

County *issues*

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Interim Charges Assigned

House Speaker Tom Craddick recently assigned the 2003-2004 interim charges with public hearings expected to begin after the first of the year. For a complete list of House interim charges, go to www.county.org and under the Legislative News section click on *Texas House of Representatives, Interim Study Charges 2003-2004 (.pdf file)*. Interim charges for the Texas Senate have yet to be released but are expected by the end of the year.

Listed below are interim charges pertinent to counties:

Agriculture and Livestock

As part of the state's on-going efforts to meet its current and future water needs, the committee is directed to assess the state's brush control efforts to ensure that available programs and funding are utilized to fulfill their maximum potential and also to examine the impact of invasive aquatic plants (hydrilla, water hyacinth, etc.) and animals (zebra mussels, etc.).

Appropriations

Charge #7 directs the committee to review the "effectiveness, efficiency and funding mechanisms of the community supervision and parole supervision systems." Under the charge, the committee is directed to work jointly with the House Corrections Committee. Both committees will also review accountability for programs administered through CSCDs and the possibility of creating a progressive- sanctions model for the adult criminal justice system.

Border and International Affairs

Charge #7 directs the committee to work with House Transportation Committee in studying all existing legislation that affects transportation infrastructure development in areas adjacent to the Texas-Mexico border. With NAFTA traffic being a big concern for counties, this interim charge should give local governments an opportunity to offer insight and helpful direction.

Business and Industry

Charge #1 directs the committee to study ways to reduce specific cost drivers under the workers' compensation system related to provider, surgical and physical therapy services or care and the reduction of return-to- work time periods. The committee will also actively monitor the activities of the Texas Workers' Compensation Commission in the continued implementation of HB 2600, 77th Legislature and workers' compensation legislation passed during the 78th Legislature.

[Please see Interim Charges, continued on page 2]

[Interim Charges, continued from page 1]

In addition, the committee will study the potential impact on the cost and quality of medical care through employer and/or insurance carrier selection of initial treating doctor and change of doctor in the workers' compensation system.

Corrections

There is a committee charge to study the criminal justice mental health initiative related to jail diversion which is tied to some state funding. The committee is also likely to study Rider 2 of the appropriations bill under the Commission on Jail Standards' budget. The rider addresses the need to study how county jails are assessing and determining the mental health status of incoming inmates. This study under the rider and the interim charge are to be conducted in coordination with the Texas Correctional Office on Offenders with Medical and Mental Impairments (TCOOMMI).

County Affairs

Charge #1 directs the committee to study ways to increase efficiency and provide for greater local control through restructuring county government. Charges to restructure county government will no doubt draw a number of interested parties with a range of opinions and objectives.

Charge #3 reads as follows: Review the proliferation of sub-standard housing in counties not covered by the Local Government Code, Chapter 232, Subchapters B and C, and ways to bring these areas up to minimum standards. Current law allows border counties and other counties meeting certain unemployment and poverty criteria to exercise some additional subdivision platting authority. This is authority all other counties (those operating under Subchapter A) lack, despite the fact that substandard housing is by no means found exclusively or even primarily along the border or in those certain other areas.

Charge #5 directs the committee to "study the concept of ways to limit unfunded state mandates". Under charge #5, the committee will review what other states have done in statute and via constitutional amendments to address the issue. Hearings held to discuss this charge will give counties an opportunity to help committee members understand how unfunded and under-funded mandates affect county budgets.

County Affairs will also be studying fees and fines to determine if they are at appropriate levels and the money is being applied as it is intended.

Criminal Jurisprudence

Charge #3 directs the committee to review Articles 2.13 and 14.03 of the Code of Criminal Procedure. Specifically, the committee will review each article as they relate to a peace officer's authority to act outside the officer's "geographic or territorial jurisdiction".

Defense and State-Federal Relations

The committee will monitor the development of a Homeland Security Strategy as set forth in HB 9, 78th Legislature, under the Office of the Governor and identify ways to bring homeland security missions to Texas.

Economic Development

The 78th Legislature's SB 275 turned the Texas Department of Economic Development into the Texas Economic Development and Tourism Office and placed it under the Governor's office. Charge #2 directs the committee to review the state's role in tourism and the effects of moving tourism functions within the Governor's office under SB 275 and to examine how the state can assist rural communities in the promotion of tourism. Charge #6 directs the committee to evaluate the state's role in serving economic development interests in rural Texas after the passage of SB 275 and other economic development legislation from the 78th Legislature.

Elections

The committee will be reviewing the implementation of and compliance with HAVA (Help America Vote Act), the federal elections bill. This committee will also be studying the risks, costs, and benefits of rewriting the entire Texas Election Law. The implementation process of the ethics bill, which passed during the 78th legislature (HB 1606 by Wolens), will be monitored by the interim committee.

Environmental Regulation

Although in recent years counties and other authorized agents have been actively involved in septic tank statutes and rules, the committee has been charged to conduct a study on the regulation, design, planning, construction, installation, operation, licensing, maintenance, and inspection of on-site sewage disposal systems. The committee will also monitor the implementation of HB 1365, the 78th Legislature's TERP bill (Texas Emission Reduction Plan) as well as the role of

[Please see Interim Charges, continued on page 4]

Unfunded Mandates Resources Posted on Web: Grassroots Plan is Underway

At the request of numerous county officials, the following documents have been posted on the www.county.org web site, under the Legislative heading of Policy Analysis Group – Unfunded Mandates Initiative. The documents are in relation to a movement to raise public and legislative awareness on the issue of unfunded and under-funded mandates.

- County resolution
- Press releases and newspaper clippings
- Primary referendum information
- Examples of current and past legislation and unfunded mandates

The Policy Analysis Group's (PAG) Subcommittee on Unfunded Mandates has begun a campaign to facilitate awareness of the issues among the general public. **The Goal** – to help educate local taxpayers on the legislative process, local implementation and effects of state-to-county financing.

On October 16th the subcommittee met to discuss options for bringing attention to the ongoing issue of legislative actions resulting in unfunded and under-funded mandates and how those mandates affect local governments and taxpayers. **The Result** – a grassroots initiative organized by county officials to place a non-binding referendum, to be known as the Taxpayer Protection Act, on the ballots of the March

primary elections.

The statutory role of the Texas Association of Counties is that of an information provider between, and at the request of, the legislature and county official state associations (LGC, §89.002). In this capacity, TAC has received requests from county officials asking for assistance and information regarding commissioners court resolutions, current and past legislative mandates, and basic information to support and substantiate the initiative.

The Plan – the full PAG met on November 16-17 to discuss options for organizing the efforts of their county official peers in tackling the enormous task of gaining statewide support and attention. The group determined the quickest and most effective route for county officials to take in meeting their goals of educating taxpayers and providing information to state legislators is to gain the support, via resolution process, of each county official state association and each county Democratic and Republican Party Chair. The supporting resolutions will be forwarded to the State Party Executive Committees for consideration of placing the non-binding referendum on the ballots.

For questions or comments, please contact Laura Kinder at (800) 456-5974 or via email to LauraK@county.org. 🗺️

Election Bill Passes Third Special Session

House Bill 1 (by Denny) passed the 78th third called session (78-3) and becomes effective Jan. 11, 2004, with the exception of Section 1, effective Jan. 1, 2005. The bill cleans up conflicting legislation that passed during the 78th regular session (78-R) and in general, amends several sections of the Election Code.

Section 1 of the bill (eff. Jan. 1, 2005) amends Section 41.001(a) of the Election Code by changing the May uniform election date for general or special elections back to the first Saturday in May. House Bill 1549 by Denny (78-R) changed the May uniform election date to the third Saturday in May, and HB 1 (78-3) changed it back to the original first Saturday in May.

To allow for the use of the newly established

congressional districts, Section 6 of HB 1 addresses the *temporary* date changes for the 2004 general and presidential primary election. For 2004, the general primary election will be March 9, which is the second Tuesday in March. In subsequent even-numbered years, the general primary election will be held on the first Tuesday in March, according to HB 2496 (by Branch, 78-R).

The bill also amends Section 41.007(b), stating that the runoff primary election date will be the second Tuesday in April following the general primary election. For 2004, the runoff for the primary election will be held April 13. This section of HB 1 clears up other elements of the conflicting legislation mentioned above: House Bill 1549 by Denny changed the runoff primary election date to the third

[Please see Election Bill, continued on page 7]

[Interim Charges, continued from page 2]

compliance histories and incentives for entities regulated by the Texas Commission on Environmental Quality.

Government Reform

The committee will monitor the implementation of HB 7, the state government reorganization bill passed by the 3rd called session of the 78th Legislature.

Health Care Expenditures

Charge #1 directs the committee to monitor collection of designated trauma care surcharges as established by HB 3588 Driver Responsibility Act. The committee will specifically evaluate the funding and distribution of funds to trauma care facilities.

Judicial Affairs

The committee will review current court fees and determine if any adjustments need to be made to the court fee structure. Also of interest, the committee plans to revisit an issue brought up during the regular session related to the defeated legislation, HB 1433 (by Chisum) regarding the drawing of juries from the pool of registered voters versus licensed drivers. This committee is also assigned to perform a needs assessment and cost analysis of the visiting judge program in the state, as well as devise a system for determining when a new district court or county court-at-law is necessary.

Land and Resource Management

The committee is directed to study the effect of the changes made by the 76th Legislature's municipal annexation bill, SB 89, and determine if any further changes to the law are needed. The committee is also charged with evaluating the need for a purchase of development rights (PDR) program in the state and potential state, local, and private funding mechanisms. These programs are designed to maintain agricultural lands and open space in their continuing functions.

Law Enforcement

Charge #1 directs the committee to review requirements for incoming peace officers, police administration and police academies. Under this charge, the committee will also review the current initial and continuing education training requirements for adequacy and effectiveness.

Charge #2 directs the committee to look at home alarm systems and how law enforcement (and private

security agencies) interact when responding to them. This charge further directs the committee to determine what "the appropriate response to home alarms" should be for responding agencies.

Charge #3 directs the committee to examine the efficiency of the licensing process for concealed handguns.

Local Government Ways and Means

The committee is directed to examine the system of appraising property for tax purposes, specifically include an examination of the appeals process, the application and effects of the rollback rate and the limit on annual tax increases of all property.

Natural Resources

The committee will assess the Edwards Aquifer and the authority governing it, especially the ability of the authority to meet or alter pumping limits. The committee will also examine TCEQ's authority to amend, interpret or modify certain water contracts, a part of the larger picture of water marketing and the absence of a regulatory framework for such. The committee will also evaluate the availability and cost effectiveness of using brackish water (desalinization) as a means of meeting the state's water needs.

Pensions and Investments

The committee is charged to study the risks, benefits, and impact associated with the "retire in place" practice as it relates to the County and District Retirement System, the Municipal Retirement System, the Employees Retirement System, and the Teacher Retirement System.

Redistricting

The committee will consider modifications to the districts of district and county attorneys.

Regulated Industries

The committee will examine a range of issues related to broadband service, including its deployment in a competitive communications marketplace, access to rights-of-way and easements, broadband infrastructure platforms (e.g., cable, satellite, fixed wireless, DSL), and encouragement of investment in broadband networks through public policy changes.

State Affairs

House State Affairs will study an issue that was

[Please see Interim Charges, continued on page 5]

[Interim Charges, continued from page 4]

introduced during the regular legislative session (SB 331 by Brimer) relating to the gathering of statistical information surrounding judicial proceedings to bypass parental notification of a minor's abortion. Senate Bill 331 would have required the Texas Supreme Court to adopt rules governing the collection of statistical information on a regional basis on the number of applications and appeals submitted for a judicial bypass, and how many were granted, denied, or granted due to a court's inaction. This statistical report, had SB 331 passed, would have been made available to the public in an aggregate form.

Because identity theft continues to be a concern at the legislative level, this committee will review all issues related to the public disclosure of social security numbers in circumstances without the individual's written consent.

State Cultural and Recreational Resources

The committee will examine rules, regulations and statutes governing Texas Parks and Wildlife and the department's responsibilities. The committee will also research the regulation and control of scenic by-ways and billboards.

Transportation

Charge #3 directs the committee to work with the Senate Infrastructure and Development Committee in monitoring and reviewing TXDOT's rulemaking process regarding HB 3588 (Trans Corridor Plan). Other direction given to both committees calls for them to monitor TXDOT's promulgation of policies and procedures for the Trans Corridor Plan as well as "implementation of programs, and other activities related to the implementation of HB 3588, 78th Legislature." Committee involvement in the rulemaking and implementation of HB 3588 should help to ensure that legislative intent doesn't get overlooked during the agency process.

Ways and Means

The committee will monitor the fiscal impact to the state due to interstate sales and monitor Texas' involvement and implementation of the Streamlined Sales Tax Project. The committee will also actively support the Select Committee on Public School Finance in their deliberations on developing an alternative system of public school finance. 🗡️

Counties Urged to Review and Offer Comments Regarding TXDOT Proposed RMA and Toll Road Rules

Now that House Bill 3588 (Texas Transportation Corridor Plan) has passed, the state agency process of drafting rules for implementation has begun. Considered by some to be as important as the legislation, agency rulemaking surrounding bill implementation has traditionally been a process that seeks public input and direction.

The lead agency drafting the rules for HB 3588 is the Texas Department of Transportation (TXDOT). TXDOT recently announced they are seeking comment on proposed rules regarding regional mobility authorities (RMAs) and toll road facilities in the state. Specifically, the Texas Transportation Commission, which oversees TXDOT, is requesting comment on rules designed to ultimately allow TXDOT: "...to convert non-tolled highways to toll facilities or authorizing a regional mobility authority or county to do so."

Those wishing to comment on the rules may do so in writing no later than **Monday, December 15, 2003**.

Written Comments Should Be Mailed to the Following Address:
Texas Department of Transportation

Attn: Mr. Phillip E. Russell, P.E.-Director, Texas Turnpike Authority Division
125 East 11th Street, Austin, Texas 78701-2483

To view proposed rules and TXDOT's analyses for each of the sections proposed please go to the following website:
<http://www.txdot.state.tx.us/nsot/rules.htm>

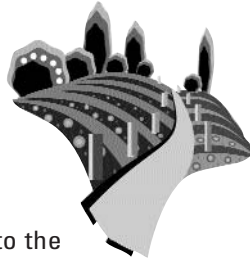
Issues that will be decided and regulated by adopted rules will include how local government participation, liability, access and revenue sharing will be handled. Other issues that may be decided will focus on how counties not directly involved in RMAs have a say in the overall process.

If you have questions or would like to receive material explaining RMAs and how counties can participate in a RMA, please contact Jozette Maxwell at the number or email address listed below.

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

Resources, Naturally

By Paul J. Sugg
Legislative Liaison



OF STATE LANDS AND PRIVATE VENTURES

A state agency's explorations into the possibility of leasing public lands to a private entity for the purpose of pumping and selling the groundwater underneath the land has raised serious concerns in parts of Far West Texas and beyond.

Rio Nuevo Ltd., a partnership of Midland and Austin investors, has made an offer to the School Land Board to develop and market water pumped from state lands. The School Land Board, an affiliate of the General Land Office, is responsible for the oversight of certain Texas public school lands, including their management, leasing and sale. The board has recently held a close-door meeting to discuss the proposal of the Rio Nuevo group to lease over 600,000 acres of land in six Far West Texas counties—Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, and Presidio—and sell the water they pumped out from under the state lands.

Once they got wind of the proposed deal, local folks raised a fuss, including elected officials and members of the regional planning group, and Sen. Frank Madla, who represents that part of the world, sent Land Commissioner Jerry Patterson a letter expressing his concerns about the proposal. Madla reminded Patterson that the recharge rates for aquifers in that part of the world are minimal at best and any large-scale pumping of them would have a devastating effect on the natural systems and the human and other critters dependent on them. He further expressed strong objections to the fact that local elected officials, groundwater district officials, and local residents had not been provided an opportunity to express their views on the proposal. He requested that the GLO stop any other consideration of the Nuevo Rio proposal until a forum could be set up to hear from interested parties.

In a subsequent letter to Patterson, Madla submitted a list of questions regarding the proposal. He asked about the role local groundwater districts would play, the adherence to statutory bidding procedures, whether any public hearings had been held, what studies had been conducted to determine the effect such pumping would have on the aquifers in question, what efforts had

been made to ensure that any water pumped not leave the state, and whether the Far West Texas Regional Water Planning Group had been consulted. Madla asked Lieutenant Governor Dewhurst for the appointment of an interim committee to study water marketing (see related story in this issue: "Lieutenant Governor Appoints..."). Ag commissioner Susan Combs has also expressed reservations about the Rio Nuevo deal, especially the impact such a proposal might have on farmers and ranchers in the area.

The land commissioner has since released a document containing ten key points he says will "...serve as a foundation for further discussion on water development in West Texas." Among other things, any development plan must be consistent with the state water plan, must comply with all applicable current rules of affected groundwater districts, and impacts on existing uses are subject to local regulatory approval or adequate mitigation. He has also announced he will chair a public meeting in Alpine on Dec. 2 to hear comments on the proposal.

Commissioner Patterson has stated that the development of water on state lands is a priority of his: he believes pursuing this idea will provide a new stream of revenue for public education. It is a worthy thing to look for new ways to fund our public schools and that is certainly one of his responsibilities of office; but there is such a bitter irony to the thought that in providing our children with such funds, we might deny them a portion of their natural heritage.

State lands under proper stewardship have for many years provided invaluable funding to public education through the sale and lease of public lands and the oil, gas and other minerals under them, including to a limited extent, even water. For this stewardship, both the current and past land commissioners should be praised.

As a people with an eye to the future of our state, we must resist the growing pressure from some quarters to consider water simply as another commodity to be freely bought and sold. In a priceless quote he made recently at a water summit, Sen. Robert Duncan said "I don't believe water is a commodity. It's not oil. It's more like blood." 🗡️

May Local Government Entities Regulate Hunting?

In a request from the Texas Parks and Wildlife Department (RQ-0116-GA), Executive Director Robert Cook has asked the Attorney General's office for an opinion regarding the exclusivity of TPWD's authority to regulate hunting in Texas. More directly, he asks: "may a city, county, or other local governmental entity prohibit hunting when the Parks and Wildlife Commission has declared an open season in that locality?" The opinion request is specifically inquiring about the authority of the city of Galveston to enact an ordinance to prohibit the hunting of sandhill cranes in the city; however, the broader scope of the issue could effect hunters and hunting regulations statewide.

Executive Director Cook cites several AG opinions issued over the years that address the authority of the commission and the department:

- **H-613**, 1975, concluded that an incorporated city may not adopt ... limits... which differ from those imposed by the commission, and noted that "the legislature had conferred on the Parks and Wildlife Commission the authority to prescribe the 'manner in which *wildlife resources* may be lawfully taken'".
- **LO-98-064**, 1998, stated that a water district "may not attempt to regulate any of the matters over which the [Act] gives [TPWD] exclusive jurisdiction." Furthermore, the Act stated that TPWD "has sole authority to regulate the... times when... and means, methods, and places for taking or possessing fish...". "Similar reasoning would apply to the regulation of hunting, since the Act expressly applies to game animals and game birds, as well as aquatic animal life.
- **JC-0048**, 1999, determined that a home rule city may not prohibit the killing of [feral pigeons] because the Parks and Wildlife Code specifically provides that ... may be killed at any time. The determination was based on the well-established proposition that a city may not by

ordinance forbid what a statute allows.

Some local governments may regulate the discharge of firearms in their jurisdictions, as allowed by statute. For example, Local Government Code Section 235.022 states "To promote the public safety, the commissioners court of a county by order may prohibit or otherwise regulate the discharge of firearms on lots that are 10 acres or smaller and are located in the unincorporated area of the county in a subdivision." Nevertheless, the authority to regulate hunting has been delegated to the commission and the department by the Texas Legislature.

The Parks and Wildlife Code states that the Texas Parks and Wildlife Commission has policymaking authority while the management of said policies are the responsibility of the Texas Parks and Wildlife Department. The purpose of the Parks and Wildlife Code, also known as the Wildlife Conservation Act of 1983, is "to provide a comprehensive method for the conservation of an ample supply of wildlife resources on a statewide basis to insure reasonable and equitable enjoyment of the privileges of ownership and pursuit of wildlife resources" (§61.001 - 61.002). The duty to regulate hunting and fishing in the State of Texas is placed with the commission which "shall regulate the periods of time when it is lawful... and the means, methods, and places in which it is lawful... to hunt, take, or possess game animals, game birds, or aquatic animal life in or from the places covered by this chapter." The commission also "shall provide open seasons for the hunting, taking, or possession... if its investigations and findings of fact reveal that open seasons may be safely provided or if the threat of waste requires an open season to conserve game animals, game birds, or aquatic animal life."

For more information relating to this article, contact Laura Kinder at (800) 466-5974 or via email to LauraK@county.org. 🗺️

[Election Bill, continued from page 3]

Tuesday in April and HB 2496 by Branch amended the same statute requiring the runoff primary to be held the first Tuesday in April.

House Bill 1 clears up further conflict between HB 1549 and HB 2496, both of which amended Section 67.003 of the Election Code. House Bill 1 changes the dates for local canvassing, directing that it be conducted not earlier than the eighth day or later than the eleventh day after election day. Also, to ensure all ballots are counted, the early voting ballot board is required to meet to count mail-in

ballots on the sixth day after the date of an election, or earlier if the early voting clerk determines that all mail-in ballots have been received from outside the United States.

Election Code, Section 86.007(d) is amended to require that all ballots coming in from another country must be counted if they are received five days after the date of the election.

For additional information regarding this article, contact Teresa Aguirre at 800-456-5974 or TeresaA@county.org. 🗺️

Connect to Your Future

2004 Courts and Local Government Technology Conference

JANUARY 28 & 29, 2004 (*Pre-Conference Training Jan. 26 & 27*)

Produced by the Texas Association of Counties

The Courts and Local Government (CoLoGo) Technology Conference brings local government policy makers and IT professionals together to exchange lessons learned in buying, supporting, and managing IT systems. Held in conjunction with the prestigious Government Technology Conference (GTC), attendees will learn about interfaces to data and services; software to serve government and the public; the untethered world of wireless technologies and more.

The measurable benefits highlighted below are just the tip of the iceberg and do not include the full conference program, the GTC vendor exhibition and the receptions.

CONFERENCE HIGHLIGHTS:

- *Courtroom 21* - A special demonstration featuring the paperless courtroom of the future. It's not as far away as you may think.
- Our pre-conference program features two concurrent IT tracks on Monday and Tuesday at the new Hilton Austin.
- Win approval for your tech investments after hearing "Educating purse string holders of IT needs and writing effective RFPs."
- Save months of research by learning how to find software vendors and prepare purchasing specs.
- Cut down on hours of manual research by attending the Lexis Nexis or Westlaw On-line Legal research training.
- Learn the basics of common software, e-mail and so much more.
- Avoid future problems by learning the laws that affect your use of technology.

WHO SHOULD ATTEND

Judges and staff from all courts in Texas
County officials and key-personnel interested in technology
Municipal and local government information technology staff

CONTINUING EDUCATION

Application will be made for continuing education credit for county commissioners, tax assessor-collectors, county and district clerks, sheriffs, constables(TCLEOSE), treasurers and auditors. Our education co-sponsor is the LBJ School of Public Affairs.

REGISTRATION

Registration fee, including two days of pre-conference training, is \$100 before Jan. 1 and \$125 after January 1. For those interested in pre-conference training only, the cost is \$100. Registrations are transferable. Requests for refunds (less \$10 admin. fee) must be received in writing by Jan. 1. Administration fees after that date are one-half of registration fee. To register online, go to www.county.org

HOTEL

The new Hilton Austin Hotel is located at 500 East 4th Street in Austin. For reservations call (800-236-1592) and request space in the "Texas Association of Counties Room Block". The room rate of \$80 single/\$110

double is limited, make your reservation as soon as possible. The guaranteed reservation deadline is January 5, 2004. (Note: There is also a charge for parking per day at the Hilton)

For more information about this Texas Court and Local Government Technology Conference, go to www.county.org or contact the TAC Education Department at 1-800-456-5974. For more information on the GTC conference, see their website at www.govtech.net.

AGENDA

MONDAY, Jan. 26

8:30 - 12:00	CIRA (County Information Resources Agency) Coordinators Meeting
PRE-CONFERENCE TRAINING AT THE NEW HILTON AUSTIN	
Basic Technology Training	
1:00 - 2:30	E-Mail System - Tricks And Traps
2:45 - 3:45	Web Site and HTML Training
4:00 - 5:00	Questions, Answers, and Issues
Track II Technology Training	
1:00 - 2:30	10 Things To Know About When Dealing with Technology Contracts
2:45 - 3:45	Understanding Wireless Connectivity - What's Available and How to Ensure Security
4:00 - 5:00	Resources to Help You Build or Enhance Your Information Technology

TUESDAY, Jan. 27

9:00 - 11:30 a.m.	CIRA Board Meeting
PRE-CONFERENCE TRAINING AT THE NEW HILTON AUSTIN	
BASIC TECHNOLOGY TRAINING	
8:30 - 10:00	Auxiliary Software to Add to Basic Computers
10:15 - 11:30	Basic Computerization of Court Records: How to Get Started
11:30 - 1:00	Lunch on Your Own
1:00 - 2:30	What Is XML And Why Do I Need to Understand It?
2:45 - 3:45	How to Find Software Vendors And How to Set Up Purchasing Specifications

4:00 – 5:00 Effective Bidding and Selling of the Idea to Those Holding the Purse Strings

8:30 a.m. – 5:00 p.m. **TRACK II TECHNOLOGY TRAINING**

8:30 – 10:00 Lexis Nexis On-Line Legal Research Training

10:15 – 11:30 Westlaw On-Line Legal Research Training

11:30 – 1:00 Lunch on Your Own

1:00 – 2:30 Grant Searching: Show Me the Money

2:45 – 4:15 Brief On County Financial Data

4:30 – 5:00 Records Management: Imaging and Indexing

5:00 – 8:00 p.m. Hospitality Suite – Hilton Austin Hotel

WEDNESDAY, Jan. 28, Austin Convention Center

8:30 – 10:00 a.m. GTC General Session

10:30 – 11:30 a.m. Courts and Local Government Technology Conference General Session: Getting the Big Picture: Overview of Government Technology Trends

11:30 a.m. – 1:00 p.m. Lunch on your own

1:00 – 1:45 p.m. Security

1:45 – 2:30 p.m. Privacy

2:30 – 3:15 p.m. Enterprise Architecture – ACE

3:15 – 4:00 p.m. Law that Affect Your Use of Technology

5:30 p.m. GTC Trade Show & GTC Reception

THURSDAY, Jan. 29, Austin Convention Center

8:30 – 10:00 a.m. GTC General Session

10:30 a.m. – noon Texas Courts: Electronic Court Filing On-Line

11:15 A.M. – Noon Information Integration (XML) – Big Picture in Texas

Noon – 2:00 p.m. Lunch on Your Own and GTC Trade Show

2:00 – 2:45 p.m. Update on County Information Resources Agency

3:00- 4:30 p.m. Moderated Panel – Group Discussion on Issues and Solutions
Q&A with Experts in Technology

4:30 p.m. Adjourn

Agenda subject to change)

CO-SPONSORS

Texas Association of Counties' co-sponsors for this program are:

- Texas Municipal Courts Education Center
- Texas Center for the Judiciary
- Texas Justice Court Training Center
- Judicial Committee on Information Technology
- Texas Judicial Academy

2004 COURTS AND LOCAL GOVERNMENT TECHNOLOGY CONFERENCE JAN. 28 & 29, 2004 WITH PRE-CONFERENCE TRAINING JAN. 26 & 27

REGISTRATION FORM

Register online at www.county.org
Registration Fee: \$100 / \$125 after Jan. 1



- ☐ I will be attending both the Courts and Local Government Technology Conference and the 2 days of pre-conference training
- ☐ I will only be attending the Conference.
- ☐ I will only be attending the 2 days of pre-conference training

Name	Title	
County	E-mail	
Address	City	Zip
Phone	FAX	

- ☐ Bill me ☐ Check enclosed (Please make checks payable to Texas Association of Counties)

Mail or fax to: Texas Association of Counties, Attn: Education Department, P.O. Box 2131, Austin, TX 78768-2131 or fax to (512) 477-1324.

If special accommodations are needed, please contact Jan Halverson at (800) 456-5974.

ci

Communicate!

Interpersonal Communications
In the Correctional Setting.

2004 SPRING LAW ENFORCEMENT REGIONALS

Produced by the Texas Association of Counties in conjunction with
The Texas Jail Association. The education co-sponsor: Sam Houston State University



Good communication skills are essential to obtaining inmate compliance without escalation to the use of force. By identifying common problem situations and their practical solutions, this course will provide an opportunity to learn how interpersonal communications skills can aid corrections officers in managing inmate populations. Class participants will be able to increase staff and inmate safety by improving interpersonal communication services.

CONTINUING EDUCATION

This course is one of the intermediate core courses required by TCLEOSE to receive Intermediate Certification as a county corrections officer. TCLEOSE has approved the reduction from the minimum 24 hour course to 16 hours for this training session (#3503). The TAC Law Enforcement Education Committee has approved sixteen (16) TCLEOSE hours.

WHO SHOULD ATTEND

Sheriffs, Chief Deputies, Jail Administrators, Deputies, Jailers and Jail staff

AGENDA

7:30 a.m. Registration	12 noon Lunch on your own
8:00 a.m. Program begins	5:00 p.m. Adjourn

REGISTRATION

This program is free of charge to county employees and is offered on a first come first served basis. Registration forms must be received by TAC at least one week before the program you plan to attend. Mail registration to: Texas Association of Counties, Education Dept., P.O. Box 2131, Austin, Texas 78768-2131 or Fax (512) 477-1324. **Register on the web at: www.county.org**

If you have any questions, call (512) 478-8753 or (800) 456-5974.

2004 SPRING LAW ENFORCEMENT REGIONALS

Fax this form to 512-477-1324 or register on-line at www.county.org

Name _____	Title _____
Address _____	City/Zip _____
County _____	E-mail _____
Phone _____	Fax _____
Date of Birth _____	Soc. Sec.# _____

Are you licensed by TCLEOSE? Yes No (circle response)

Type: 1.Regular 2.Reserve 3.Telecommunicator 4.Elected 5.County Jailer 6.Civilian (circle responses)

The 10 Regional Workshops are being held at a location near you (Check below your preferred location):

- ☐ January 7 & 8 – Rehearsal-Kerrville
nn of the Hills, 1001 Junction Hwy. 830-895-5000
- ☐ February 18 & 19 – Abilene
Ambassador (formerly Embassy Suites), 4250 Ridgmont Drive, (915) 698-1234
- ☐ February 18 & 19 – Victoria
Holiday Inn Victoria, 2705 East Houston, (361) 575-0251
- ☐ February 25 & 26 – South Padre
Radisson, 500 Padre Boulevard, 956-761-6511 or 800-333-3333
- ☐ February 25 & 26 – Tyler
Holiday Inn Select (formerly Sheraton), 5701 South Broadway, (903) 579-8208
- ☐ March 3 & 4 – Waco
Waco Hilton, 113 South University Parks Drive, (254) 754-8484

- ☐ March 3 & 4 – Austin
TAC Event Center, 1210 San Antonio, 512-478-8753
- ☐ March 10 & 11 – Lubbock
Ramada Inn, 6624 IH 27, 806-745-2208
- ☐ March 10 & 11 – Beaumont
Holiday Inn, 3950 I-10 South @ Waldon Road, 409-842-5995
- ☐ March 17 & 18 – Odessa
Holiday Inn Centre, 6201 East Business Loop 20, (915) 362-2311
- ☐ March 17 & 18 – Amarillo
Ambassador Hotel, 3100 IH-40 West, (806) 358-6161



Lieutenant Governor Appoints Select Committee on Water Policy

Lieutenant Governor David Dewhurst has appointed a select committee on water policy, together with subcommittee to examine the lease of state water rights to private entities. The members of the select committee are the following senators: Armbrister (chair), Averitt, Deuell, Duncan, Fraser, Lindsay, Lucio, Madla, Shapleigh, Staples, and Williams. Members of the subcommittee are Madla (chair), Duncan, Fraser, Lucio, and Shapleigh.

The committee is directed to study all issues related to ground and surface water law, policy, and management. Some of the particular charges are as follows:

- The role of federal, state, regional, and local governments, and their coordination in setting consistent, nondiscriminatory water policies;
- The authority of the Texas Commission on Environmental Quality (TCEQ) as it relates to water contracts;
- The role of groundwater conservation districts;
- The regional water planning process;
- The rule of capture;
- Historic use standards;
- Water infrastructure and financing;
- Interbasin transfers and junior water rights; and
- Water marketing.

The subcommittee was formed in response to concerns regarding a General Land Office (GLO)

proposal to allow a private entity to lease permanent school fund and permanent university lands and their water rights for the purpose of developing and marketing water. The subcommittee is charged with the following:

- Analyze the present and future effects of such proposals on local aquifers, historic stream flows, local groundwater conservation districts, and other public and private water interests;
- Study the process by which the GLO considers proposals to lease state water rights, including methodology for holding open meetings, obtaining public input, meeting competitive bidding requirements, and coordination with TCEQ and other governmental units with possible regulatory oversight;
- Study and evaluate the current and future value of water rights that may be leased to private entities, including the value to state, residential and commercial interests;
- Monitor the three desalinization demonstration projects by the Water Development Board as one method of meeting the state's water needs.

The committee is directed to submit its final report by December 1, 2004. The report will also include recommended statutory or agency rule change.

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

Rural Water Technology Conference Scheduled

The Office of Rural Community Affairs, in partnership with the U.S. Army Corps of Engineers, will host a December 2, 2003 conference on water technologies for rural communities. The conference will be held at the Red Lion hotel located at 6121 North IH-35 (at Hwy 290) in Austin.

Water supply challenges are present throughout all parts of the state, but rural communities face additional challenges related to scale or geographic location, plus the burden of increased costs on a static or declining population. This conference will focus on the challenges faced by smaller water utilities in rural areas and water technologies that are available to help meet these challenges.

Conference sponsors hope to benefit individuals and representatives interested in the use of innovative water

technologies in rural communities, including consultants, engineers, system managers/operators, and local officials.

Topics to be addressed include new drinking water standards and technologies for treatment (especially for arsenic, radionuclides, and cryptosporidium), water re-use and recycling, and funding and technical assistance. Panelists will include representatives from the Environmental Protection Agency, the Texas Commission on Environmental Quality, the Texas Water Resources Institute, and the Texas Water Development Board. Commissioner and Chair of TCEQ Kathleen Hartnett White is also scheduled to speak.

For more information, contact Jennifer Allis with ORCA at 512-936-6727 or visit ORCA's website at www.orca.state.tx.us. 🗺️



Washington Watch

By Sue Glover

Governmental Relations Manager

HOMELAND SECURITY GRANTS AVAILABLE FOR FIRST RESPONDERS

On October 1, 2003, President Bush signed the Fiscal Year 2004 Homeland Security Appropriations Act. According to Tom Ridge, Secretary of the Department of Homeland Security (DHS), "through the Department of Homeland Security's Office of Domestic Preparedness, emergency prevention, preparedness, and response personnel will receive over \$4 billion in funding for our nation's homeland security."

According to Dalen Harris with the National Association of Counties, "the DHS has recently announced the availability of \$2.2 billion in grant funding from the Office of Domestic Preparedness (ODP) to enhance the abilities of first responders to prepare,

prevent, respond and recover from terrorist threats."

The \$2.2 billion will fund three programs that provide resources to state and local governments. The first is the State Homeland Security Program which provides funds for homeland security and emergency operations planning, including the purchase of specialized equipment to enhance the capability of state and local agencies to prevent, respond to, and mitigate incidents of terrorism.

The second program is the Law Enforcement Terrorism Prevention Program, which will provide law enforcement communities with funds to support the following prevention activities:

[Washington Watch, continued on page 15]

Water Summit Addresses Ag, Environmental Needs

Several hundred people came to a recent meeting in Austin to discuss the water supply challenges agriculture and the environment face now and will face in the future as the state's population continues to increase. The Texas Water Summit was a presentation of the Texas Agricultural and Natural Resource Summit Initiative. The initiative was created by The Agricultural Program at Texas A&M University in 1993 as a forum to identify and resolve high-priority issues facing Texas agriculture and natural resources.

A brochure developed for and distributed to attendees set forth the basic premise from which the Summit's discussions would proceed: "One thing most Texans agree on is that there is not enough water to meet the demands of every group or interest wanting this precious resource. The state's water planning agencies, researchers, and the private sector all agree that providing water for agriculture, cities, industries, and recreation while protecting the environment will require tough choices." Within this context, the summit focused on these three pressing water issues: meeting future water demands, policy issues relating to water marketing and transfers, and providing in-stream flows for environmental purposes.

Speakers included the executive administrator of the

Texas Water Development Board, Kevin Ward, who presented his agency's perspective on the state water plan and its goal of meeting projected demands over the coming decades. Other speakers provided differing positions on the thorny issue of in-stream flow needs (balancing human and environmental needs) and what role water marketing should play in helping meet needs. A panel of legislators discussed the political problems inherent in balancing competing demands on water supplies and offered no immediate solutions (The panelists were Sen. Ken Armbrister, Sen. Robert Duncan, Rep. Robby Cook, and Rep. Robert Puente).

Several of the legislators expressed concern about the lack of a regulatory infrastructure necessary to oversee water marketing efforts, with Sen. Duncan warning that water cannot be viewed simply as a commodity. "I don't believe water is a commodity," Duncan said. "It's not oil. It's more like blood." Agriculture Commissioner Susan Combs also addressed the group, voicing her concerns that if the price of water becomes exclusively market-driven, agriculture would not have the long-term ability to pay for the water necessary maintain production.

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

Attorney General Opinions



GA-0117: Honorable William C. Bennett, Jr., Criminal District Attorney, Madison County, whether a county jail inmate may be employed privately by county jail personnel (RQ-0053-GA).

Summary: A county jail inmate may not be employed privately by county jail personnel.

GA-0118: Ms. Betty Jez, Austin County Auditor, whether records management and preservation fees collected under section 118.011(b)(2), Local Government Code, may be used to pay salaries in the county clerk's office (RQ-0055-GA). **Summary:** Under section 118.0216 of the Local Government Code, records management and preservation fees may be used to pay the salaries of employees in the clerk's office to the extent that the employees' activities accomplish "specific records management and preservation . . . purposes." Tex. Loc. Gov't Code Ann. § 118.0216(d) (Vernon

Supp. 2003). It is the county clerk's duty to designate what constitutes specific records management and preservation purposes, although records management and preservation fees may not be expended without the county commissioners court's approval.

GA-0121: Honorable Norman Arnett, Stonewall County Attorney, whether the nepotism laws in chapter 573 of the Government Code prohibit the sheriff's office from employing an individual who had been continuously employed in the sheriff's office for more than seven years before marrying the sheriff (RQ-0069-GA). **Summary:** The employment of the sheriff's spouse in the sheriff's office after their marriage does not violate the nepotism laws in chapter 573 of the Government Code when the individual has held that position continuously for five years before the sheriff was reelected and for more than seven years before they married. ■



RQ-0115-GA: Honorable Joe Warner Bell, Trinity County Attorney, whether a city council may prohibit deputy constables from using the municipal jail as a prisoner holding facility for various purposes.

RQ-0116-GA: Mr. Robert L. Cook., Executive Director, Texas Parks and Wildlife Department, whether a local governmental entity, including a home-rule municipality, may prohibit hunting

when the Texas Parks and Wildlife Commission permits hunting in that locality .

RQ-0122-GA: Honorable Bryan Goertz, Criminal District Attorney, Bastrop County, whether Texas Constitution article XI, section 7 bars a county from agreeing to indemnify an appraisal district for the costs of litigation arising from the appraisal district's performance of 9-1-1 services for the county. ■

AG Answers Civil Process Question

Attorney General Greg Abbott issued an AG opinion (GA - 0113) stating a person does not violate Tex. Pen. Code Ann. § 38.16(a) Preventing Execution of Civil Process, by refusing access to a process server into a business's area designated as "private".

In his AG request, Bell County Attorney Richard Miller cited an incident that occurred in which a constable attempted to serve civil process to a defendant who, at his place of employment, refused to exit the company's restricted area, thus avoiding service. Acknowledging the refusal, the constable then attempted to enter the company's restricted area to serve the defendant but was denied access by the personnel director. In response to the personnel director's action, the constable then went to the Justice of the Peace court and swore out a complaint under Section 38.16, Penal Code.

Abbott's response cited a similar South Dakota court

case (Gateway 2000, Inc. v Limoges, 552 N.W.2d 591) in which the ruling cited the Fourth Amendment to the United States Constitution which "...protects the rights of people against unreasonable intrusions by the State...". Abbot also cited G.M Leasing Corp. v. United States 429 U.S. 338,339 (1977) in which the United States Supreme Court held that business premises are protected by the Fourth Amendment. Therefore, when a business clearly defines employee work areas, and it exhibits an expectation of privacy by denying access for safety and privacy reasons, the company is protected by the Fourth Amendment. As a result, the personnel director cannot be convicted of preventing the execution of process in a civil cause.

For more information regarding this article, please contact Rick Thompson at 800-456-5974 or via email at rickt@county.org. 🗺️

[From the Desk, continued from page 16]

Paradoxical profiles – legislative concern about temporary relief is rooted in its own awareness that recent substantial cuts in state appropriations of mandated county programs has caused the need for additional revenue, which for counties is derived principally from property taxes. Over the past decade, the ad valorem tax burden has shifted from approximately 60% on business and 40% on residential to about 50%-50%.

Fiscal problems are not new or unique to Texas: “On may 18th the 56th Legislature went into another costly special session...[L]egislators could not agree on a state budget, let alone where to get the money as they adjourned without solving a \$65,000,000.00 deficit, the most staggering financial problem in Texas history...leaving the state writing ‘rubber checks.’ The people of Texas have reason for bitter disappointment at the failure of the legislature to solve its [major] problems: water, improvement of public education...easing the burdens of city and county government...” [The New Era-Herald, V. 86 N. 73, Hallettsville, Texas, May 1959].

We had better start talking to each other – if the burden of paying taxes is unfairly placed on any group or sector, the well-being of state itself will surely suffer. State leaders and local government officials should develop a joint program of revenue management so that the patchwork of ineffective financial fixes ceases. More than ever before, counties are in a much better position to work with state financial planners on mutual revenue management issues. There is only a given amount of revenue available before the reaching the taxpayer threshold—the juncture where the legitimacy of the system itself becomes the issue.

Information Management – the following comments are a continuation of the discussion on the topic of county records, information and data from the October 2003 volume of County Issues. In similar fashion to that of the state of Texas, county officers have statutory responsibilities to report on the activities of their various offices—principally financial related matters. During the recent sessions of the Texas Legislature, there was a shift in authority to control information on the state level. For instance, the Criminal Justice Policy Council, a state agency that openly reported on prison populations and projected incarceration rates was abolished in the name of government reorganization—presumably an efficiency initiative.

For well over a decade, counties became accustomed, almost dependent, on the detailed and informative reports

generated under the direction of the Council’s statistically savvy Executive Director, Tony Fabello, PhD. Fabello’s data was an indispensable management feature utilized by counties to assure effectiveness in the maintenance, operation and expansion of their jails. Now, the data will be managed internally, that is to say by the Texas Department of Criminal Justice acting in concert with a division of the Governor’s office. Another dramatic transfer of authority came about during the last special session when the legislature stripped the Comptroller of Public Accounts of power to render performance reviews of school districts and state agencies. A good part of any successful venture depends upon having access to, and the use of, information. If the Texas Department of Transportation responds to a request to widen and improve a section of the state highway system, it does not simply proceed to draw the plans and advertise for bids. On the contrary, engineers will gather information, such as traffic counts, to make the proposed project efficient and suitable for its proposed use.

From an efficiency perspective, the better the information, the better the result. Thus, whether in government or in business, reliable information is an indispensable feature in the achievement of a successful outcome. Today, we live in era known as the information age—a setting in which sophisticated technology can yield astounding calculations with amazing accuracy. It is an era where local government is now capable of quantifying its activities and measuring its efficiencies. The costs of processing a filed document, or installing a culvert, can easily be determined.

County government, which is frequently characterized by governmental scholars as a “fractured” structure [the Texas constitution of 1876 called for a row of independently elected officials serving two-year terms functioning in a “checks and balance” system of governance], presents an interesting and challenging environment for the application of modern information management.

Information, as we all know, is power. Those in the know have an advantage over those kept in the dark. This is why individuals, who want to maintain power over others, keep information to themselves. Fortunately, this tactic usually backfires on the person who uses it, [Team Based Project Management, James P. Lewis, AMACOM Press, New York, 1998].

Given that proper data management is an indispensable element of local government efficiency, the

[From the Desk, continued on page 15]

[From the Desk, continued from page 14]

next edition of *From the desk* will examine the dynamics of contemporary management of information which has been captured and legitimately aggregated by the county's governing body.

RMAs – counties are the core structure of Regional Mobility Authorities which were authorized by the Texas legislature last session. The Texas Department of Transportation and a rule making advisory committee, consisting of non-county officials, are fashioning the operational guidelines right now. The period for making comments on the efficacy and appropriateness of the proposed rules has less than 25 days remaining. Failure to submit timely comments causes all sorts of complications down the road, particularly when objections or complaints are made in court, or even before the legislature.

One objective of a RMA is to achieve a highway system that will facilitate the rapid delivery of commercial goods in transit, say from the port of Corpus Christi to a delivery junction on the Texas border with Mexico. Under the currently proposed rules, a Regional Mobility Authority that is, by way of example, composed of the noncontiguous counties of Nueces and Webb, may exclude access by counties in between even though the system runs through them. RMA's also have the power of

eminent domain (condemnation). For more information on the subject, contact Texas Association of Counties legislative liaison, Jozette Maxwell at 1-800-456-5974 or JozetteM@County.org.

TAC Workers Compensation Fund stats – of the projected four thousand five hundred (4,500) claims for the year 2003, roughly forty percent are related to law enforcement activities. The most severe claims are motor vehicle accidents involving high speed pursuits. Every year it seems we lose several deputies in these type of accidents. The claims are by far the most expensive since they involve medical and vocational rehabilitation. This past year over Twenty million dollars (\$20,000,000.00) has been paid to medical providers for county employees injured on the job. Almost another ten million (\$10,000,000.00) was disbursed for wage replacement benefits.

The lighter side – A little boy is sent to bed by his father. Five minutes later... "Da-ad...." "What!" "I'm thirsty. Can you bring me a drink of water?" "No, you had your chance earlier. Lights out!" Five minutes later... "Da-aaaad..." "I'm THIRSTY. Can I have a drink of water?" "I told you No. If you ask again I'll have to spank you." Five minutes later... "Daaaaa-aad..." "What!" "When you come in to spank me, can you bring a drink of water?" 🇹🇽

[Washington Watch, continued from page 12]

- information sharing to preempt terrorist attacks;
- target hardening to reduce vulnerability of selected high value targets;
- recognition of potential or developing threats;
- interoperable communications;
- and intervention of terrorists before they can execute a threat.

These funds may be used for planning, organization, training, exercises and equipment.

The final program, the Citizen Corps Program, will be used to support Citizen Corps Councils with planning, outreach, and management of Citizen Corps programs and activities. States and local communities will be responsible for bringing together the appropriated leadership to form and sustain a Citizen Corps Council.

Texas will receive a total of \$115,793,000 for all three programs. The state homeland security program is allocated \$87,888,000; the law enforcement terrorism prevention program is allocated \$26,079,000; and the

citizen corps council program is allocated \$1,826,000.

The Homeland Security Appropriations Act provides that each state shall obligate not less than 80% of the total amount of the grant to local units of government within 60 days after the grant award. If requested in writing by a local unit of government, the state may retain some or all of the local government unit's allocation of grant funds for purchases made by the state on behalf of the local unit of government.

"States have until early December to complete and submit their applications. Once the application is submitted, a review by ODP will be made and states will be notified of their status. When approved, funds will be made available to each state's designated Administrative Agency (SAA). Thereafter, SAAs must obligate 80 percent of the awarded funding to "units of local governments." Counties should immediately begin to contact their respective SAAs regarding the eligibility and requirements for these funds," Harris said. 🇹🇽

From the Legislative Desk

By Carey "Buck" Boethel

Director of Governmental Relations



Fiscal Friends. The financial relationship between state and county is not easy to explain because their own fiscal policies are not always very clear. Corporate experts maintain that financial success is largely dependant on having a clear mission tied to a solid long-range plan. Those indispensable elements appear to be underdeveloped by the partnership.

"The state of Texas has always teetered close to financial disaster. State deficits were a Texas tradition, even before the state was a state. One of the reasons the state adopted a constitutional amendment in 1942 requiring a balanced budget was the public's distaste for chronic budget deficits in the late 1930's. In 1871, Texans angered by high levies met for four days in Galveston at a taxpayer's convention." [Austin American Statesman, July 27, 2003].

Some of the more "Capitol-savvy" folks say there will be another special session after the March 9, 2004

primary to reform the public education finance system, including the so-called Robin Hood system. However, the essence of a special call is to grant relief to the local property taxpayers.

A huge hairy dog lying beneath the front porch – if the relief plan is the one approved by the Senate last session, a lower state property tax would supplant the current school "Maintenance & Operation" property tax system. The additional revenue required would come from an increase in the sales tax rate applied to a broader base of taxable transactions. However, the relief gained for the local property taxpayer complicates things for cities and counties and the countless, legislatively created, highly prolific, special taxing districts.

Without placing further restrictions on the local taxing entities, the stability and duration of the relief becomes an issue. The members of the legislature would not want special districts "taxing up" the relief, so if increases in the appraised value of real property is not further restricted (by lowering the ten percent cap on homesteads) and the roll back rate is not significantly reduced, tax relief is only temporary.

[Please see From the Desk, continued on page 14]



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