on each civil case filed in a county or district court, including some probate matters. The bill also affects Civil Practice and Remedies Code, Sec. 152.005(a) by removing the population bracket, and allowing all counties the option of assessing an additional court cost of up to \$5 (increased from \$3) for civil cases filed in a justice court, with the exception of certain cases. The fees collected by the clerk under this chapter can only be used to establish and maintain an alternative dispute resolution system, which is intended to allow parties in a suit to utilize a mediation service at an affordable cost. This bill was received in the Senate and referred to the Committee on Jurisprudence.

HB 1945 by Rep. Hartnett attempts to remedy a situation that could be financially devastating to county revenue. Currently, there are pending lawsuits such as *Caldwell v. Rylander* that are testing the constitutionality of various types of fees collected by certain statutory county courts – mainly the \$40 filing fee for civil cases and \$15 court cost on criminal convictions (Government Code, Sec. 51.702(a) and (b)). Since counties can choose whether or not to collect these fees, they are not applied uniformly across the state, and could be declared unconstitutional. HB 1945 would require the uniform collection of the criminal fee, thereby avoiding the issues raised by *Caldwell v. Rylander*. The bill further proposes that a county must collect both the civil and criminal fees mentioned above in order to be considered a participating county in the state contribution/supplemental salary program for certain statutory county court judges. Under current practice, the optional fees collected by a county are forwarded to the state comptroller, who places the money in a judicial fund. Participating counties then receive a contribution of \$30,000 from the judicial fund and \$5,000 from the state general revenue fund. This will not change for counties participating before Sept. 1. Under the proposed legislation, participating counties (those collecting both the civil and criminal fee) starting participation in the program after Sept. 1 would receive their entire supplement from the judicial fund. Counties

[Please see Slow Moving Bills, continued on page 5]

[Editorial Board, continued from page 2]

She is right, and dozens of county politicians across the state are in agreement. Democratic and Republican county judges alike have signed onto the Texas Association of Counties' resolution urging state lawmakers to seek a statewide solution to increasing state revenues – that is, having the guts to raise some taxes already in place – instead of dumping this burden on local governments....

Also, the county gets stuck prosecuting many federal drug cases, and paying to hold these inmates in the county jail. Local taxpayers are footing the bill, to the tune of millions of dollars, for state and federal responsibilities."

From the April 29 *Dallas Morning News*:

"Government is like water, says Hunt County Judge Joe Bobbitt. 'It all runs downhill.'"

In Texas, county governments are at the bottom of that hill. And the water could start rolling toward them soon. Fast. Here is why:

The state must eliminate a \$9.9 billion deficit. Legislators have no choice but to trim spending.

The issue is how we cut expenses.

The Texas House passed a budget this month that holds the line on prison spending and other areas. But it also eliminates vital services for working families.

The Texas Senate may restore the House's cuts this week when it debates its own budget. But unless the Senate prevails over the House, the state no longer will provide health and social services to as many as 500,000 Texans.

The reductions in programs like Medicaid and the Children's Health Insurance Program will roll down the hill toward counties and force them to face their own tough questions. Do they pay for the services Austin won't provide? Or do they walk away from them, too, as the House wants to do with Medicaid and CHIP?

What a choice. But it is the one counties will face if the state leaves more health and social services for them to assume...

The House's budget, which Gov. Rick Perry likes, could cause Dallas County to lose \$200 million or more in Medicaid and CHIP money. Translated into human lives, that means as many as 31,000 Dallas County kids could lose health coverage under the House's budget.

Dallas County hardly is alone. In the Lower Rio Grande Valley, where many families use Medicaid and CHIP, Hidalgo and other counties will get socked if the House budget prevails. Most Valley counties don't have the tax base of a Collin, Dallas or Travis county. They lack the means to take up the slack if the state makes sharp cuts in social spending.

Everywhere you turn, the state faces a dilemma. There are no good choices in working our way out of this budget hole. They aren't easy for the Legislature. And they aren't easy for counties. The whole situation wears you out.

But we also should use this moment to think about our state's future. Let's focus on what Texas must do to progress as a national powerhouse.

Over the last three decades, Texas has made enormous strides in its schools, economy and technological base. We have made the turn from brawn to brains." ➤



Washington Watch

By Sue Glover

Governmental Relations Manager

FEDERAL DEFICIT MAY EXCEED INITIAL ESTIMATES

The Congressional Budget Office's May 9 budget review reports that in the first seven months of the 2003 fiscal year, the federal government ran a deficit of about \$202 billion. This is \$138 billion more than in the same period last year. According to the report, the CBO estimates that the government will end 2003 with a deficit of over \$300 billion.

The report states that the projected increase from its earlier estimate of a \$246 billion deficit is due to "weaker-than-projected revenues and additional outlays of more than \$40 billion from the recently enacted supplemental appropriation bill."

The report comes at the same time the Senate is about to take up consideration of H JR 51, which would increase the national debt from the current \$6.4 trillion statutory debt limit to \$7.3 trillion.

The CBO was created in 1974 and its mission is to "provide the Congress with the objective, timely, nonpartisan analyses needed for economic and budget decisions and with the information and estimates required for the Congressional budget process."

As our state legislators struggle to find nearly \$10 billion to cover the deficit in Texas, it may be impossible for them to look at their federal colleagues for guidance.

For more information, please call Sue Glover at 800-456-5974 or via e-mail at SueG@county.org. ➤

Senate Bill Directing Traffic Around Stationary Emergency Vehicles in House Calendars Committee

Senate Bill 193 by Sen. Gonzalo Barrientos was voted favorably from the House Transportation Committee in April and is now pending in the House Calendars Committee. The bill seeks to direct highway drivers to vacate the lane closest to a responding stationary emergency vehicle when possible, or to slow down when they are unable to vacate a lane.

Drivers who violate the law and cause an accident will be charged with a Class A misdemeanor.

Sen. Barrientos said he believes the bill is important to

help give protection to law enforcement officers and other emergency professionals when they respond to the public on the highway.

Under House rules, the House has until the 134th day of the legislative session (May 27) to consider Senate bills on second reading (Senate bills on the Daily or Supplemental Calendar).

For more information, please call Jozette Maxwell at 800-456-5974 or via e-mail at JozetteM@county.org. 📍

Legislation Adding Method for Acquiring Roads Passes Senate Committee

Legislation that would help clear up challenges faced by counties when acquiring roads was recently voted favorably from the Senate Infrastructure and Development Committee and placed on the Senate Intent Calendar to be considered for floor debate.

House Bill 1117 by Rep. James Keffer seeks to add a new chapter (258) to the Transportation Code and creates a county road map process that may be used by counties to establish public interests in private roads.

HB 1117 does not repeal Chapter 281 of the Transportation Code. It adds new language to the Code that would give counties the ability to create and post a map showing which roads the county plans to acquire. Counties would have the option of acquisition under Chapter 281 or Chapter 258 if HB 1117 is signed into law.

The bill also requires counties to post notices in local newspapers for four consecutive weeks announcing a

[Please see Acquiring Roads, continued on page 11]

[Slow Moving Bills, continued from page 3]

that collect only the criminal fee will simply retain the fees collected, instead of receiving the contribution/supplement from the judicial fund. This bill is similar to legislation that was defeated in 2001 (HB 2300 and HB 1884). This bill was received in the Senate and referred to the Committee on Jurisprudence.

HB 1905 by Rep. Farrar would amend section 51.317(b)(4) of the Government Code by increasing the records management and preservation fee from \$5 to \$10 (as amended) to help the office of the district clerk improve records management and technological capabilities, which would better serve the public. The bill would allow the district clerk to use the increased revenue for specific records management and preservation, including for automation purposes, with the

approval of commissioners' court. The \$10 would be split evenly between the county records management and preservation fund and the district clerk records management and preservation fund. The bill has been set on the House Local Calendar for May 13.

HB 3167 by Goolsby would increase the fee for filing lawsuits from \$45 to \$60; however, a committee substitute left the fee at the current \$45. The bill also creates five levels of filing fees for class action lawsuits, depending on the number of plaintiffs in each suit. The bill has been set on the House Local Calendar for May 13.

To find the latest status on a bill, go to www.capitol.state.tx.us. For more information, call Teresa Aguirre at 800-456-5974 or via e-mail 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:

(Check space that applies)

	Earlybird By 7/18/03	Postmarked After 7/18/03 & At-door Registration
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 on Town Lake/HQ hotel)	\$133	\$133	
_____ 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



AIR QUALITY FUNDING BILL PASSES SENATE: HOUSE REFUSES TO CONCUR WITH AMENDMENTS

The challenge of fully funding the Texas Emissions Reduction Plan (TERP) continues, but a resolution appears to be in sight (certainly more than can be said for a good number of other bills that have failed or will soon, but given all the surprises of this session, who can tell?). The Senate passed out HB 1365, but the House has refused to concur with the amendments placed on the bill on the floor of the Senate. Senate conferees are Harris, Armbrister, Averitt, Jackson, and Ogden. House conferees are Bonnen, McCall, Chisum, Capelo and Wilson.

The Senate amendments are as follows:

- Amendment #1 by Harris removes the requirement currently in statute that motor vehicle manufacturers produce and distribute a brochure and conduct a public information program to publicize the light-duty motor vehicle purchase or lease incentive (from last session's SB 5).
- Amendment #2 by Bivins increases the title transfer fee to \$33 in affected counties and increases the fee to \$25 in all other counties (this is an increase of \$20 and \$12, respectively). These increases would be deposited to the credit of the TERP fund until Sept. 1, 2008 and deposited to the credit of the Texas Mobility Fund thereafter.
- Amendment #3 by Barrientos allows the General Land Office to develop an energy-efficient building accreditation program for buildings that exceed current efficiency building standards by 15 percent or more.
- Amendment #4 by Barrientos allows the Public Utilities Commission to consider reductions in overall energy consumption in its energy efficiency grant program (currently the reductions apply only to peak demand).
- Amendment #5 by Averitt increases the percentage of funding for new technology research and development program from 7.5 percent to 9.5 percent (20 percent of this to go to research for the Houston-Galveston and Dallas-Fort Worth non-attainment areas).
- Amendment #6 by Armbrister allows the Texas Council on Environmental Technology to support fuel cells,

catalysts, and fuel additives programs.

- Amendment #7 by Averitt requires the Texas Commission on Environmental Quality to provide "fast and simple access" for small businesses to TERP-related grants.
- Amendment #8 by Janek would make a building certified by a national, state or local accredited energy efficiency program to be considered in compliance with current energy efficiency standards.

Despite its various permutations throughout the legislative process, the end goal (we hope) of the bill remains the same: full funding of last session's plan to meet federal air quality standards in certain urban and suburban areas. This is all certainly necessary and even laudable in order to ensure our continued economic and for some, physical health, but who would have ever thought that we'd be spending our tax dollars to pay for clean air? Our parents and grandparents most assuredly would have scoffed at the idea, but such are the benefits, it seems, of that thing called Progress. 🇹🇽

Legislation Would Limit Taxing Authority

HB 3223 by Rep. Bohac, which would limit the maximum average annual increase in the appraised value of real property for ad valorem tax purposes to 5 percent, was passed by the House on May 9 by a vote of 134 ayes and zero nays. The necessary constitutional amendment, HJR 4, was also voted out with an amendment that states the election for the constitutional amendment will be held on Sept. 13 instead of during the General Election in November. The bills are now headed to the Senate for consideration.

The legislation as proposed would place a 5 percent cap on all real property, both residential and nonresidential, for all taxing units except school districts. Currently, under Section 23.23 of the Tax Code, a 10 percent cap exists to limit the annual increase in appraised value of a residence homestead.

This bill seeks to prevent taxing entities from being able to increase revenue through tax appraisal hikes instead of raising the tax rate.

This legislation would severely limit a county's authority to meet state-mandated obligations or to meet the needs of local constituents.

Please contact your Senator today and explain what an impact this legislation would have on your county.

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

Indigent Health Care Cuts

The House and Senate have proposed drastic cuts to the County Indigent Health Care Program. The House version of the appropriation bill provides \$3.6 million for the program and the Senate version provides no funding. These cuts will have a dramatic impact on those counties that spend their 8 percent and depend on state reimbursement to continue the program. Listed below are the results of a poll taken of those counties which received state assistance in 2002 and the

amount of tax they would have to pass on to the local taxpayers to continue their programs, should the state cut funds under these proposals (now in conference committee). Other counties could also see a negative impact on their programs, should expenditures increase without state funds available to provide reimbursement.

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

INDIGENT HEALTH CARE

2002 State Assistance

COUNTY	2002 STATE ASSISTANCE AMOUNT	2002 PERSONS SERVED	2002 8% GRTL	WHAT AMOUNT OF TAX INCREASE TO MAKE UP FOR LOSS OF STATE ASSISTANCE.
Aransas	\$96,605.37	177	\$304,330.20	\$0.006
Atascosa	\$286,829.60	205	\$454,833.00	\$0.02
Austin	\$58,445.35	30	\$149,550.00	\$0.0053
Brown	\$38,567	52	\$314,031.20	\$0.0025
Callahan	\$39,812.24	12	\$69,154.80	\$0.01333
Cameron	\$780,741.86	1,399	\$1,542,602.08	\$0.01
Crosby	\$12,234.91	37	\$144,467.00	\$0.0055
Delta	\$8,524.47	13	\$65,000.00	Delta County is over the constitutional cap of 80 cents. However, if they were to increase taxes it would be .00783.
Dewitt	\$39,775.91	36	\$51,002.32	\$0.00628
Eastland	\$17,076.50	11	\$41,916.52	\$0.005
Fannin	\$227,390.33	205	\$405,658.48	\$0.03
Grayson	\$271,429.85	540	\$1,572,234.89	\$0.0067
Hidalgo	\$3,349,800.31	4,005	\$4,959,984.65	\$0.0262
Jasper	\$71,550.81	140	\$348,296.00	\$0.0055
Johnson	\$437,930.92	388	\$1,351,757.00	\$0.01
Kinney	\$18,451.42	26	\$88,460.00	*
Kleberg	\$480,547.38	220	\$597,147.12	\$0.0
Medina	\$232,404.28	200	\$660,833.44	\$0.0023
Montague	\$52,969.87			*
Morris	\$8,734.71	38	\$140,841.05	\$0.004
Runnels	\$715.44	1		*
San Patricio	\$453,406.53	395	\$963,590.10	\$0.0288
Tom Green	\$197,399.70	350	\$1,325,920.50	\$0.0075 will shut it down without assistance.
Trinity	\$15,352.00	28	\$28,000	\$0.01
Van Zandt	\$26,503.69			*
TOTAL:	\$7,223,212.12			

* Information not available at press time.

Attorney General Opinions



GA-0065: Honorable Robert Duncan, Chair, Senate Jurisprudence Committee Texas State Senate, whether the Texas Water Advisory Council is subject to the requirements of the Public Information Act, chapter 552 of the Government Code (RQ-0632-JC). **Summary:** The Texas Water Advisory Council is subject to the Public Information Act, chapter 552 of the Government Code.

GA-0070: Honorable Michael J. Guarino, Criminal District Attorney, Galveston County, whether, under chapter 271 of the Texas Local Government Code, Galveston County may use design-build contracts and lease-purchase agreements to construct thermal energy plants for building complexes (RQ-0630-JC). **Summary:** A thermal energy plant built to facilitate a building complex is a 'facility' under subchapter H, chapter 271 of the Texas Local Government Code, so that it may be built using the design-build method of construction. Galveston County does not have implied authority to enter into a sale and leaseback or lease and leaseback of property to acquire a thermal energy plant in connection with a jail facility.

GA-0072: Honorable Frank Madla, Chair, Intergovernmental Relations Committee, Texas State Senate, whether a well that was installed

prior to Sept. 1, 2002, but that was capped and will not be used to produce water until some indefinite time after that date, is a "public water supply well" exempt from regulation by the Trinity Glen Rose Groundwater Conservation District (RQ-0631-JC). **Summary:** A well that was installed prior to Sept. 1, 2002, but that was capped and is not used to produce water for a public water system, is not a "public water supply well" exempt from regulation by the Trinity Glen Rose Groundwater Conservation District under section 16(a)(2) of House Bill 2005. See Tex. Water Code Ann. § 36.001(18) (Vernon Supp. 2003). Once the well is uncapped and produces the majority of its water for use by a public water system, however, it will be exempt from regulation by operation of section 16(a)(2) if the Texas Commission on Environmental Quality approved plans for the installation of the well before Sept. 1, 2001, and the installation of the well was completed in accordance with the approved plans and the Commission's technical requirements for use as a public-water-system groundwater well before Sept. 1, 2002. See Act of May 27, 2001, 77th Leg., R.S., ch. 1312, § 16(a)(2), 2001 Tex. Gen. Laws 3222, 3226. The fact that a well was capped and did not produce water for a public water system prior to Sept. 1, 2002, would not disqualify the well for the exemption. ■



RQ-0039-GA: Honorable Frank J. Corte Jr., Chair, Defense Affairs and State-Federal Relations, Texas House of Representatives, whether the legislature may authorize the operation of video lottery terminals.

RQ-0043-GA: Honorable Leslie Breeding, Roberts County Attorney, authority of a commissioners' court to consider competing petitions for a fresh water supply district.

RQ-0047-GA: Honorable Sylvester Turner, State Representative, Texas House of Representatives, meaning of the phrase "death in custody" for purposes of article 49.18, Code of Criminal Procedure.

RQ-0048-GA: Honorable Marsha Monroe, Terrell County Attorney, permissible use of venue tax funds.

RQ-0049-GA: Honorable Peggy D. Rudd, Director and Librarian, Texas State Library and Archives Commission, whether a

water supply corporation is subject to the Local Government Records Act and certain other statutes regarding records.

RQ-0050-GA: Honorable John W. Smith, District Attorney, Ector County, authority of a commissioners court to impose a hiring freeze: Clarification of Attorney General Opinion GA-0037 (2003).

RQ-0051-GA: Honorable Bruce Isaacks, Criminal District Attorney, Denton County, whether Denton County may access driver's licenses' magnetic stripe information to assist in its early voting process.

RQ-0052-GA: Honorable José R. Rodriguez, County Attorney, El Paso County, whether a private process service may serve process in a forcible entry and detainer suit.

RQ-0053-GA: Honorable William C. Bennett, Jr., Criminal District Attorney, Madison County, whether a county jail inmate may perform work in the jail for private individuals in exchange for compensation. ■

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 a 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. For an entry form, visit <http://www.county.org> or call Shayla Fleshman at 800-456-5974. ➡

Multi-jurisdictional Drug Task Forces Lose Funding in HB 1

While debating the merits of the general appropriations bill HB 1 last month, Rep. Terry Keel offered up an amendment that would prohibit the criminal justice division of the governor's office from awarding a grant to a multi-jurisdictional drug task force. The amendment was adopted and remains in the House version of HB 1, but not in the Senate version. Both versions of HB 1 are currently undergoing great scrutiny in conference committee. According to the Sheriffs Association, "this current grant year 46 multi-jurisdictional task forces were grant funded for a total of \$28,229,031. Currently there are 480 full time and 6 part-time sworn officers paid with grants funds."

The Sheriffs Association points out in a legislative alert sent out April 24 that "the multi-jurisdictional task force concept for Texas was developed in the mid 1980s to specifically attack the problem of drug use and sales at the community level. Cooperative agreements with a variety of law enforcement agencies augmented with funding from the State for additional officers, equipment and facilities made for an effective means to fight drugs at the local level." According to Chris Kirk, Brazos County Sheriff and legislative chair for the Sheriffs Association, "the greatest

impact of not funding the multi-jurisdictional task forces would be the loss of over 500 sworn officers."

The language in Rep. Keel's amendment was originally in HB 801, which was referred to the House Law Enforcement Committee in February. However, the house bill has not yet been scheduled for a public hearing.

These multi-jurisdictional task forces play a critical role in your local community. If you wish to see funding continued for these programs, contact the conference committee members.

House Conferees:

Chairman Talmadge Heflin, Vice Chair Vilama Luna, Rep. Jim Pitts, Rep. Sylvester Turner and Rep. Arlene Wohlgemuth.

Senate Conferees:

Chairman Teel Bivins, Vice Chair Judith Zaffirini, Senator Robert Duncan, Senator Steve Ogden, and Senator John Whitmire.

For more information, please call Sue Glover at 800-456-5974 or via e-mail at SueG@county.org, or Jozette Maxwell at JozetteM@county.org. 🗺️

[From the Desk, continued from page 12]

Semanticist and routing county bills through the TAC clearinghouse process, members of the Legislature should be encouraged to employ the use of Legislative Findings as part of the law. In other words, at the beginning of a chapter of new law, the body of the law would include something like: "The legislature finds that the purpose of this chapter is ..." By doing so, readers would have the benefit of the scope of the context, and, therefore, a better chance of comprehending the intent of the written word and the length of the arm of the law. **Facts of Life** – at a cocktail party, one woman said to another: "Aren't you wearing your wedding ring on the wrong finger?" The other woman replied: "Yes, I am. I married the wrong man." **Support County Government – it's the pulse of the people!** 🗺️

[Acquiring Roads, continued from page 5]

public hearing to discuss road acquisition. Counties must also notify landowners via postal mail by sending notices in tax statements.

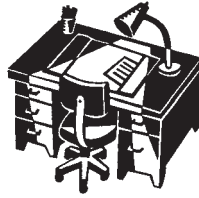
Landowners would have two years to respond in protest before a county could claim a road under HB 1117.

For more information, call Jozette Maxwell at 800-456-5974 or via e-mail at JozetteM@county.org. 🗺️

From the Legislative Desk

By Carey "Buck" Boethel

Director of Governmental Relations



Agency poor – the use of an agent (one who is authorized to act on behalf of others) is, of course, prevalent in America. Countless systems, whether government (elected representatives), business (proxy), industry (union delegates) or other sectors of community and individual circumstances (real estate agents and power of attorney), involve the authority of an agent. Lobbyists are agents hired to educate lawmakers and influence the outcome of laws on a particular subject. **Laying down the law** – the use of several lobbyists or lobby teams is not an infrequent practice because of the growing complexities of special interest groups, the ever-expanding dynamics of legislative activity and technological advances in processing the written word. These "words," as reflected in the journals of the Texas Legislature, ultimately govern our lives in countless ways including defining crimes and granting

privileges. **The tyranny of words** – this legislative session it is not uncommon to see lawyers, agents, lobbyists and other governmental representatives wandering around with furrowed brows scratching their frontal lobes in agony as they try to decipher the meaning of "legislative words." This observable fact, whether a curse or an opportunity, will pose a serious challenge to the efficacy of the legislative process in sessions to come. Words of art (special meaning derived from a deliberative process, usually an appellate court) have, for decades, been used to confirm the meaning of words in a particular context.

The pen is mightier than the sword – now, it appears, there will be yet another indispensable agent in the legislative process – the Semanticist – a specialist trained in the meaning of language. Courts have used them to determine the legislative intent of language used in a statute. A few "words of art," unless their meaning is widely known, seem to present the greatest danger because there are less nouns and verbs to help you understand terms such as "unit of government," "political subdivision," "governing body," "benefit," "notice" and "actual knowledge." The **TAC Legislative Clearinghouse** – aside from the use of a

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



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