

## Item 16



# Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, February 5, 2013  
**Prepared By/Phone Number:** Deece Eckstein, 854-9754  
**Elected/Appointed Official/Dept. Head:** Deece Eckstein, 854-9754  
**Commissioners Court Sponsor:** Judge Biscoe

### **AGENDA LANGUAGE:**

CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING:

- A. UPDATE ON LEGISLATIVE ACTIVITIES;
- B. RESOLUTION IN OPPOSITION TO HOUSE JOINT RESOLUTION 46, PROPOSING A CONSTITUTIONAL AMENDMENT PROVIDING FOR THE ELECTION AND STAGGERING OF TERMS OF COUNTY COMMISSIONERS FOLLOWING A CHANGE IN BOUNDARIES OF A COMMISSIONERS PRECINCT; AND,
- C. CREATION OF TWO ADDITIONAL CRIMINAL COURTS IN THE 83<sup>RD</sup> LEGISLATIVE SESSION.
- D. ADDITIONS TO THE PRIORITIES, POLICY POSITIONS, AND THE POSITIONS ON OTHER PROPOSALS SECTIONS OF THE TRAVIS COUNTY LEGISLATIVE AGENDA.

### **SUMMARY AND IGR COORDINATOR RECOMMENDATION:**

February 5 marks the beginning of the fifth week of the legislative session. As of last Thursday, 1,184 bills and joint resolutions have been filed. Your IGR Office is tracking 368 of them and key County policy staffers have already provided 346 analyses through the ATLAS system. A spreadsheet detailing these figures is enclosed.

IGR recommends adoption and dissemination of a resolution in opposition to House Joint Resolution 46 by Representative Cindy Burkett.

IGR also recommends several changes to the Travis County Legislative Agenda, as set forth in the enclosed Motion in Writing and explained herein.

## **ISSUES AND OPPORTUNITIES:**

1. House Joint Resolution 46 would affect the election cycles of commissioners courts. IGR recommends that the Court adopt a resolution opposing HJR 46. A memo describing the bill and a draft resolution are attached.
2. Since last October, the Court and the criminal court judges have been discussing the need to expand the number of criminal courts in Travis County. The judges have proposed adding a district court and a county court at this time. The Court has asked for further information and analysis, and also for draft language for two different options for creating those courts. IGR will update the Court on those drafting efforts and encourage the Court to make a decision. Please see the attached packet.
3. IGR recommends several changes to the Legislative Agenda. First, we recommend designating three items already in the Policy Positions section of the agenda as Priorities. This is because IGR will have to devote significant energy and take a leadership role in the passage of these initiatives. Second, we recommend the addition of another item in the Policy Positions section, consistent with the Court's actions on HJR 46.

**FISCAL IMPACT AND SOURCE OF FUNDING:** Not applicable.

**REQUIRED AUTHORIZATIONS:** None.

## **NAMES, PHONE NUMBERS AND EMAIL ADDRESSES OF PERSONS WHO MIGHT BE AFFECTED BY OR BE INVOLVED WITH THIS REQUEST:**

Tanya Acevedo, Project Management Division Manager  
Travis County Information Technology Services  
Phone: 854-8685  
Email: [Tanya.Acevedo@co.travis.tx.us](mailto:Tanya.Acevedo@co.travis.tx.us)

Daniel Bradford, Assistant County Attorney  
County Attorney's Office  
Phone: 854-3718  
Email: [Daniel.Bradford@co.travis.tx.us](mailto:Daniel.Bradford@co.travis.tx.us)

Leslie Browder, County Executive  
Planning and Budget Office  
Phone: 854-8679  
Email: [Leslie.Browder@co.travis.tx.us](mailto:Leslie.Browder@co.travis.tx.us)

David Escamilla  
County Attorney  
Phone: 854-9415  
Email: [David.Escamilla@co.travis.tx.us](mailto:David.Escamilla@co.travis.tx.us)

Sherri Fleming, County Executive  
Health and Human Services/Veterans Services  
Phone: 854-4101  
Email: [Sherri.Fleming@co.travis.tx.us](mailto:Sherri.Fleming@co.travis.tx.us)

Cyd Grimes  
Purchasing Agent  
Phone: 854-9700  
Email: [Cyd.Grimes@co.travis.tx.us](mailto:Cyd.Grimes@co.travis.tx.us)

Danny Hobby, County Executive  
Emergency Services  
Phone: 854-4416  
Email: [Danny.Hobby@co.travis.tx.us](mailto:Danny.Hobby@co.travis.tx.us)

Roger Jefferies, County Executive  
Justice and Public Safety  
Phone: 854-4415  
Email: [Roger.Jefferies@co.travis.tx.us](mailto:Roger.Jefferies@co.travis.tx.us)

Gregg Knaupe  
Travis County Legislative Consultant  
Phone: 499-8826  
Email: [Gregg@KnaupeGR.com](mailto:Gregg@KnaupeGR.com)

Steven Manilla, County Executive  
Transportation and Natural Resources  
Phone: 854-9429  
Email: [Steven.Manilla@co.travis.tx.us](mailto:Steven.Manilla@co.travis.tx.us)

Nicki Riley  
Travis County Auditor  
Phone: 854-3227  
Email: [Nicki.Riley@co.travis.tx.us](mailto:Nicki.Riley@co.travis.tx.us)

Jessica Rio, Budget Director  
Planning and Budget Office  
Phone: 854-4455  
Email: [Jessica.Rio@co.travis.tx.us](mailto:Jessica.Rio@co.travis.tx.us)

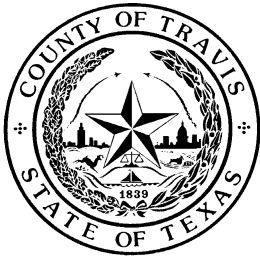
Aerin-Renee Toussaint, Budget Analyst II  
Planning and Budget Office  
Phone: 854-1160  
Email: [Aerin.Toussaint@co.travis.tx.us](mailto:Aerin.Toussaint@co.travis.tx.us)

**ATTACHMENTS:**

- A. Bill Status Report, January 31, 2013.
- B. Legislative Action Memorandum on HJR 46, January 31, 2013.
- C. Legislative Action Memorandum on Creation of New Criminal Courts, January 31, 2013.
- D. Motion in Writing, January 31, 2013.

AS OF	WEEK	1	2	3	4	5	6	7	8	9	10
<b>THURSDAY</b>		10-Jan	17-Jan	24-Jan	31-Jan	7-Feb	14-Feb	21-Feb	28-Feb	7-Mar	14-Mar
	<b>HBs</b>	446	550	686	845						
	<b>HJR</b> s	39	43	44	51						
	<b>SB</b> s	149	162	209	268						
	<b>SJR</b> s	11	13	16	20						
<b>TOTAL</b>	<b>BILLS</b>	645	768	955	1,184						
<b>TRAVIS COUNTY</b>											
	<b>TRACKED</b>	167	281	305	368						
	<b>ANALYSES</b>	109	137	281	346						
	<b>SUPPORT</b>	0	0	0	0						
	<b>OPPOSE</b>	0	0	0	0						

AS OF	WEEK	11	12	13	14	15	16	17	18	19	20
<b>THURSDAY</b>		21-Mar	28-Mar	4-Apr	11-Apr	18-Apr	25-Apr	2-May	9-May	16-May	23-May
	<b>HB</b> s										
	<b>HJR</b> s										
	<b>SB</b> s										
	<b>SJR</b> s										
<b>TOTAL</b>	<b>BILLS</b>										
<b>TRAVIS COUNTY</b>											
	<b>TRACKED</b>										
	<b>ANALYSES</b>										
	<b>SUPPORT</b>										
	<b>OPPOSE</b>										



# Intergovernmental Relations

**Deece Eckstein, Coordinator**

700 Lavaca Building, Suite 360

Austin, TX 78701

(512) 854-9754

Twitter: @TravCo\_IGR

[deece.eckstein@co.travis.tx.us](mailto:deece.eckstein@co.travis.tx.us)

**TO: Travis County Commissioners Court**

**THROUGH:** Deece Eckstein, Coordinator, Intergovernmental Relations

**DATE:** Thursday, January 31, 2013 *for* Tuesday, February 5, 2013

**RE: Agenda Item #14-B: HJR 46**

## SUGGESTED MOTION

1. That the Travis County Commissioners Court adopt a Resolution expressing its opposition to HJR 46 and direct IGR to communicate that Resolution to members of the Legislature.
2. That the Travis County Commissioners Court add the following to the 83<sup>rd</sup> Travis County Legislative Program as a policy position under Taxation, Revenues, Budget and Administration: Oppose legislation that would create voter confusion and endanger the efficient functioning of commissioners courts by disrupting election timetables.

## Summary and IGR Coordinator Recommendation

A proposed constitutional amendment would disrupt the timing of elections for members of the commissioners court, forcing all of them to run in the first election after a redistricting and then to draw lots to see who would have to run again in either two years or four years. The Court has opposed a similar proposal in the past. IGR recommends that the Court adopt a resolution in opposition to the proposal and to amend its Legislative Agenda to reflect such opposition.

## Background

Representative Cindy Burkett has filed a constitutional amendment, [HJR 46](#), that would change the schedule by which county commissioners are elected following redistricting.<sup>1</sup>

---

<sup>1</sup> Representative Dan Branch filed the same constitutional amendment as [HJR 13](#) during the First Called Session of the 82<sup>nd</sup> Texas Legislature in June, 2011. The Commissioners Court voted to oppose that legislation on June 28, 2011. TAC, CUC and the County Judges and Commissioners

Under current law, commissioners serve staggered four-year terms, with the commissioners in precincts 1 and 3 running in presidential election years (e.g., 2008) and in precincts 2 and 4 running in midterm election years (e.g., 2010).

Under Rep. Burkett's proposal, all four commissioners would run in the first general election after each redistricting (2012, 2022, etc.) and then draw lots to decide which two had to run again two years later. Thus, every commissioner would run for office three times during a decade: two would run in 2012, 2014 and 2018, and the other two would run in 2012, 2016, and 2020. (This is the system used in the Texas Senate.)

This legislation would disrupt the orderly cycle of commissioners' elections and confuse voters, without any justification in terms of efficiency or accountability. For this reason, CUC, TAC and the County Judges and Commissioners Association of Texas (CJCAT) all oppose it.

### **Issues and Opportunities**

HJR 46 would disrupt the continuity of county policies, increase confusion for voters, and add uncertainty and inconsistency for county commissioners courts.

HJR 46 could de-stabilize a county by replacing all four commissioners at the same time. Every 20 years the County Judge would also be included in this cycle. The Commissioners Court is not a purely legislative branch of government -- it is an administrative component of the executive branch, responsible for the fiscal policies of the county. Stability and continuity are core components of county government, purposely built into the Texas Constitution by our forefathers. The four-year terms set up in the Constitution ensure that county government functions competently for local taxpayers without disruption of services, many of which are mandated by the state. The present system of alternate election of two commissioners in each election cycle assures both experienced leadership and voter accountability.

HJR 13 will create needless confusion and unpredictability in elections, since the length of terms will be determined by lot, creating different commissioner precinct election

---

Association of Texas (CJCAT) also opposed the measure. The HJR was referred to the House Elections Committee, but Governor Perry did not add it to the charge and the proposal did not go anywhere.

cycles from county to county. The current system of alternate terms provides uniformity with the same precincts on the ballot in all counties.

The voters have already expressed their preference for a county commissioner for a four year term as required by the constitution, not an arbitrary two year term. HJR 46 would result in some commissioner precincts being randomly submitted to the voters for three consecutive elections. Election results should not be set aside simply because a boundary change occurs in another part of the county.

### **Budgetary and Fiscal Impact**

### **ATTACHMENTS**

1. House Joint Resolution 46, 83<sup>rd</sup> Legislature, November 12, 2012.
2. DRAFT Resolution in opposition to HJR 46, January 31, 2013 draft for action on February 5, 2013.

**CC:** Bruce Elfant, Tax Assessor-Collector  
Dana DeBeauvoir, County Clerk  
Daniel Bradford, County Attorney's Office  
Elizabeth Hanshaw Winn, County Attorney's Office



By: Burkett

H.J.R. No. 46

A JOINT RESOLUTION

1 proposing a constitutional amendment providing for the election and  
2 staggering of terms of county commissioners following a change in  
3 boundaries of a commissioners precinct.

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

5 SECTION 1. Section 18(d), Article V, Texas Constitution, is  
6 amended to read as follows:

7 (d) Each commissioners precinct shall elect a commissioner  
8 at the first general election that follows the adoption of a change  
9 in [When] the boundaries of two or more commissioners precincts  
10 located in the county. The commissioners elected after a change in  
11 boundaries shall determine by lot which two of them will serve a  
12 term of two years and which two of them will serve a term of four  
13 years, so that one-half of the commissioners shall be elected every  
14 two years thereafter ~~[are changed, each commissioner in office on~~  
15 ~~the effective date of the change, or elected to a term of office~~  
16 ~~beginning on or after the effective date of the change, shall serve~~  
17 ~~in the precinct to which each was elected or appointed for the~~  
18 ~~entire term to which each was elected or appointed, even though the~~  
19 ~~change in boundaries places the person's residence outside the~~  
20 ~~precinct for which he was elected or appointed].~~

21 SECTION 2. This proposed constitutional amendment shall be  
22 submitted to the voters at an election to be held November 5, 2013.  
23 The ballot shall be printed to provide for voting for or against the  
24 proposition: "The constitutional amendment providing for the

H.J.R. No. 46

1 election and staggering of terms of county commissioners following  
2 a change in boundaries of a commissioners precinct."

WHEREAS, in 1954 Texas voters amended their Constitution to provide that all county commissioners should have terms of four years in length; and,

WHEREAS, the county commissioners in Precincts 1 and 3 traditionally run in gubernatorial, or mid-term, election years, and county commissioners in Precincts 2 and 4 run in presidential election years; and,

WHEREAS, House Joint Resolution 46 has been filed in the 83<sup>rd</sup> Legislature, Regular Session, by Representative Cindy Burkett; and,

WHEREAS, HJR 46 proposes that, after any redistricting of county commissioner lines, all four county commissioner offices shall be up for election, with the four winners then drawing lots to determine which two commissioners will run again in two years and which two will run again in four years, with each commissioner to stand for reelection again four years after that; and,

WHEREAS, HJR 46 would increase voter alienation by creating needless confusion and unpredictability in elections, since the length of terms will be determined by lot, creating different precinct election dates from county to county. The current system of staggered terms helps reinforce stability and continuity in voters' minds and in the conduct of elections; and

WHEREAS, HJR 46 could radically de-stabilize a county by making all four commissioners run at the same time. Counties are an administrative component of the State.

Stability and continuity are values built into county government by previous generations of Texans; and,

WHEREAS, Texas voters have already expressed their preference for a county commissioner with a four-year term as required by the constitution, not an arbitrary two-year term at some point during a decade; now therefore,

BE IT RESOLVED that the Travis County Commissioners Court urges the Texas Legislature to oppose legislation that would vacate all four county commissioners' seats after any redistricting of those seats, then require county commissioners to draw lots to determine whether they will run again in two or four years; and,

BE IT FURTHER RESOLVED that the Travis County Commissioners Court expresses its opposition to House Joint Resolution 46, and wishes to communicate that opposition to members of the Travis County delegation and to the entire Legislature.

---

SAMUEL T. BISCOE  
COUNTY JUDGE

---

RON DAVIS  
COMMISSIONER, PCT. 1

---

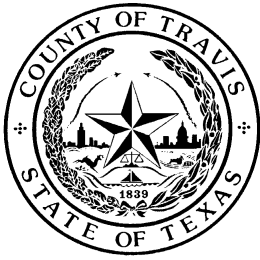
SARAH ECKHARDT  
COMMISSIONER, PCT. 2

---

GERALD DAUGHERTY  
COMMISSIONER, PCT. 3

---

MARGARET GÓMEZ  
COMMISSIONER, PCT. 4



# Intergovernmental Relations

**Deece Eckstein, Coordinator**

700 Lavaca Building, Suite 360

Austin, TX 78701

(512) 854-9754

Twitter: @TravCo\_IGR

[deece.eckstein@co.travis.tx.us](mailto:deece.eckstein@co.travis.tx.us)

**TO:** Travis County Commissioners Court

**THROUGH:** Deece Eckstein, Coordinator, Intergovernmental Relations

**DATE:** Thursday, January 31, 2013 *for* Tuesday, February 5, 2013

**RE:** Agenda Item #14-C: Creation of two additional criminal courts in the 83<sup>rd</sup> Texas Legislature

## SUGGESTED MOTION

### Summary and IGR Coordinator Recommendation

The Travis County criminal court judges have proposed the creation of two new courts – one district court and one county court – of general criminal jurisdiction. The Commissioners Court has expressed concern about the financial commitment involved in the creation and maintenance of two new courts. Two versions of the legislation needed to create the courts have been prepared for the Court's consideration and action. Because of the notice requirements for local bills and the passage of time in the legislative session, IGR recommends that the Court make a decision whether to proceed at this time.

### Background

On October 11, 2012, the criminal court judges presented their need for creation of two new criminal courts in Travis County: one district court and one county court.<sup>1</sup> At that work session, questions were asked about the timetable for and costs incurred in creating those courts. On October 23, 2012, the Court discussed the issue and asked the judges and County staff to do additional research and quantification of caseloads and costs. On December 4, 2012, the Court reviewed the documentation that had been assembled and further discussed the issue.<sup>2</sup>

---

<sup>1</sup> Backup materials for that Work Session can be found [here](#).

<sup>2</sup> Backup materials for that Voting Session can be found [here](#).

At that time, the Court asked IGR to explore whether legislation could be drafted in such a way as to create the courts but make their actual operation contingent on future funding decisions by the commissioners court. IGR followed up with Representative Elliott Naishtat, who asked the Legislative Council to draft two versions of the proposal – one “contingent” (on subsequent county funding) and the other “clean.” Representative Naishtat asked Lege Council to advise him of any legal or practical issues involved in the drafting.

On January 22, 2013, Legislative Council provided Rep. Naishtat’s office with draft language for the “contingent” versions of the proposal. The two bills:

- Have an effective date of September 1, 2013;
- Create a new district court with criminal jurisdiction effective September 1, 2015;
- Create a new county court with criminal jurisdiction effective October 1, 2015;
- Permit the Commissioners Court to begin operations of the new courts at any time within those two-year periods, contingent upon funding; and,
- Provide the option for the Court to seek repeal of one or both bills during the next regular session in 2015 if it decides not to create or fund the courts.

One concern with the “contingent” version of the district court bill: it is the responsibility of the Legislature to fund the base salary and benefits for district court judges. They are unlikely to make such a funding commitment in the 2014-2015 budget if the authorizing legislation creates a contingency, since there will be other, more immediate demands on that revenue.

In addition, the Legislative Council is drafting “clean” versions of the bills, i.e., creating both the district and county courts on January 1, 2015. As of this writing, we only have the Lege Council’s version of the district court bill, but the backup includes the working draft of the county court bill which IGR provided for Lege Council.

Legislation to create a new county court at law is, by definition, a local bill, which requires 30-day public notice. If the Court proceeds to seek legislative creation of a new county court at law, IGR recommends that notice be published as soon as practicable. Draft language for such notice is attached.

### **Issues and Opportunities**

In October, the criminal court judges presented their [analysis](#) of the need for additional courts, including caseload growth projections, staffing, space and equipment requirements, and a proposed budget and timetable.

At the December [presentation](#), Roger Jefferies, County Executive for Justice and Public Safety discussed a 10-year analysis and plan regarding the need for new criminal courts in Travis County, and Leslie Browder, County Executive for Budget and Planning, discussed a five-year fiscal analysis and projections that, among other things, analyzed the impact of possible revenue cap or appraisal cap legislation that might be considered by the 83<sup>rd</sup> Legislature.

As of January 31, ten pieces of legislation have been filed that would affect either the current 10% cap on residential homestead appraisal increases or the 8% rollback rate on local government tax rate increases. A summary of those bills is attached.

### **Budgetary and Fiscal Impact**

N/A

### **ATTACHMENTS**

1. Draft "Clean" District Court bill, Texas Legislative Council, January 31, 2013.
2. Draft "Clean" County Court bill, IGR, January 24, 2013.
3. Draft "Contingent" District Court bill, Texas Legislative Council, January 22, 2013.
4. Draft "Contingent" County Court bill, Texas Legislative Council, January 23, 2013.
5. Proposed Legal Notice of Intent to File Local Bill, February 5, 2013.
6. Analysis of Appraisal and Revenue Caps Bills, IGR, January 31, 2013.

**CC:** Judge Julie Kocurek, 390<sup>th</sup> District Court  
Debra Hale, Criminal Courts Administration  
Roger Jefferies, County Executive, Justice and Public Safety  
Leslie Browder, County Executive, Planning and Budget  
Cyd Grimes, County Purchasing Agent

# "CLEAN" District Court bill

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the creation of an additional judicial district  
3 composed of Travis County.

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

5 SECTION 1. Subchapter C, Chapter 24, Government Code, is  
6 amended by adding Section 24.594 to read as follows:

7 Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a)  
8 The 450th Judicial District is composed of Travis County.

9 (b) The 450th District Court shall give preference to  
10 criminal matters.

11 SECTION 2. The 450th Judicial District is created on the  
12 effective date of this Act.

13 SECTION 3. This Act takes effect January 1, 2015.



# "CLEAN" County Court bill

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an additional county court at law in Travis County.

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

SECTION 1. (a) Section 25.2291(a), Government Code, is amended to read as follows:

(a) Travis County has the following statutory county courts:

- (1) County Court at Law No. 1 of Travis County, Texas;
- (2) County Court at Law No. 2 of Travis County, Texas;
- (3) County Court at Law No. 3 of Travis County, Texas;
- (4) County Court at Law Number 4 of Travis County;
- (5) County Court at Law Number 5 of Travis County;
- (6) The County Court at Law Number 6 of Travis County;
- (7) The County Court at Law Number 7 of Travis County;

~~[and]~~

(8) The County Court at Law Number 8 of Travis County;

and

(9) The County Court at Law Number 9 of Travis County.

(b) Effective January 1, 2015, the County Court at Law Number 9 of Travis County is created.

SECTION 2. Section 25.2292, Government Code, is amended by adding Subsection (b) to read as follows:

(b) The County Court at Law Number 9 of Travis County shall give preference to criminal cases.

SECTION 3. This Act takes effect September 1, 2013.

# **“CONTINGENT” District Court bill**

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

A BILL TO BE ENTITLED

AN ACT

relating to the creation of an additional judicial district composed of Travis County.

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

SECTION 1. Subchapter C, Chapter 24, Government Code, is amended by adding Section 24.594 to read as follows:

Sec. 24.594. 450TH JUDICIAL DISTRICT (TRAVIS COUNTY). (a) The 450th Judicial District is composed of Travis County.

(b) The 450th District Court shall give preference to criminal matters.

SECTION 2. Notwithstanding Section 24.594, Government Code, as added by this Act, the 450th Judicial District is created September 1, 2015, or on an earlier date determined by the Commissioners Court of Travis County by an order entered in its minutes, subject to availability of appropriated state money for that purpose.

SECTION 3. This Act takes effect September 1, 2013.

# "CONTINGENT" County Court bill

By: \_\_\_\_\_

\_\_\_\_.B. No. \_\_\_\_\_

## A BILL TO BE ENTITLED

### AN ACT

relating to the creation of an additional county court at law in Travis County.

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

SECTION 1. Section 25.2291(a), Government Code, is amended to read as follows:

(a) Travis County has the following statutory county courts:

- (1) County Court at Law No. 1 of Travis County, Texas;
- (2) County Court at Law No. 2 of Travis County, Texas;
- (3) County Court at Law No. 3 of Travis County, Texas;
- (4) County Court at Law Number 4 of Travis County;
- (5) County Court at Law Number 5 of Travis County;
- (6) The County Court at Law Number 6 of Travis County;
- (7) The County Court at Law Number 7 of Travis County;

~~[and]~~

(8) The County Court at Law Number 8 of Travis County;

and

(9) The County Court at Law Number 9 of Travis County.

SECTION 2. Section 25.2292, Government Code, is amended by adding Subsection (b) to read as follows:

(b) The County Court at Law Number 9 of Travis County shall give preference to criminal cases.

SECTION 3. Notwithstanding Section 25.2291(a), Government Code, as amended by this Act, the County Court at Law Number 9 of Travis County is created October 1, 2015, or on an earlier date determined by the Commissioners Court of Travis County by an order entered in its minutes.

SECTION 4. This Act takes effect September 1, 2013.

Please place the notice below in a newspaper of general circulation in Travis County as soon as possible.

## NOTICE

Notice is hereby given of intent to introduce in the 83<sup>rd</sup> Legislature, Regular Session, a bill to be entitled an Act relating relating to the creation of an additional county court at law in Travis County.

**Analysis of Appraisal and Revenue Cap Bills**  
**83<sup>rd</sup> Texas Legislature, Regular Session**

**Appraisal Caps**

An appraisal cap is a limitation on the amount that residential (or, in some proposals, commercial and industrial) property appraisals can rise each year. The Texas Constitution (Art. VIII, Sec. 1) currently permits the Legislature to set an appraisal cap for residential homesteads of 10% each year, which is does in Section 23.23 of the TAX CODE.

***Constitutional Amendment and enabling Legislation to reduce the appraisal cap below the current 10%.***

Limit the maximum appraised value of a residence homestead for ad valorem tax purposes to **105% or more** of the appraised value:

- [HJR 58](#)  
[HB 428](#)

Author: Rep. Brandon Creighton

- [SJR 15](#)  
[SB 154](#)

Author: Senator Dan Patrick

Limit the maximum appraised value of a residence homestead for ad valorem tax purposes to **105% or less** of the appraised value of the property for the preceding tax year. Under Senator Nichols' proposal, the commissioners court of a county may call an election to ask voters to raise the appraisal cap in a given year above the level set by the Legislature, but in no case above 110%.

- [SJR 9](#)  
[SB 95](#)

Author: Senator Robert Nichols

***Constitutional Amendment and enabling Legislation to establish a 10% limitation on increases to the appraisal of commercial or industrial property.***

Establish a **10% limitation** on increases in the appraised value for ad valorem tax purposes of **commercial or industrial real property**:

- [SJR 14](#)
- [SB 155](#)

Author: Senator Dan Patrick

## **Revenue Caps**

*Under current law (TAX CODE §26.04), a proposed increase in the effective tax rate of more than 8% requires a governing body to hold a hearing and give notice of the proposal. After the tax rate has been increased, the public may call for a rollback election to decrease the tax rate by producing a petition with either a) 7% of registered voters if the tax increase amounts to at least \$5 million or b) 10% of registered voters if the tax increase amounts to less than \$5 million. After this petition is accepted by the governing body, they shall hold a rollback election to ratify the rollback rate.*

Reduces the current rollback rate from 8% to 5% and requires that, if a proposed effective tax rate increase exceeds the rollback rate, an election *must* be held to ratify the proposed effective tax rate. If ratification fails, the governmental entity may not increase the tax rate by more than 5%.

- [SB 102](#)

Author: Senator Dan Patrick

Reduces the current rollback rate from 8% to 5% and retains current language permitting citizens to call for a rollback election. However, it also permits a higher rate if either a) any part of the taxing unit is located in an area declared a disaster area by the governor or the president, or b) the governing body of the taxing entity makes a finding that the higher tax rate is necessary to protect the health, safety, or property of persons residing in the taxing unit.

- [SB 144](#)

Author: Senator Tommy Williams

Travis County Commissioners Court  
Voting Session, February 5, 2013  
Motion in Writing

Move that the Travis County Commissioners Court make the following amendments to its **Legislative Agenda for the 83<sup>rd</sup> Texas Legislature**:

1. Add the following to the **Priorities** section:
  9. Support legislation to amend the Open Meetings Act to update references to “tape” recordings of public meetings and conform them to modern technology. (TRBA-9)
  10. Support legislation that would amend the Government Code to allow political subdivisions to implement the same loan, Roth and automatic enrollment provisions as state agencies, if in compliance with the Internal Revenue Code. (TRBA-10)
  11. Support legislation to clarify the geographic extent of ad valorem tax liens on business personal property. (TRBA-11)
  
2. Add the following to the **Taxes, Revenues, Budget and Administration** subsection of the **Policy Positions** section:
  - a. Oppose legislation that would create voter confusion and endanger the efficient functioning of commissioners courts by disrupting election timetables.