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500 West 13th Street
Austin, TX 78701

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Policy Committee Meeting

Travis County Building | 700 Lavaca Street Austin, Texas 78701
March 13, 2019

10:30 AM Convene.

1. Welcome, Introductions.

2. Consider the minutes from the February 13, 2019 meeting [pg. 3]

a. Administrative items. Next meeting: At 9:30a.m. on Wednesday, April 17, 2019 at the Travis County Building 700 Lavaca Street, Austin Texas. [Veronikah Sanford]

b. Policy Committee Attendance Record 2019.

Policy Committee Attendance Record 2019									
		01/09/19	02/13/19	03/13/19	04/17/19	05/08/19	06/06/19	08/01/19	11/07/19
Policy Committee Members	County								
Judge Matt Sebesta (Chair)	Brazoria County	V	V						
Judge David Blackburn	Bell County	V	V						
Commissioner Kevin Wolff	Bexar County	P	V						
Judge Eddie Treviño	Cameron County	X	V						
Commissioner Susan Fletcher	Collin County	V	V						
Commissioner Theresa Daniel	Dallas County	V	V						
Commissioner Bobbie Mitchell	Denton County	X	V						
Commissioner David Stout	El Paso County	V	V						
Commissioner Andy Meyers	Fort Bend County	X	V						
Commissioner Ken Clark	Galveston County	V	V						
Judge Bill Magers	Grayson County	V	V						
Judge Lina Hidalgo	Harris County		V						
Judge Richard Cortez	Hidalgo County								
Commissioner Brent Weaver	Jefferson County	V	V						
Judge Hal Richards	Kaufman County		X						
Commissioner Bill McCay	Lubbock County	X	X						
Commissioner Robin Donnelly	Midland County	V	E						
Judge Barbara Canales	Nueces County		V						
Judge Glen Whitley	Tarrant County	V	V						
Judge Sarah Eckhardt	Travis County	V	V						
Judge Bill Gravell	Williamson County	V	V						
Commissioner Kevin Burns	Wise County	V	V						

V - Present | P - Present by Proxy | X - Absent | E - Excused Absence

3. Policy Director's Report. [Adam Haynes]

4. Review bills of interest to date [Adam Haynes]

[pg. 6]

5. Consider changes to the Policy Platform

a. Discussion of Property Tax Reform Legislation [Adam Haynes]

- b. Consideration of Funding for Flood Infrastructure [Gabriela Villareal] [pg. 22]

Recommended Resolution:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Environment / Disaster Relief, Recovery, and Resilience section of the Policy Platform is amended as follows:

Support using state funds for financing disaster mitigation, disaster prevention, disaster recovery, and resilience projects as long as local decision making is preserved to ensure local priorities are met.

- c. Proposed Elimination of the May Election Date [Windy Johnson] [pg. 24]

Recommended Resolution

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Government and Finance section of the Policy Platform is amended as follows:

Retain the current option to hold elections on uniform election dates

6. New business.

12:15 PM Adjourn.

Policy Committee Meeting
Travis County Building | 700 Lavaca Street, Austin, TX 78701

February 13, 2019

Minutes

Members Present

Judge David Blackburn, Bell County
Commissioner Kevin Wolff, Bexar County (Proxy)
Judge Matt Sebesta, Brazoria County
Judge Eddie Trevino, Cameron County
Commissioner Susan Fletcher, Collin County
Commissioner Theresa Daniel, Dallas County
Commissioner Bobbie Mitchell, Denton County
Commissioner David Stout, El Paso County
Commissioner Ken Clark, Galveston County
Judge Bill Magers, Grayson County
Judge Lina Hidalgo, Harris County
Commissioner Brent Weaver, Jefferson County
Judge Barbara Canales, Nueces County
Judge Glen Whitley, Tarrant County
Judge Sarah Eckhardt, Travis County
Judge Bill Gravell, Williamson County
Commissioner Kevin Burns, Wise County

Others Present

Melissa Shannon, Bexar County
Charles Reed, Dallas County
Ender Reed, Harris County
Joe Madden, Harris County
Donna Warndorf, Harris County
Carole Lamont, Harris County
G.K. Maenius, Tarrant County
Chandler Merritt, Tarrant County
Deece Eckstein, Travis County
Peter Einhorn, Travis County
Alexis Tatum, Travis County
Julie Wheeler, Travis County
John Dahill, Texas Conference of Urban Counties
Adam Haynes, Texas Conference of Urban Counties
Windy Johnson, Texas Conference of Urban Counties
Gabriela Villareal, Texas Conference of Urban Counties
Veronikah Sanford, Texas Conference of Urban Counties
Angelo Zottarelli, Urban Counties Consultant

Judge Sebesta called the meeting to order at 9:37 AM

The Committee discussed agenda item 2, Consider the minutes from the January 9, 2019 meeting. On a motion by Judge Glen Whitley and a second by Commissioner Brent Weaver the Minutes were approved as presented.

The Committee discussed agenda item 2b. the next meeting date of 10:30am on Wednesday, March 13, 2019 at the Travis County Building 700 Lavaca Street, Austin, TX 78701.

The Committee discussed agenda item 3, Policy Director's Report.

The Committee discussed agenda item 4, Review Policy Platform.

The Committee discussed agenda item 5, Review bills of interest to date.

The Committee considered agenda item 6, Consider changes to the Policy Platform. On a motion by Judge Bill Magers and second by Commissioner Kevin Burns, the Policy Platform changes were approved as presented.

- a. The Committee discussed agenda item 6a, Discussion of Property Tax Reform Legislation.
- b. The Committee considered agenda item 6b, Countywide Polling Place Program Motion. On a motion by Commissioner Ken Clark and second by Commissioner Theresa Daniel, the recommended Resolution were approved as presented.

Recommended Resolution

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Elections Section of the Policy Platform is amended as follows:

Expand the Countywide Polling Place Program for all counties.

- c. The Committee considered agenda item 6c, Election Equipment. On a motion by - Commissioner Ken Clark and second by Commissioner Theresa Daniel, the recommended Resolutions were approved as amended.

Recommended Resolution:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Elections Section of the Policy Platform is amended as follows:

Support state funding to counties for the purchase of new election equipment, including reimbursement for purchases made within the last 3 years.

Support grandfather provisions for all counties that purchased election equipment in the last five years that does not produce a paper audit trail.

- d. The Committee considered agenda item 6d, Eminent Domain and Penalties for Low Offers. On a motion by Judge Glen Whitley and second by Judge Sarah Eckhardt, the recommended Resolutions were approved as amended.

Recommended Resolution

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Development and Infrastructure Section of the Policy Platform is amended as follows:

Oppose efforts to require local governments to pay penalties, including an opposing party's penalties and court costs, in eminent domain proceedings.

- e. The Committee discussed agenda item 6e, County Local Sales Tax Substitute for Property Taxes.
- f. The Committee considered agenda item 6f, Consideration of El Paso County Legislative Items. On a motion by Judge Sarah Eckhardt and second by Commissioner Theresa Daniel, the recommended Resolution was approved as presented.

Recommended Resolution:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

VSCO Reports – Support granting commissioners courts discretion regarding oversight of veterans county service officers.

On a motion by Judge Sarah Eckhardt and second by Commissioner David Stout, the recommended Resolution was approved as presented.

Recommended Resolution:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Support Section of the Policy Platform is amended as follows:

Sheriff and Constable Fees – Support the ability for a fee for sheriff or constable services that was previously approved by a county's commissioners court to remain unchanged from the prior fiscal year unless changed by the court.

8. New Business

- a. The Committee discussed supplemental materials presented by Collin County.
- b. The Committee considered excusing the absence of Commissioner Robin Donnelly. On a motion by Judge Glen Whitley and second by Commissioner Theresa Daniel, the motion carried.

The meeting adjourned at 11:41AM.

Judge Matt Sebesta
Vice Chairman of Policy

Date



Chairman
Commissioner
Kevin Burns
Wise County

March 13, 2019

Chair-Elect
Judge
Sarah Eckhardt
Travis County

To: Urban Counties Policy Committee
From: Adam Haynes, Policy Director

Immediate Past Chair
Commissioner
Bobbie Mitchell
Denton County

Re: **Bills of Interest Related to the Platform**

Vice-Chairmen
Comm. Kevin Wolff
Bexar County
Judge Matt Sebesta
Brazoria County
Judge Eddie Treviño
Cameron County
Comm. Andy Meyers
Fort Bend County
Comm. Robin Donnelly
Midland County
Judge Glen Whitley
Tarrant County

TAXATION

Support the significant reduction of property tax rates by measures to reduce the cost of government and by replacing property tax revenue with revenue from other sources.

HB 2, by Burrows – Caps the revenues of counties and other local governments at 2.5%, reforms the appraisal review board system, and increases information to taxpayers.

HB 3, by Huberty – School finance bill which will increase money for public schools, scale back recapture, and fund merit pay increases for teachers. Bill provides \$6.3 billion for schools and \$2.7 billion to lower property taxes.

HB 470, by Paul – Creates a small taxing unit for all counties, cities, and special districts with populations under 40,000. Sets a rollback rate of 4% for all other taxing entities and keeps small taxing units rollback rate at 8%. Makes the election to ratify any rollback as automatic.

HB 705, by Geren – Allows a county to add a 1% sales tax through an election in the county. The tax is designed to reduce property taxes but there are no provisions to eliminate the same amount of property taxes raised by the sales tax.

HB 2431, by Springer – Adds the amount collected from a county vehicle registration fee to the calculation to determine effective and rollback rates.

Require sales price disclosure on sale or transfer of real property.

HB 1841, by Thompson/SB 836, by Miles – Limits the appraised value of a housing unit subject to an eligible land use restriction to the amount of the sales price of that unit as recorded in property records.

Oppose any expansion of the pollution control property tax exemption that would include property used to produce goods or services.

Oppose expansion of tax exemptions for property owned by a taxpayer to include leased property other than property leased to a charter school for one or more grades from kindergarten through grade 12.

Executive Director
John B. Dahill

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Fort Bend · Galveston
Grayson · Harris
Hays · Hidalgo
Jefferson · Johnson
Kaufman · Lubbock
McLennan · Midland
Nueces · Potter
Randall · Rockwall
San Patricio · Smith
Tarrant · Travis
Webb · Williamson
Wise*

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Support allowing local taxing units to set a residence homestead exemption as a percentage, a flat-dollar level, or a percentage with a minimum or maximum individual value.

Support reforms to process for equity appeals of appraisals.

Oppose reducing the penalty when land that was previously appraised as agricultural or other open space property is converted to another use.

Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of tax base unless approved by the Urban Counties.

HB 71, by Leach – Creates a new exemption for 'Severely Disable Veteran' (SDV) or the surviving spouse of a SDV. The exemption is equal to the SDV disability rating of at least 80% up to 100%. The exemption continues for the surviving spouse at the same level after death if the spouse is not remarried and remains in the house.

HB 160, by Raymond – Expands the disabled homestead exemption to include the parent or guardian of a minor who is disabled and resides with the parent or guardian. Adds a provision that limits the numbers of exemptions a filer can claim to one per property, including over 65.

HB 164, by Raymond – Exempts the value of improvements for ADA compliance from market value of any real property. Similar to Prop 2 pollution control equipment exemption.

HB 275, by Miller – Expands property tax exemption for surviving spouse of armed services member by replacing "action" with "line of duty."

HB 322, by Geren/HB 1032, by Bohac – A true property tax freeze. Expands exemptions for property taxes from just school districts to all taxing entities for 65 and older.

HB 384, by Bohac – Provides for the total exemption from property taxes of the homestead of an elderly homeowner who is 80 years or older and has received homestead exemptions on the homestead for at least the preceding 10 years.

HB 388, by Murphy – Exempts real property used by a Charter School. Owner of the property has to pass along the amount of the tax savings to the charter organization to qualify.

HB 639, by Springer/SB 135, by Nichols – Adds land used as an ecological laboratory at a college or university to the definition of 'open space' to qualify for an ad valorem tax exemption.

HB 827, by Rose – Allows a governmental entity to exempt the assessed value of all property and improvements used to preserve an historical or archeological site.

HB 905, by Bernal – Exempts 100% of the value of a qualified caregiver's homestead from local taxes.

HB 945, by Metcalf – The 10% growth cap on homesteads would apply to all real property and would continue upon death of owner if ownership transfers to surviving spouse.

HB 948, by Metcalf – Changes the property tax exemption for land of a religious organization from 6 years to 10 years.

HB 1102, by Bernal/SB 484, by Menendez – Creates a 'lifetime' exemption for property qualified as a homestead for at least 15 consecutive years. The lifetime exemption would be equal to the lesser of 120% of the tax due during the first tax year or the lowest amount during those years. The exemption would transfer to a surviving spouse as long as it is owned and occupied. Tax would exclude new additions or improvements.

HB 1201, by Raymond – Exempts property owned by a charitable organization for purposes of renting at below-market rates to low-, moderate-income people.

HB 1596, by Lambert – Veterans property tax exemption.

HB 1743, by King – Reduce the number of years for a rollback tax bill for changing timber land to a nontimber use three years and lowers the interest rate imposed on a rollback tax bill from 7% to 5%.

HB 1816, by Beckley – Provides for an appraisal district to establish a ratio for the basis of satisfying equal and uniform. The appraisal of a property could be equal to a median value of a number of similar properties and still be equal.

HB 2395, by Lozano – For purposes of appraising a property, improving the exterior of a replacement structure with higher quality construction and composition than the replaced structure is not considered to be an improvement for a structure that was rendered uninhabitable or unusable by a casualty or by wind or water damage.

HB 2441, by Wray – Authorizes an eligible disabled person who is 65 or older to receive both a disabled and an elderly residence homestead exemption in the same year if the person receives the exemptions with respect to taxes levied by different taxing units.

HB 2455, by Goldman – Adds over 65 and disabled exemptions to county, municipality, junior college, regional water district, and hospital district levies.

HB 2456, by Kacal – Creates a local option for up to a \$15,000 exemption on a homestead of a person serving as on a volunteer first responder.

SB 129, by Hinojosa – Expands who is eligible as a first responder for a full tax exemption on their residence homestead to include United States Special Investigators; Customs and Border Protection officers, and immigration and deportation officers. Allows qualification for the expanded list if the surviving spouse remarried.

SB 443, by Hancock/SB 540, by Kolkhorst – Authorizes five-year period for exemption for property rendered uninhabitable or unusable due to disaster.

SB 547, by Watson – Increases the maximum time a property tax exemption may apply to a charity that acquires a property for providing low-income housing from five years to 10. The charity must own the property for sole purpose of building housing on the property w/ volunteer labor to sell w/o profit to low-income individual. Exemption applies only while the charity owns the property.

Support a significant increase in the school homestead exemption and ensure adjustments are made in state funding to schools to account for the exemption.

Support property tax transparency and information proposals, including but not limited to:

- a. **Removing projected tax assessment information from the central appraisal district (CAD) notice of assessed value;**
- b. **Requiring proposed tax rates and hearing information be provided to the CAD where they would be made available to taxpayers online;**
- c. **Renaming the “effective” tax rate as the “no-new-revenue” tax rate;**
- d. **Improving training and education requirements for appraisal review board members;**

- e. **Establishing a property tax administration advisory board to help with uniformity of appraisal forms, systems, and reports across districts; and**
- f. **Streamlining notice procedures for taxpayers, including separation of individual taxing entities' rates and respective tax amounts.**

HB 54, by Zerwas – Comprehensive changes for the method of property tax appraisals. Broadens the powers of the Comptroller to manage training and review of individual appraisers and central system for equalizing appraisal system.

HB 305, by Paul – Requires political subdivisions to post a tax information website containing info for taxpayers to obtain meetings, rates, and elections for officers.

HB 490, by Shine – Reforms property tax appraisal system to allow Comptroller to appoint an advisory board to review boards. Sets a 'no new revenue' rate calculation. Reforms the tax calculation date and notice procedures and establishes a new database requirement for tax information to be listed to be easier tracked by tax payers.

HB 1484, by Metcalf – Provides that appraisal district directors are to be elected in each commissioner's precinct, with one director elected at large from the county. If the county tax assessor-collector collects taxes, he or she will remain a non-voting director. The candidate must be a resident of the county precinct from which elected or from the county if at-large. The candidate must have resided in the appraisal district for at least two years prior to taking office. The director will serve a two-year term, beginning on January 1 of odd numbered years. A vacancy is filled for the unexpired term by the commissioners court. The filing fee is \$1,250 for a county with a population of 200,000 or more and \$750 for a county with a population less than 200,000. Elections will begin with the primary and general elections conducted in 2020. Directors take office January 1, 2021.

HB 1485, by Metcalf – Provides that the chief appraiser is elected at the general election for state and county officers by county voters. The chief appraiser serves a two-year term beginning January 1 of odd-numbered years. The chief appraiser must be a resident of the county and have resided in the county for at least four years preceding taking office. The requirement for a person to hold certain designation(s), such as the Registered Professional Appraiser (RPA), is removed. The filing fee is \$1,250 for a county with a population of 200,000 or more and \$750 for a county with a population less than 200,000. The commissioners court fills a vacancy in this position. The newly elected chief appraiser must complete the chief appraiser training course required by the Texas Department of Licensing and Regulation (TDLR). The chief appraiser may be removed for "incompetency" for failing to complete the required training within one year of election. Election will begin with the primary and general elections conducted in 2020. Prior to the bill's effective date, the CAD board appoints the chief appraiser to serve until the elected person takes office for the term that begins January 1, 2021. The CAD board of directors may contract with another CAD to perform the duties of the appraisal office but not with a taxing unit.

HB 1486, by Metcalf – Provides that county voters shall elect five Appraisal Review Board members at the general election for state and county officers. One member is elected from each of the four commissioners precincts, and one member is elected at large from the county.

HB 1551, by Hefner – Provides that the chief appraiser is elected at the general election for state and county officers by county voters. The chief appraiser serves a two-year term beginning January 1 of odd-numbered years. The chief appraiser must be a resident of the county and have resided in the county for at least four years preceding taking office. The requirement for a person to hold certain designation(s), such as the Registered Professional Appraiser (RPA), is removed.

The filing fee is \$1,250 for a county with a population of 200,000 or more and \$750 for a county with a population less than 200,000. The commissioners court fills a vacancy in this position. The newly-elected chief appraiser must complete the chief appraiser training course required by the Texas Department of Licensing and Regulation (TDLR). The chief appraiser may be removed for "incompetency" for failing to complete the required training within one year of election. Election will begin with the primary and general elections conducted in 2020. Prior to the bill's effective date, the CAD board appoints the chief appraiser to serve until the elected person takes office for the term that begins January 1, 2021. The CAD board of directors may contract with another CAD to perform the duties of the appraisal office but not with a taxing unit. Adds the ballot procedures for the office of chief appraiser.

HB 1703, by Shaheen – A person who has served for all or part of three consecutive terms as a board member on the appraisal review board of an appraisal district established in a county with a population of 550,000 or more is ineligible to serve on the appraisal review board during the two-year period that begins on the next January 1 following the third of those consecutive terms.

HB 2574, by Burrows/SB 67, by Nelson – Comprehensive changes for the method of property tax appraisals. Broadens the powers of the Comptroller to manage training and review of individual appraisers and central system for equalizing appraisal system.

Support allowing school districts to increase their tax rate to a previously approved level after a decrease rather than having to hold a second increase ratification election;

Support protections for innocent and unwitting taxpayers that acquire property subject to governmental errors in previous tax years from having to pay back taxes due to those errors.

HB 1885, by Bonnen – Allows the governing body of a taxing unit to waive penalties, interest on a delinquent tax if the property is subject to a mortgage that doesn't require the owner to fund an escrow account for payment of taxes; tax bill was mailed electronically but the mortgagee failed to mail a copy of the bill to the owner as required; and the taxpayer paid the tax by the 21st day after the taxpayer knew or should have known about delinquency.

HB 913, by Shaheen – Adjusts the rollback rate from 8% to 4%.

Oppose arbitrary limits on local governments to undermine fiscal resources that enable officials to meet their obligations and local priorities.

HB 2, by Burrows/SB 2, by Bettencourt – Caps the revenues of counties and other local governments at 2.5%, reforms the appraisal review board system, and increases information to taxpayers.

CRIME AND COURTS

Support full state funding for all mandatory JJAEP placements in an amount adequate for year-round programs.

Support an increase in state funding for indigent defense purposes to cover increased costs incurred by local county taxpayers since the passage of the Fair Defense Act in 2001.

HB 1812, by Murr – Permits TIDC to issue indigent defense grants directly to an entity that assists counties in improving indigent defense.

Support additional state funding for juvenile probation departments if the age of criminal responsibility is raised to 18.

HB 344, by Dutton – Raises the age of criminal responsibility from 17 to 18.

HB 658, by Dutton – Ages for application of juvenile justice laws raised from 10 to 12 and from 17 to 18. Juvenile courts would retain jurisdiction over delinquents up to age 20. Effective 9/1/2020

HB 1364, by Wu – Raises minimum age for juvenile court jurisdiction from 10 to 12 and raises maximum age for jurisdiction from 18 to 19.

Support state payment to counties for costs of detaining in county jails technical parole violators and new-offense violators held solely for parole revocation purposes to end the practice of the state pushing costs associated with state prisoners onto local county taxpayers.

HB 1314, by King – Mandatory personal bond for technical parole violators held in jail 30 days or more if the parolee does not have violent record. Requires reimbursement to counties for holding technical violators beginning on day 11.

SB 174, by Perry – Requires the state to reimburse counties for parolees held on administrative holds for (1) actual medical/special needs costs and (2) confinement costs beginning on day 16 of confinement. For new-offense parolee holds, state to reimburse same, but only after new charge is dismissed or disposed.

HB 2559, by Bowers – Bill mandates that TDJC issue a summons instead of a blue warrant for certain parole violators. Blue warrants can only be used if a violator fails to appear.

Oppose changes in court costs in criminal cases that are expected to have a negative fiscal impact to counties.

Support changes to pre-trial release to require the use of locally verified evaluation tools to determine a criminal defendant's risk of flight or danger to the community. Promote: (1) establishing pretrial risk assessments; (2) the elimination of bond schedules; (3) greater discretion for magistrates regarding pretrial release; and (4) rebuttable presumptions in favor of personal bond.

HB 1323, by Murr/SB 628, by Whitmire – Pretrial reform bill. Permits denial of bail in any case if judge or magistrate determines that bail and conditional release are insufficient to protect community and secure defendant's appearance in court. Prohibits bond schedules. JPs required to have training regarding appropriately setting bail. Mandates use of pretrial risk assessment to be completed by personal bond office or other trained person. Sheriff cannot be forced to complete the assessment. OCA to make an automated risk assessment tool available at no cost.

A defendant denied bail must be given review hearing not later than 10 days after the denial.

HB 1955, by Dutton – Mandates personal bond in all misdemeanors unless there is a finding of extenuating circumstances justifying no bond.

Maintain current fee structure for the district court records and archives fee, the county court records management and preservation fee, and the records archive fee through 2029.

HB 686, by Clardy/SB 658, by Zaffirini – Currently the increased amount for records archive, management and preservation fees expire this year. This bill would make permanent that increased amount.

Support granting counties authority to judicially designate as uncollectible certain fees and costs of court.

HB 435, by Shaheen – Would permit courts to make findings that fees and costs in civil cases are uncollectible. Removes current population bracket to permit criminal courts in all counties to find fees and costs are uncollectible. The result would be that counties could remove this uncollectible debt from their financial statements.

HB 2259, by Smith – Removes the bracket to allow all counties to find criminal cases fees and costs uncollectible.

Other Bills of Interest in Crime and Courts:

HB 2427, by Reynolds – Permits attorneys for witnesses in grand jury room. Will require appointment of counsel if witness is indigent.

HB 2580, by Wu – Requires county jails to provide free domestic calls to inmates awaiting trial. May not limit calls to less than an average of 10-minute calls per month.

HB 2467, by Zedler – Bill reduces the time a jailer must complete basic training from one year to 90 days.

HB 1651, by Gonzalez – Specifies the care a pregnant woman must receive in jail, including restraint and labor procedures. New annual reporting requirement on use of restraints on pregnant inmates.

HB 1653 by White – Authorizes state grants to probation departments for pretrial intervention programs.

TRANSPORTATION

Oppose eliminating local tolling options.

HB 436/HB 1282, by Shaheen – Mandates a toll road to become a part of the state system once the cost of acquisition and construction of the project is paid. Costs include all bonds and interest on the bonds. Prohibits amending financing agreements if they extend the life of the bond project.

HB 505, by Metcalf – Ties the end of a toll project to the retirement of bonds and interest on the project. Project owner can only continue the tolls on the project if it asks for an election and voters approve the continuation for five years.

SB 382, by Hall – Prohibits toll operators from adding fees to bill collected by means other than at the toll entrance and prohibits the DMV from refusing registration for outstanding toll accounts for the vehicle.

HB 1951, by Krause – Places limits on future toll projects that can be initiated. Only allows a toll project on a project costing \$1B or more if TxDot certifies there are no funds for the project. Mandates voter approval.

Support enhanced funding for freight transportation infrastructure projects to address economic growth and an ever-increasing population.

HB 44, by Romero – Requires TxDOT to conduct a study to determine the feasibility of using municipal impact fees to pay for roadway facilities that are necessary due to municipal development.

Support current weight requirements for vehicles operating on county roads, except for localized proposals supported by the local commissioners court.

HB 1493, by Krause – Excludes from overweight requirements over-the-road-busses.

HB 1840, by Springer – Extends the over-weight standards for milk trucks to all trucks hauling agriculture products.

HB 1831, by Springer – Would reduce the criminal penalty by 50% for the operation of overweight vehicles transporting agricultural products within five or more miles of the border.

HB 1778, by Martinez – Allows vehicles to exceed weight limits if they are transporting agriculture products during harvest season.

Support local option fees for road improvements/additions if the fees are approved by the county's commissioners court.

HB 642, by Raney – Lowers the population threshold for an optional registration fee from 1.5 M to 190,000.

HB 924, by Zedler – Allows Commissioner's Court to require a surety bond by concrete plant operators to repair road damage caused by the plant operations.

HB 1646, by Martinez – Extends previously authorized CDA projects until 2029.

Other Bills of Interest in Transportation:

HB 1046, by Martinez – Increases the amount credited to the State highway fund from the sale, use or rental of motor vehicles that exceeds the first \$5b coming into the treasury per FY from 35% to 75%.

HB 2513, by Martinez – Adds a \$200 registration fee for all electric vehicles to go towards the state highway fund.

HEALTH AND HUMAN SERVICES

Support increased funding for mental health and substance abuse services state-wide.

SB 1, by Nelson/HB 1, by Zerwas – State Appropriations Act.

HB 10, by Thompson – Creates the Texas Mental and Behavioral Health Research Institute to be funded with voter approved bonds. Addresses mental health issues by investing in mental health research, workforce development, and health care capacity to support child and adolescent mental health needs. Votes on these measures could take place as early as next week.

HB 1669, by Lucio – Requires HHSC to develop and implement a plan to increase mental health workforce.

SB 10, by Nelson/HB 1448, by Zerwas – Establishes the Texas Mental Health Care Consortium to enhance the state's ability to address mental health care needs. The TMHCC would be composed of 12 health-related institutions of higher education in Texas.

HB 2707, by Price – Adds substance abuse services to qualified programs for state grant funding based on HB 13 *85th session*.

Support state action related to state participation in the funding of indigent health care to maximize access to available federal funds.

The House and Senate's first drafts of the state budget propose enough funding to cover caseload growth for Medicaid, but do not sufficiently account for the increase in health care costs. This is a

recurring approach to funding Texas Medicaid, which will mean that lawmakers would have to once again pass a substantial supplemental budget for health care costs in 2021 to finish out the two-year budget cycle.

HB 25, by Gonzalez/HB 606, by Thierry/HB 1111, by Davis/ HB 1114, by Davis/ SB 189, by Morris – Women's Medicaid coverage for 12 months after giving birth.

HB 342, by Cortez/HB 829, by Rose/SB 637, by Zaffirini – Allows children to remain covered for a year once they are deemed Medicaid eligible.

HB 565, by Coleman – Expands Medicaid and codifies ACA protections. Restricts health insurance plan from including a deductible, copayment, coinsurance or other cost sharing provision for preventative services and immunizations. Prohibits annual and lifetime limits. Prohibits gender discrimination. Requires preexisting conditions are covered. Requires a plan include mental health parity. Requires a plan cover all essential health benefits. Requires coverage for a child up to age 26.

HB 590, by Israel/HB 841 by Bucy – Expands Medicaid eligibility to all persons who apply and for whom federal matching funds are available.

HB 816, by Bernal/SB 327, by Alvarado – Upon a request from a county, requires the executive commissioner of HHS to apply for Medicaid expansion for residents of the county.

HB 870, by Price – Provides that services provided via telemedicine are covered for reimbursement through Medicaid. Repeals a provision that requires a health professional is present with the patient during treatment.

HB 1210, by Beckley – Requires HHSC to apply for an 1115 waiver to expand Medicaid in a county upon request of the commissioners court.

HB 1395, by Reynolds – Allows for a block grant for Medicaid for Texas.

Expand capacity of both forensic and civil beds in the state hospital system.

SB 500, by Nelson – Provides an additional \$300m (ESF) to continue state mental health hospital infrastructure planning and construction.

HB 4, by Zerwas – Provides for \$2m for State mental Health Hospital construction and preplanning.

Support the continuation of the 1115 Medicaid Transformation Waiver.

HB 767, by Davis – Requires every entity that receives funding for a federal waiver project (like 1115 waiver) to submit a final evaluation report within 30 days of a projects scheduled termination date, to HHSC regardless if the waiver is extended.

Support state action related to state participation in the funding of indigent health care to maximize access to available federal funds.

Support the repeal of the Drivers Responsibility Program and the replacement of State funding for trauma care.

HB 550, by Canales – Requires DPS to reduce the drivers responsibility charge by 50% by 2021. Repeals the drivers responsibility program by 9/1/2027. Allows drivers education courses for motor vehicle violations as long as three or more violations haven't occurred within the 3 previous years and the violation didn't result in an accident. Does not apply to DWI or negligent homicide. Repeals the drivers responsibility charge point exemption.

HB 683, by White – Eliminates the Drivers Responsibility Program and repeals the program surcharges. Provides for all funds to be transferred to the trauma fund account.

HB 1145, by Krause – Amends who can take traffic school to reduce a ticket cost. Repeals the drivers responsibility program. Requires DWI convictions pay \$1,000 for 3 years for a first one, \$1,500/3 years for a second and 2,000 for a BAC of .16 or more. Creates a fine for driving without insurance of \$250/3 years. County/City submits the funds to the Comptroller on a quarterly basis, allowing the county/city to retain 2.5% and any interest earned. Comptroller deposits the money to the trauma fund.

HB 1487, by Wilson/HB 1458, by Anderson – Repeals the Drivers Responsibility Program. Increases fines for traffic violations by \$20, decreases the amount the city/county may retain from 5% to 4%. Creates an additional tiered fine for DWI offenses and driving without insurance, with 50% allocated to trauma fund, 50% to state GR, allows county to retain 4%.

HB 2048, by Zerwas/SB 918 by Huffman – Drivers Responsibility Program repeal. Increases a fee on auto insurance policies by \$2, 60% allocated to the trauma fund. Raises the state portion of traffic fines on certain moving violations from \$30 to \$50, Lowers the city/county portion from 5% to 4%; however, 30% to trauma fund and 70% to GR. First-time Class B DWI offenders pay a fine of \$3,000 over three years; \$4,500 for second offenders; \$6,000 for third. 30% trauma and 70% to GR.

HB 2622, by Phelan – Amends fines to the drivers responsibility program: \$50 for accumulating 3 points during a 3 month period; \$60 for four points; \$70 for 5 points. Repeals DRP surcharges for driving with license suspended, and without insurance. Reduces the penalty for driving without license/insurance from \$250 to \$50.

SB 87 by Hall – Repeals DRP for certain vehicles and replaces it with a fee tacked onto annual vehicle registration. \$9.25 for newly purchased vehicles that have not been previously registered in this or any other state, \$7.50 for trailers/mobile homes, and \$12.50 for every other vehicle. The \$9.25 fee goes into the mobility fund. The \$7.50 gets split up into the mobility fund, GR, and clean air account. The \$12.50 fee goes to the trauma facility and emergency medical services account.

SB 191 by Miles – Repeals the Drivers Responsibility Program. Increases the state traffic fine from \$30 to \$50, with 50% deposited to GR and 50% to trauma fund). On 9/1/2022 the state fine is lowered to \$40 and 100% deposited to trauma fund.

SB 577, by Hall – Repeals Drivers Responsibility Program. Increases state traffic fines to be deposited 50/50 to GR/Trauma until 2022 when 100% goes to trauma. Voids any collections on the DRP fees regardless of date imposed on the effective date of the legislation.

ENVIRONMENT/DISASTER RELIEF, RECOVERY, AND RESILIENCE

Support full funding for the Texas Emissions Reduction Plan (TERP) and maintain the integrity of the TERP program.

HB 1043 by Blanco/HB 1345 by Thompson/SB 531 by Birdwell/HB 1746 by Lozano – Extends TERP fees until the last day of the fiscal biennium which TCEQ publishes in the register that the state is in attainment.

Use the TERP funds only for programs that will assist nonattainment and near nonattainment areas in meeting Environmental Protection Agency (EPA) Ozone standards.

HB 889 by Murphy – Repeals the light-duty motor vehicle program including removing eligibility under the TERP program.

HB 1043 by Blanco/HB 1345 by Thompson/SB 531 by Birdwell – Extends TERP fees until the last day of the fiscal biennium which TCEQ publishes in the register that the state is in attainment.

HB 1344 by Thompson – Diverts the TERP Surcharge into a separate non-road diesel subaccount for a grant program for non-road diesel and extends the fee expiration to the last day of the biennium that TCEQ posts in the register that Texas reached attainment.

HB 1507, by Minjarez – Adds as a qualifying expense for TERP funds, projects that reduce emissions through supercritical carbon dioxide.

Support local administration of the LIRAP and LIP programs to ensure funds collected in the county are used in the county.

HB 813 by Huberty – Authorizes LIRAP funds for Harris County to continue the program with fees collected and held by TCEQ in prior years. Authorizes 90% of the past fees assessed in Harris to be credited to Harris County.

HB 2253, by Israel/SB 1070 by Watson – Converts the LIRAP program to emphasize the LIP options.

Other Bills of Interest in Environment:

HB 1309, by Dutton – Requires for new construction or modification to an existing concrete facility they follow the same procedures as oil and gas facilities - getting a regulatory analysis, air quality monitoring data, and limits emissions.

DEVELOPMENT AND INFRASTRUCTURE

Oppose efforts to require local governments to pay penalties, including an opposing party's attorney fees and court costs in eminent domain proceedings.

HB 991, by Burns / SB 421, by Kolkhorst – As filed, applies only to private entities with eminent domain authority. Requires offers to be based on appraisals (which counties already do). Requires public hearings regarding projects before offers can be made. Creates a penalty if the amount awarded by special commissioners exceeds the initial offer by a certain percent, with penalty increasing as that delta increases.

HB 1157, by Bell – Imposes ongoing obligation to provide new or updated appraisals to property owners after initial offer. Permits courts to dismiss condemnation proceedings, and award costs to property owners, if condemner fails to meet current statutory requirements. Repeals the ability of a court to abate proceedings (rather than dismiss) if no bona fide offer was made. Permits courts to dismiss proceedings in whole or in part.

HB 1245, by Ashby/SB 552, by Schwertner – Adds additional language to the statement provided to a property owner when surveying a property for potential eminent domain authority purposes, including the entity has the right to sue to enter the property, the owner has the right to seek to negotiate the terms of the survey and the entity is responsible for any actual damages while surveying. Any written survey permission form provided to a landowner must contain those rights.

Oppose changes to the criteria governments must meet to show “actual progress” on projects to prevent real property acquired through eminent domain to be subject to repurchase.

SB 554, by Schwertner / HB 1253 by Leman – Property acquired by eminent domain is subject to repurchase if the government cannot show "actual progress" on the public use of the land within 10 years of acquisition. The bill would make showings of "actual progress" more difficult. Instead of showing compliance with at least 2 of 7 factors, government would have to show compliance with at least 3 of 5 factors. The 2 repealed factors are arguably the easiest to meet.

Other Bills of Interest in Development and Infrastructure:

HB 2529, by Leach – Permits a county to appoint at least one commissioner to a county housing authority or a regional housing authority who is a recipient of housing assistance administered through the authority's choice voucher program or project-based rental assistance.

HB 1999, by Leach – Requires governmental entity alleging a construction defect to get an inspection of the project by an engineer and give the alleged responsible contractor, architect, or engineer the opportunity to correct the defect before being eligible to bring a lawsuit. All responsible parties must be notified of the inspection.

HB 2135, by Shine – Restricts public entities from retaining more than 5% of a contract for a public works project to secure the contract and requires release of retainage if government has "beneficial use" of the project even though the project is not complete.

SB 208, by Campbell – Expands from 440 yards to 880 yards that a concrete or crushing plant can be built near a residence, school or church. Doubles the yardage where homeowners can request a TCEQ hearing.

PUBLIC SAFETY AND EMERGENCY MANAGEMENT

Support giving all counties the option to adopt a fire code and rules necessary to administer and enforce the fire code.

Oppose creation of a new fireworks season unless commissioners courts are granted discretion over the sale of fireworks in that county for the new season.

HB 581, by White – Allows the sale of fireworks five days before and up to Labor Day if permitted by commissioners court.

HB 582, by White – Permits fireworks sales five days before Juneteenth with commissioners court approval. Clarifies Texas A&M Forestry is the determinant of drought conditions.

HB 915, by Shaheen – Allows fireworks on Diwali Day. Typically, in October/September. No commissioners court approval required.

Protect county authority to restrict or ban the sale and use of fireworks during drought conditions and when included in a local disaster declaration.

Support the current role of local emergency management authorities and the county judge in responding to potential and actual emergencies and disasters.

Support efforts to maintain the long-established prohibition of guns in any portion of a building used by court participants.

Support additional funding for DPS crime labs provided it does not negatively impact existing local crime labs.

ELECTIONS

Support the creation of an online voter registration system.

HB 79, by Johnson – Allows for online voter registration.

HB 192, by Reynolds – Secretary of State to create online voter registration.

HB 361, by Israel – Requires the secretary of state to permit a voter to fill out a voter registration online, print it out, and mail it to the county registrar.

HB 657/HB 1897, by Dutton – Requires a voter registrar to adopt procedures to allow completion of a voter registration application online.

Expand the Countywide Polling Place Program for all counties.

HB 177, by Bernal – Repeals the restriction on the number of counties that the secretary of state may approve each year for the countywide polling place program.

HB 2142, by Meza – Repeals the restriction on the number of counties that the secretary of state may approve each year for the countywide polling place program.

SB 101, by Menendez – Repeals the restriction on the number of counties that the secretary of state may approve each year for the countywide polling place program.

SB 1255, by Bettencourt – Stipulates that a countywide polling place must have the same % of polling places as the % of voters in each precinct. In counties of 400k and more, the % of polling places must be equal to the % of voters in each state representative district in the county.

Support state funding to counties for the purchase of new election equipment, including reimbursement for purchases made within the last 3 years.

Support grandfather provisions for all counties that purchased election equipment, in the last five years, that does not produce a paper audit trail.

Other Bills of Interest in Elections:

HB 2045, by Thompson – Would create a voting hardship class that would enable the person to vote by mail: to include offshore workers, long range truckers; oversees workers; and caretaker of a person with a disability.

GOVERNANCE AND FINANCE

Ensure commissioners court authority over county budgeting and contracting decisions.

Protect local taxpayers from unfunded state mandates, which drive local property tax increases, result in reductions in critical services, and infringe local control.

SB 62, by Zaffirini – Creates an unfunded mandates interagency working group consisting of the state auditor, LBB director, TXCPA, a senator appointed by Lt Gov, a house rep appointed by Speaker to publish, every biennium after regular session, an advisory list of mandates for which the legislature has not provided reimbursement.

HJR 30, by Burns/SJR 10, by Buckingham – Constitutional Amendment, no unfunded mandates to a county or city.

Support local control over compensation and benefits paid by the county.

HB 1861, by Martinez – Changes the compensation for police and fire fighters to say compensation must be substantially equal to comparable police and fire depts.

Establish that any increase in the fees to be paid to attorneys appointed to represent indigent criminal defendants may not take effect until the adoption of the next county budget and require at least 90-day notice of the proposed increase to be provided to the commissioners court.

Support full state funding for representation of indigent parties in child welfare cases.

HB 2938, by Hinojosa/SB 1293, by Zaffirini – Authorizes counties to create public defender positions to represent persons in commitment proceedings in lieu of private appointed counsel.

Support financial transparency requirements that permit the use of existing reports and other documents and that minimize the need to express the same information in different manner or reports that are duplicative of reports already required.

HB 104, by Johnson – Requires state and local incarceration facilities, including mental health institutions, to report demographics, including person's last address, to comptroller. Allows address to be used for redistricting purposes.

HB 230, by Krause – Requires a political subdivision to report both the receipt and the use, or proposed use, of federal funds to the LBB, comptroller, and governor not later than the 90th day of the subdivision's fiscal year.

HB 433, by Shaheen – Requires all political subdivisions to file an annual report on the amount of money spent directly or indirectly on attempting to influence the outcome of any pending legislation. Does not dictate a form or terms of the report.

HB 767, by Davis – Requires every entity that receives funding for a federal waiver project (like 1115 waiver) to submit a final evaluation report within 30 days of a projects scheduled termination date, to HHSC regardless if the waiver is extended.

SB 470, by Kolkhorst – Requires every county child welfare board to submit a report of the amount and source of funds received/expended in the preceding fiscal year, including the purpose of expenditures.

Support legislation that permits counties to post public notices electronically in lieu of print publication.

HB 1229 by Shaheen – Permits internet posting - including on social media site controlled by governmental entity - in lieu of any required publication in newspaper.

Oppose requirements to include on bond propositions information other than the total amount of bonds to be issued if approved and the proposed uses of the bonds.

HB 430, by Shaheen – For both state and local elections authorizing issuance of debt, ballot would be required to include information on amount of outstanding debt and cost of new debt.

HB 440, by Murphy – Would require internet posting of sample ballot for bond proposition if county has website. Maturity date of general obligation bonds for improvements or personal property cannot exceed 120% of expected average economic life of the improvements/property. Unspent bond proceeds can be used for other purposes only after an election approving the new use.

HB 477, by Murphy – Will require ballot for debt issuance to contain information on existing debt and the impact on ad valorem taxes of new debt. Public notice of intention to issue certificates of obligation is extended from 30 to 45 days.

SB 462, by Campbell – Requires all local debt proposition ballots to include aggregate amount of debt at beginning of that fiscal year and the ad valorem debt service tax rate at the time the election is ordered.

Establish that the earliest effective date for any increase in salary budgets outside the control of commissioners court shall be the first day of the next county fiscal year following 90 days notice of the proposed increase to be provided to the commissioners court.

Support continued federal funding for local communities to help cover operational costs for holding undocumented criminal aliens in the criminal justice system and the costs to house them.

Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.

HB 281, by Middleton – Prevents any political subdivision from directly lobbying or joining a group that directly lobbies the legislature to influence the outcome of pending legislation. Allows a citizen to challenge an entity in Court and recoup attorney fees if they win the challenge.

HB 433, by Shaheen – Requires all political subdivisions to file an annual report on the amount of money spent directly or indirectly on attempting to influence the outcome of any pending legislation. Does not dictate a form or terms of the report.

SB 82, by Hall – Prohibits local governments from hiring lobbyists.

Support proposals to permit public access to public information on the personal devices of public officers and employees that include reasonable provisions to guard against frivolous and abusive lawsuits against public officers and employees.

HB 1700, by Hunter – Addresses public information on a personal device.

HB 2191, by Capriglione/SB 944, by Watson – Requires all officials and employees to forward public information on private devices to the PIA officer for the governmental body. Requires governmental bodies to make reasonable efforts to obtain such information if there is a request covering the information. Governments can designate specific mailing and email addresses for PIA requests.

Other Bills of Interest in Governance & Finance:

HB 159, by Canales – Waives governmental immunity of a county or sheriff's department for a writ of mandamus to compel the county to award back pay or other monetary benefit as awarded by a civil service commission.

HB 359, by Moody – Prohibits discharging, suspending or firing a peace officer, detention officer, county jailer, or firefighter due to their inability to perform duties if the person was injured in the course and scope of duty before the person is certified as having reached maximum medical improvement. Waives sovereign immunity for a lawsuit for damages and reinstatement under this provision. "unless the report of the designated doctor indicates the person is unable to return to work." Caps the damages payable by an employer at \$100,000.

HB 1294, by Davis – Expands current requirement of elected law enforcement, county judge, or appointed public officer to an officer, employee, or volunteer of the state or a political subdivision who is a supervisor and whose position includes emergency management responsibilities to receive emergency management training.

HB 1492, by Wray – Adds peace officers to those who qualify for benefits due to contact with a contagious disease in the line of work. Covers smallpox, tuberculosis, heart attack or stroke.

HB 1494, by Guillen – Expands requirement of a surety bond for a deputy clerk to each deputy clerk or other employee in district clerk office and county clerk office.

HB 1521, by Burrows/SB 858 – A political subdivision that self-insures either individually or collectively waives sovereign immunity and is liable for sanctions, administrative penalties, and attorney 's fees in a workers' compensation dispute.

HB 1652 by Huberty, -- If directed by commissioners court, a tax auction of real property must be conducted using online bidding and sale.

HB 2575, by Martinez – Counties are not required to refund amounts of \$5 or less if owner is notified and fails to make claim within 90 days.

HB 2533, by Meyer – Subjects all "organizations" to pay attorney fees in certain types of lawsuits, including breach of contract.

HB 2503, by Kacal – Extends lifetime survivor benefits to surviving spouse of elected or appointed peace officer who dies in the course of employment, even if the spouse remarries. Currently limited to first responders.

HB 1927, by Herrero – Requires a county judge to fill a county commissioner vacancy by the 30th day after the date of vacancy.

HB 1929, by Clardy – Prohibits contracts of any kind between governmental entities and abortion providers.

HB 1972, by Collier – Allows a county to enter into an interlocal agreement with a city to regulate game rooms.

SB 652, by Campbell – Currently local governments may not issue COs for same purpose as proposed bond issuance rejected by voters for period of at least 3 years. Bill extends moratorium to 10 years. Adds new requirement to post intent to issue COs continuously on government's website for at least 30 days before approval of the issuance (and website is mandatory).

SB 1640 by Watson/HB 2965 by Toth/HB 3402 by Phelan – Address walking quorum.



Chairman
Commissioner
Kevin Burns
Wise County

March 13, 2019

Chair-Elect
Judge
Sarah Eckhardt
Travis County

To: Urban Counties Policy Committee
From: Gabriela Villareal, Program Manager

Immediate Past Chair
Commissioner
Bobbie Mitchell
Denton County

Re: **Consideration of Funding for Flood Infrastructure**

Several bills affecting funding for flood infrastructure have been filed this session. These include:

Vice-Chairmen
Comm. Kevin Wolff
Bexar County
Judge Matt Sebesta
Brazoria County
Judge Eddie Treviño
Cameron County
Comm. Andy Meyers
Fort Bend County
Comm. Robin Donnelly
Midland County
Judge Glen Whitley
Tarrant County

HB 478/HJR 81, by Phelan, will:

- Appropriate \$3.26 billion from the Economic Stabilization Fund to finance regional flood planning, mitigation, and infrastructure projects;
- Create the Flood Infrastructure Fund to loan state dollars to political subdivisions in cooperation with others in a region to encourage development of nonstructural and structural flood mitigation; and
- Allow monies from the Fund to be used as grants to provide necessary matching funds for local governments to participate in various federal funding programs.

Executive Director
John B. Dahill

SB 7, by Creighton, as filed, will:

Member Counties
Bell · Bexar
Brazoria · Brazos
Cameron · Chambers
Collin · Comal
Dallas · Denton
Ector · El Paso
Fort Bend · Galveston
Grayson · Harris
Hays · Hidalgo
Jefferson · Johnson
Kaufman · Lubbock
McLennan · Midland
Nueces · Potter
Randall · Rockwall
San Patricio · Smith
Tarrant · Travis
Webb · Williamson
Wise

- Amend the Floodplain Management Account as a special fund, administered by TX Water Development Board, used for grants, data collection for flood control planning, and renames it the TX Infrastructure Resiliency Fund (TIRF);
- Create four subaccounts: Floodplain Management, Harvey Recovery, Flood Plan Implementation, Army Corps Projects; and
- Prioritize projects based on Texas Division of Emergency Management recommendations, emergency need, partial funding by federal matching funds, ability to increase water supply; and other factors.

Recommended Resolution:

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Environment / Disaster Relief, Recovery, and Resilience section of the Policy Platform is amended as follows:

500 West 13th Street
Austin, TX 78701

512.476.6174

www.cuc.org

Support using state funds for financing disaster mitigation, disaster relief, disaster recovery, and resilience projects as long as local decision making is preserved to ensure local priorities are met.



Chairman
Commissioner
Kevin Burns
Wise County

March 13, 2019

Chair-Elect
Judge
Sarah Eckhardt
Travis County

To: Urban Counties Policy Committee
From: Windy Johnson, Program Manager

Immediate Past Chair
Commissioner
Bobbie Mitchell
Denton County

Re: **Proposed Elimination of the May Election Date**

Background:

Several bills have been filed that would eliminate the May election date leaving only the November election date for a general or special election.

In addition, legislation has been filed that would prohibit holding an election for bonds on any other day than the uniform election date, unless the governor determines an emergency warrants the election to be held in May.

Eliminating the May election date could potentially increase election costs because it would eliminate the possibility of using the May date for a rollback election instead of calling a special election. Bond elections that are currently on the ballot twice a year would be combined onto one ballot, increasing the length and complexity of the ballot. A longer ballot can result in increased voting time and may increase wait times on election day. To avoid voter frustration, there may be a need to obtain additional voting machines to alleviate the increase in wait times and avoid lines.

Recommended Resolution

RESOLVED by the Texas Conference of Urban Counties Policy Committee that the Elections section of the Policy Platform is amended as follows:

Retain the current option to hold elections on uniform election dates.

Member Counties
*Bell · Bexar
Brazoria · Brazos
Cameron · Chambers
Collin · Comal
Dallas · Denton
Ector · El Paso
Fort Bend · Galveston
Grayson · Harris
Hays · Hidalgo
Jefferson · Johnson
Kaufman · Lubbock
McLennan · Midland
Nueces · Potter
Randall · Rockwall
San Patricio · Smith
Tarrant · Travis
Webb · Williamson
Wise*

500 West 13th Street
Austin, TX 78701

512.476.6174

www.cuc.org

Principles of the Urban Counties Policy Platform

1. Urban Counties believe local government is more responsive and accountable to the citizens and communities and should be utilized for service delivery whenever practical.
2. Urban Counties believe permissive authority provides better policy options while state mandates, revenue restrictions, and one-size-fits-all directives undermine voter self-determination and local responsibility.
3. Urban Counties believe the State increases local property taxes when it imposes obligations on local governments without providing adequate funding.
4. Urban Counties believe State funds collected for specific programs should be allocated based upon population, number of clients, or some other appropriate measure of the need for that program or service.
5. Urban Counties believes that funds collected for a purpose should be used for that purpose and support ending the reliance on dedicated revenues to balance the State budget.

1 Taxation

1. Support the significant reduction of property tax rates by measures to reduce the cost of government and by replacing property tax revenue with revenue from other sources.
2. Require sales price disclosure on sale or transfer of real property.
3. Oppose any expansion of the pollution control property tax exemption that would include property used to produce goods or services.
4. Oppose expansion of tax exemptions for property owned by a taxpayer to include leased property other than property leased to a charter school for one or more grades from kindergarten through grade 12.
5. Support allowing local taxing units to set a residence homestead exemption as a percentage, a flat-dollar level, or a percentage with a minimum or maximum individual value.
6. Support reforms to process for equity appeals of appraisals.
7. Oppose reducing the penalty when land that was previously appraised as agricultural or other open space property is converted to another use.
8. Oppose all new property tax exemptions, expansion of existing exemptions, or any other narrowing of tax base unless approved by the Urban Counties.
9. Support a significant increase in the school homestead exemption and ensure adjustments are made in state funding to schools to account for the exemption.
10. Support property tax transparency and information proposals, including but not limited to:
 - a. Removing projected tax assessment information from the central appraisal district (CAD) notice of assessed value;

- b. Requiring proposed tax rates and hearing information be provided to the CAD where they would be made available to taxpayers online;
 - c. Renaming the “effective” tax rate as the “no-new-revenue” tax rate;
 - d. Improving training and education requirements for appraisal review board members;
 - e. Establishing a property tax administration advisory board to help with uniformity of appraisal forms, systems, and reports across districts; and
 - f. Streamlining notice procedures for taxpayers, including separation of individual taxing entities’ rates and respective tax amounts.
- 11. Support allowing school districts to increase their tax rate to a previously approved level after a decrease rather than having to hold a second increase ratification election;
 - 12. Support protections for innocent and unwitting taxpayers that acquire property subject to governmental errors in previous tax years from having to pay back taxes due to those errors.
 - 13. Oppose arbitrary limits on local governments to undermine fiscal resources that enable officials to meet their obligations and local priorities.

2 Crime and Courts

- 1. Support full state funding for all mandatory JJAEP placements in an amount adequate for year-round programs.
- 2. Support an increase in state funding for indigent defense purposes to cover increased costs incurred by local county taxpayers since the passage of the Fair Defense Act in 2001.
- 3. Support additional state funding for juvenile probation departments if the age of criminal responsibility is raised to 18.
- 4. Support sufficient State funding for local juvenile probation departments to pay for the full costs of keeping in local programs, or in regional detention facilities, all children diverted from State facilities through a restructuring of the State Juvenile Justice Department.
- 5. Support state payment to counties for costs of detaining in county jails technical parole violators and new-offense violators held solely for parole revocation purposes to end the practice of the state pushing costs associated with state prisoners onto local county taxpayers.
- 6. Oppose changes in court costs in criminal cases that are expected to have a negative fiscal impact to counties.
- 7. Support changes to pre-trial release to require the use of locally verified evaluation tools to determine a criminal defendant’s risk of flight or danger to the community. Promote: (1) establishing pretrial risk assessments; (2) the elimination of bond schedules; (3) greater discretion for magistrates regarding pre-trial release; and (4) rebuttable presumptions in favor of personal bond.
- 8. Maintain current fee structure for the district court records and archives fee, the county court records management and preservation fee, and the records archive fee through 2029.
- 9. Support granting counties authority to judicially designate as uncollectible certain fees and costs of court.

3 Transportation

1. Oppose eliminating local tolling options.
2. Support enhanced funding for freight transportation infrastructure projects to address economic growth and an ever-increasing population.
3. Support current weight requirements for vehicles operating on county roads, except for localized proposals supported by the local commissioners court.
4. Support local option fees for road improvements/additions if the fees are approved by the county's commissioners court.

4 Health and Human Services

1. Support increased funding for mental health and substance abuse services state-wide.
2. Expand capacity of both forensic and civil beds in the state hospital system.
3. Support the continuation of the 1115 Medicaid Transformation Waiver.
4. Support state action related to state participation in the funding of indigent health care to maximize access to available federal funds.
5. Support the repeal of the Drivers Responsibility Program and the replacement of state funding for trauma care.

5 Environment/Disaster Relief, Recovery, and Resilience

1. Support full funding for the Texas Emissions Reduction Plan (TERP) and maintain the integrity of the TERP program.
2. Support local administration of the LIRAP and LIP programs to ensure funds collected in the county are used in the county.
3. Use the TERP funds only for programs that will assist nonattainment and near nonattainment areas in meeting Environmental Protection Agency (EPA) Ozone standards.
4. Support using state funds for financing disaster mitigation, disaster prevention, disaster recovery, and resilience projects as long as local decision making is preserved to ensure local priorities are met.

6 Development and Infrastructure

1. Oppose efforts to require local governments to pay penalties, including an opposing party's attorney fees and court costs in eminent domain proceedings.
2. Oppose changes to the criteria governments must meet to show "actual progress" on projects to prevent real property acquired through eminent domain to be subject to repurchase.

7 Public Safety and Emergency Management

1. Support giving all counties the option to adopt a fire code and rules necessary to administer and enforce the fire code.
2. Oppose creation of a new fireworks season unless commissioners courts are granted discretion over the sale of fireworks in that county for the new season.
3. Protect county authority to restrict or ban the sale and use of fireworks during drought conditions and when included in a local disaster declaration.
4. Support the current role of local emergency management authorities and the county judge in responding to potential and actual emergencies and disasters.
5. Support efforts to maintain the long-established prohibition of guns in any portion of a building used by court participants.
6. Support additional funding for DPS crime labs provided it does not negatively impact existing local crime labs.

8 Elections

1. Support the creation of an online voter registration system.
2. Expand the Countywide Polling Place Program for all counties.
3. Support state funding to counties for the purchase of new election equipment, including reimbursement for purchases made within the last 3 years.
4. Support grandfather provisions for all counties that purchased election equipment, in the last five years, that does not produce a paper audit trail.
5. Retain the current option to hold elections on uniform election dates.

9 Governance and Finance

1. Ensure commissioners court authority over county budgeting and contracting decisions.
2. Protect local taxpayers from unfunded state mandates, which drive local property tax increases, result in reductions in critical services, and infringe local control.
3. Support local control over compensation and benefits paid by the county.
4. Establish that any increase in the fees to be paid to attorneys appointed to represent indigent criminal defendants may not take effect until the adoption of the next county budget and require at least 90-day notice of the proposed increase to be provided to the commissioners court.
5. Support full state funding for representation of indigent parties in child welfare cases.
6. Support financial transparency requirements that permit the use of existing reports and other documents and that minimize the need to express the same information in different manner or reports that are duplicative of reports already required.
7. Support legislation that permits counties to post public notices electronically in lieu of print publication.
8. Oppose requirements to include on bond propositions information other than the total amount of bonds to be issued if approved and the proposed uses of the bonds.

9. Establish that the earliest effective date for any increase in salary budgets outside the control of commissioners court shall be the first day of the next county fiscal year following 90 days notice of the proposed increase to be provided to the commissioners court.
10. Support continued federal funding for local communities to help cover operational costs for holding undocumented criminal aliens in the criminal justice system and the costs to house them.
11. Oppose restrictions on the ability of local governments to effectively and efficiently communicate with the legislature and other state and federal entities.
12. Support proposals to permit public access to public information on the personal devices of public officers and employees that include reasonable provisions to guard against frivolous and abusive lawsuits against public officers and employees.

Other Issues

Items in this list are legislative positions regarding initiatives of member counties or other groups or organizations.

1. VSCO Reports – Support granting commissioners courts discretion regarding oversight of veterans county service officers.
2. Sheriff and Constable Fees – Support the ability for a fee for sheriff or constable services that was previously approved by a county's commissioners court to remain unchanged from the prior fiscal year unless changed by the court.