

**Agenda**  
**October 1, 2012**  
**Legislative Workshop**  
**11:30 AM - 2:00 PM**

- 1. Welcome and introductions**
  
- 2. Major policy statements**
  
- 3. Transportation/Diversions**
  
- 4. Health Care**
  
- 5. Judicial/Law Enforcement**

# **Collin County Commissioners Court Proposed Legislative Issues 83rd Legislature**

## **Major policy statements:**

1. A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government.\*
2. Require TCDRS to provide a two or multi-tiered retirement system. Delete the guaranteed return.
3. Commissioners Court approval prior to the creation or expansion of a special district.
4. Encourage the development and adoption of an updated statewide water management plan.

## **Specific County Authority:**

1. Provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities.\*
2. Amend Chapter 313 of the Transportation Code to give Commissioners Court authority to adopt a fee to offset the impact of utility construction that crosses county roads.\*
3. Amend Section 25.0453 of the Texas Government Code to provide explicit authority to utilize electronic court reporting in a Statutory Probate Court.\*

## **Transportation/Diversions:**

1. Put a higher priority on transportation spending in the State Budget.
2. With the exception of constitutionally required diversions, appropriate 100% of gas taxes to transportation infrastructure improvements and maintenance.
3. Require TxDOT to adopt rules creating funding formulas for highway projects utilizing input from planning organizations, transportation officials and local government officials. The formula must include factors such as population, performance measures, safety, vehicle miles travelled, etc.

4. Alternative uses for Local Initiative Project (LIP) and Low Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program (LIRAP) funds such as engineering or construction of turn lanes, heavy equipment fuel conversions, or other projects that will result in better air quality.
5. Fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program.\*
6. Reduce the waits at DPS drivers license offices and encourage the creation of a megacenter in Collin County.

**Health Care:**

1. Support mental health services and funding for Collin County residents.
2. Medicaid 1115 waiver effect on counties.

**Judicial/Law Enforcement:**

1. Address the felony level Drug Court Program for efficiency and constitutional issues of diverting limited assets away from constitutional duties.
2. Issues related to compliance with the Prison Rape Elimination Act of 2003 (PREA) and conflicts with State law. This act provides that 17-year old inmates who are being tried as adults be held in special holding facilities.\*
3. Electronic circulation of Court records including electronic signatures and acknowledgements.
4. Require jail standards be consistent between the State and County facilities.
5. The State should fully fund the pay for visiting judges in the state district courts. \*

\* Indicates that additional information is attached.

## Major Policy Statement #1

A constitutional amendment prohibiting the legislature from adopting any new unfunded mandates on local government.

Issue: The financial burdens placed upon counties by the Legislature in recent decades have become onerous for local property taxpayers – either causing local property tax hikes or reductions in services.

Examples include the 2001 Fair Defense Act, which has doubled the costs for appointed attorneys, with state reimbursement accounting for only about 10 percent of that cost – meaning the local property taxpayers must make up the difference. Another recent unfunded mandate is SB 6 from 2005 that mandated counties must provide attorneys for indigent parents in CPS cases. Other unfunded mandates include indigent health care and requirements for some counties to have mandatory civil service systems.

The State of Texas fights for its rights against encroaching federal mandates. Counties and Texas taxpayers should be protected from additional costly mandates from the state.

### A JOINT RESOLUTION

Proposing a constitutional amendment to restrict the power of the legislature to mandate requirements on local governments.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Article III, Texas Constitution, is amended by adding Section 68 to read as follows:

Sec. 68. (a) In this section, "local government" means a municipality, county, hospital district, or junior college district or a special district created by the action of a municipality or county. The term does not include a school district.

(b) A law enacted by the legislature on or after January 1, 2012, that requires a local government to establish, expand, or modify a duty or activity that

requires the expenditure of revenue by the local government is not effective unless the legislature appropriates or otherwise provides, from a source other than the revenue of the local government, for the payment or reimbursement of the costs incurred for the biennium by the local government in complying with the requirement.

SECTION 2. This proposed constitutional amendment shall be submitted to the voters at an election to be held November \_\_, 2013. The ballot shall be printed to permit voting for or against the proposition: "The constitutional amendment to restrict the power of the legislature from mandating unfunded requirements on local governments."

## **Major Policy Statement #2**

Require TCDRS to provide a two or multi-tiered retirement system.

Issue: The Texas County and District Retirement System only allows for a member entity to operate one retirement system/structure. The County wants to operate two structures, one for existing employees and the second for new employees.

## Specific County Authority #1

Provide Collin County with the ability to adopt and enforce a noise abatement policy in the same manner as cities.

Issue: The County receives numerous calls from residents regarding loud and ongoing noises from rodeos, outdoor gatherings, racetracks, etc. Municipalities have authority to regulate noise levels and the County is requesting that same authority. This can be accomplished by a local bill or could apply statewide.

### A BILL TO BE ENTITLED AN ACT

Relating to regulation of noise nuisances in the unincorporated areas of a County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 250.007 of Chapter 250 of the Texas Local Government Code is added to read as follows:

Sec. 250.007. REGULATION OF NOISE NUISANCES IN UNINCORPORATED AREAS OF A COUNTY.

(a) The commissioners court of a county by order may prohibit, abate, and remove a noise nuisance occurring in the unincorporated areas of the County and may punish by fine the person responsible for the noise nuisance.

(b) a noise nuisance for purposes of this subchapter is defined as the use or operation of an amplification device, speakers, musical instruments, or other loud speaking or noise making device at a business location or private residence which produces a sound in excess of 85 decibels (dB) as measured at the boundary line of the business location or private residence. This section shall not apply to a person or business using a device for the amplification of sound at a stadium which is owned or operated by a municipality or other local political subdivision, or at a church where such device is used for the amplification of bells or similar sound.

(c) The commissioners of a county by order may:

(1) establish a permit system which allows for noise levels above 85 decibels (dB) to accommodate shows, promotions, or other special events located in unincorporated areas of the county; and

(2) establish fees for the issuance of the permits.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39,

Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

## **Specific County Authority #2**

Amend Chapter 313 of the Transportation Code to give Commissioners Court authority to adopt a fee to offset the impact of utility construction that crosses county roads.

Issue: Utility companies cut through or bore under county roads causing damage that must be repaired by the County. In most instances, the damage is not noticeable until the first big rain or until traffic has moved across their patch. The County must employ inspectors to review their work resulting in costs to all taxpayers. Municipalities currently have the authority under Chapter 313 to require a permit and impact fee from utility companies each time they install a new, remove or repair utilities crossing over or under their roads. The County wants that same authority in order to offset County costs.

### Specific County Authority #3

Amend Section 25.0453 of the Texas Government Code to provide explicit authority to utilize electronic court reporting in a Statutory Probate Court.

Issue: The Collin County Probate Court currently utilizes electronic court reporting to capture the official record of proceedings in the courtroom. This utilization allows for greater efficiency by not hiring a full time court reporter when courtroom utilization is not as great as other courts of record. This process is not currently provided for in existing statute.

Sec. 25.0453. COLLIN COUNTY STATUTORY PROBATE COURT PROVISIONS. (a) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(21), eff. January 1, 2012.

(b) The salary of a judge of a statutory probate court shall be paid out of the county treasury on orders of the commissioners court.

(c) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(21), eff. January 1, 2012.

(d) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(21), eff. January 1, 2012.

(e) Repealed by Acts 2011, 82nd Leg., 1st C.S., Ch. 3, Sec. 4.50(a)(21), eff. January 1, 2012.

(f) A statutory probate court has the general jurisdiction of a probate court as provided by Section 25.0021.

Added by Acts 2001, 77th Leg., ch. 692, Sec. 3, eff. Sept. 1, 2001

## **Transportation/Diversion #5**

Fully fund or reduce vehicle fees for AirCheck Texas Drive a Clean Machine Program.

Issue: Aircheck Texas Repair and Replacement Assistance Program, formerly called the Low-Income Repair and Replacement Assistance Program (LIRAP), generated over \$3.7 million in available funds for Collin County residents to repair or replace polluting vehicles. In the 4th quarter of FY12, Collin County residents utilized a total of \$270,000. The remaining funds are rolled over from year to year until returned to the State.

## **Judicial/Law Enforcement #2**

Issues related to compliance with the Prison Rape Elimination Act of 2003 (PREA) and conflicts with State law. This act provides that 17-year old inmates who are being tried as adults be held in special holding facilities.

Issue: New Federal regulations require that juveniles being tried as adults to be held in facilities that do not allow any contact (physical or sight) with adult prisoners. In addition, any detention officers responsible for juveniles may not have responsibilities for adult prisoners on the same shift. These regulations are in conflict with existing state law and result in an unfunded mandate to the County for both staff and facility remodeling requirements.

[http://www.weeklystandard.com/blogs/prison-rape-regulations-cost-7-billion\\_647654.html](http://www.weeklystandard.com/blogs/prison-rape-regulations-cost-7-billion_647654.html)



## COLLIN COUNTY

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May 16, 2012

The Honorable Rick Perry  
Governor of Texas  
State Capitol  
P.O. Box 12428  
Austin, Texas 78711-2428

Dear Governor Perry,

I am writing to provide you with a specific example of an unfunded mandate passed on to Collin County. The 380<sup>th</sup> and 199<sup>th</sup> State District Court benches in Collin County are vacant and their duties are being performed by visiting judges appointed by the Presiding Judge of the First Administrative District.

However, the General Appropriations Act for the 2012-13 Biennium did not provide adequate funding for the visiting judge account, resulting in the requirement that Collin County step in and make up the funding shortfall for these State salaries. In effect, Collin County will be required to pay in excess of \$100,000 in visiting judge salaries for State District Courts in order to keep these State felony courts functioning.

If I can provide more details, I welcome the opportunity. Please contact me directly at [keith.self@collincountytx.gov](mailto:keith.self@collincountytx.gov) if I can answer any questions.

Sincerely,

Keith Self  
County Judge