



## Travis County Commissioners Court Agenda Request

**Meeting Date:** Tuesday, June 18, 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:

AT 11:00 A.M.

CONSIDER AND TAKE APPROPRIATE ACTION ON LEGISLATIVE MATTERS, INCLUDING:

- A. UPDATE ON LEGISLATIVE ACTIVITIES;
- B. FINAL STATUS OF TRAVIS COUNTY LEGISLATIVE PRIORITIES FOR THE 83RD TEXAS LEGISLATURE, REGULAR SESSION, FOLLOWING THE VETO DEADLINE ON SUNDAY, JUNE 16, 2013;
- C. REPORT ON THE GOVERNOR'S ACTIONS ON VARIOUS LEGISLATION; AND
- 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:

#### BACKGROUND:

- 1) The [Senate Select Committee on Redistricting](#) met on Wednesday, June 12, to hear testimony, consider alternatives, and take action on House, Senate and congressional redistricting plans.

IGR testified in opposition to the [interim congressional plan](#), which dismembers Travis County into five different congressional districts, in none of which Travis County voters have a decisive voice in selecting their congressperson.

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Among others, two alternative plans were offered – [Plan C245](#) by Senator Watson and [Plan C246](#) by Senator Uresti – which would have addressed the County’s concerns. However, neither of them was adopted and the committee finally adopted the interim congressional plan. The committee also adopted the interim plans for House and Senate districts.

The Senate has scheduled floor debate on those plans for Friday, June 14. IGR will update these backup materials to report on its actions.

- 2) The House Select Committee on Redistricting conducted public hearings in [Dallas](#) (June 6), [San Antonio](#) (June 10) and [Houston](#) (June 12). It will meet again on Monday, June 17, in [Austin](#). Assuming that the Senate has finally acted on redistricting maps on Friday, they may be in a position to take action on the House version of the maps.
- 3) The [Senate Finance Committee](#) also met on Wednesday to consider [SJR 2](#), the constitutional amendment to dedicate a portion of oil and gas severance taxes to the Mobility Fund. A committee substitute was laid out, which clarified that the additional revenue could only be used “for constructing, maintaining, and acquiring rights-of-way for public roadways.” This was added to alleviate concerns that the money would be used for more bonding capacity instead for pay-as-you-go highway building. This new language, though, helpfully addresses the concern expressed by Commissioner Davis that the money be focused on roads.

IGR expressed support of the bill and provided copies of the Court’s letter to members of the committee (as well as the Big Three state leaders and the Travis County legislative delegation). The CUC and several of the other large counties also supported the bill, which was left pending and will be considered again on June 14.

A copy of a letter of support from Tarrant County is attached, as is a copy of the committee substitute with the newly-added language highlighted.

- 4) Governor Perry has added [two new topics](#) to the call:
  - a) Legislation relating to establishing a mandatory sentence of life with parole for a capital felony committed by a 17-year-old offender.

- b) Legislation relating to the regulation of abortion procedures, providers and facilities.

The first topic is in response to the Supreme Court's opinion in *Miller v. Alabama*, which held that mandatory sentences of life without possibility of parole are unconstitutional for juvenile (meaning under-18-year-old) offenders. Three bills ([SB 23](#), [HB 33](#) and [HB 37](#)) have been filed that would clarify that the mandatory punishment for a non-death penalty capital felony committed by a person younger than 18 is life (with the possibility of parole). A capital felony committed by an individual who is 18 or older would be life without parole.

- 5) There are 7 days remaining in the First Called Session.

**ISSUES AND OPPORTUNITIES:**

- 1) A narrative summary of the status of the Court's legislative priorities is attached. As of this writing, the veto period has not expired, but we expect no changes to the information provided in this analysis.
- 2) We will update the backup with information and commentary of any significant developments as the veto period concludes.
- 3) IGR does not recommend any changes to the Legislative Agenda at this time.

**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:**

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**ATTACHMENTS:**

- A. 83<sup>rd</sup> Legislature, First Called Session, Committee Substitute for SJR 2, June 12, 2013.
- B. Tarrant County Commissioners Court, Letter of Support for SJR 2, June 11, 2013.
- C. Travis County IGR, Status Report on Legislative Priorities, June 13, 2013.

By: \_\_\_\_\_ .J.R. No. \_\_\_\_\_

Substitute the following for \_\_\_\_J.R. No. \_\_\_\_\_:

By: \_\_\_\_\_ C.S.\_\_\_\_.J.R. No. \_\_\_\_\_

A JOINT RESOLUTION

1 proposing a constitutional amendment to provide for the transfer of  
2 certain general revenue to the economic stabilization fund, to  
3 provide for the transfer and dedication of certain general revenue  
4 to the state highway fund, and to authorize the payment of the  
5 principal and interest on certain highway improvement bonds from  
6 other money deposited to the state highway fund.

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

8 SECTION 1. Sections 49-g(c), (d), and (e), Article III,  
9 Texas Constitution, are amended to read as follows:

10 (c) Not later than the 90th day of each fiscal year, the  
11 comptroller of public accounts shall transfer from general revenue  
12 to the economic stabilization fund and to the state highway fund the  
13 amounts prescribed by Subsections (d) and (e) of this section.  
14 However, if necessary, the comptroller shall reduce  
15 proportionately the amounts transferred to the economic  
16 stabilization fund to prevent the amount in the fund from exceeding  
17 the limit in effect for that biennium under Subsection (g) of this  
18 section. Revenue transferred to the state highway fund under this  
19 subsection may be used only for constructing, maintaining, and  
20 acquiring rights-of-way for public roadways.

21 (d) If in the preceding year the state received from oil  
22 production taxes a net amount greater than the net amount of oil  
23 production taxes received by the state in the fiscal year ending  
24 August 31, 1987, the comptroller shall retain [~~transfer to the~~

1 ~~economic stabilization fund~~] an amount equal to 25 [~~75~~] percent of  
 2 the difference between those amounts as general revenue. Of the  
 3 remaining 75 percent of the difference between those amounts, the  
 4 [~~The~~] comptroller shall transfer an amount equal to one-half to  
 5 the economic stabilization fund and transfer an amount equal to  
 6 one-half to the state highway fund [~~retain the remaining 25 percent~~  
 7 ~~of the difference as general revenue~~]. In computing the net amount  
 8 of oil production taxes received, the comptroller may not consider  
 9 refunds paid as a result of oil overcharge litigation.

10 (e) If in the preceding year the state received from gas  
 11 production taxes a net amount greater than the net amount of gas  
 12 production taxes received by the state in the fiscal year ending  
 13 August 31, 1987, the comptroller shall retain [~~transfer to the~~  
 14 ~~economic stabilization fund~~] an amount equal to 25 [~~75~~] percent of  
 15 the difference between those amounts as general revenue. Of the  
 16 remaining 75 percent of the difference between those amounts, the  
 17 [~~The~~] comptroller shall transfer an amount equal to one-half to  
 18 the economic stabilization fund and transfer an amount equal to  
 19 one-half to the state highway fund [~~retain the remaining 25 percent~~  
 20 ~~of the difference as general revenue~~]. For the purposes of this  
 21 subsection, the comptroller shall adjust the [~~his~~] computation of  
 22 revenues to reflect only 12 months of collection.

23 SECTION 2. Section 49-p, Article III, Texas Constitution,  
 24 is amended by adding Subsection (e) to read as follows:

25 (e) Money deposited to the credit of the state highway fund,  
 26 except for revenue transferred to that fund under Section 49-g(c)  
 27 of this article, may be appropriated to repay the principal and

1 interest on bonds issued under this section.

2 SECTION 3. The following temporary provision is added to  
3 the Texas Constitution:

4 TEMPORARY PROVISION. (a) This temporary provision applies to  
5 the constitutional amendment proposed by the 83rd Legislature, 1st  
6 Called Session, 2013, to provide for the transfer of certain  
7 general revenue to the economic stabilization fund, to provide for  
8 the transfer and dedication of certain general revenue to the state  
9 highway fund, and to authorize the payment of the principal and  
10 interest on certain highway improvement bonds from other money  
11 deposited to the state highway fund.

12 (b) The amendment to Section 49-g, Article III, of this  
13 constitution takes effect January 1, 2014, and applies only to a  
14 transfer of revenue made by the comptroller of public accounts as  
15 provided by Subsection (d) or (e) of that section on or after  
16 January 1, 2014.

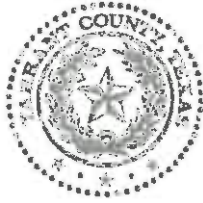
17 (c) This temporary provision expires January 1, 2015.

18 SECTION 4. This proposed constitutional amendment shall be  
19 submitted to the voters at an election to be held November 5, 2013.  
20 The ballot shall be printed to permit voting for or against the  
21 proposition: "The constitutional amendment to provide for the  
22 transfer of certain general revenue to the economic stabilization  
23 fund, to provide for the transfer and dedication of certain general  
24 revenue to the state highway fund, and to authorize the payment of  
25 the principal and interest on certain highway improvement bonds  
26 from other money deposited to the state highway fund."



115349

Item # 20



# TARRANT COUNTY

June 11, 2013

The Honorable Robert Nichols  
Chairman, Senate Transportation Committee  
P.O. Box 12068 – Capitol Station  
Austin, TX 78711

The Honorable Larry Phillips  
Chairman, House Transportation Committee  
P.O. Box 2910  
Austin, TX 78768-2910

**Re: SUPPORT for SJR 2 / HJR 9 for Transportation Funding**


Dear Chairmen Nichols and Phillips:

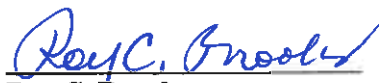
The Commissioners Court of Tarrant County unanimously supports **SJR 2** and **HJR 9**, which would allocate some of the revenue growth from the oil and gas severance tax to the State Highway Fund.

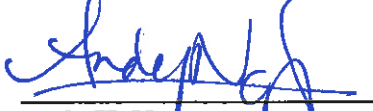
These joint resolutions would put a constitutional amendment before the voters in November. We agree that voters should be asked if they want half of the severance tax that now goes to the state's Rainy Day Fund, to instead go to building and maintaining highways, and would generate an estimated \$900 million per year in additional highway funding in 2014 and 2015. Oil production in Texas is growing dramatically and the huge natural gas fields that have been discovered will most certainly be developed in the years ahead as natural gas demand grows and prices improve. That will mean more funding for transportation, and at the same time will keep replenishing the Rainy Day Fund.


Thank you for your leadership and efforts on this most important issue for the citizens of the State of Texas.


Respectfully,

  
\_\_\_\_\_  
**B. Glen Whitley**  
County Judge

  
\_\_\_\_\_  
**Roy C. Brooks**  
Commissioner, Precinct 1

  
\_\_\_\_\_  
**Andy H. Nguyen**  
Commissioner, Precinct 2

  
\_\_\_\_\_  
**Gary Fickes**  
Commissioner, Precinct 3

  
\_\_\_\_\_  
**J.D. Johnson**  
Commissioner, Precinct 4

CC: Tarrant County Legislative Delegation

**TRAVIS COUNTY COMMISSIONERS COURT**  
**STATUS REPORT ON LEGISLATIVE PRIORITIES**  
**As of June 13, 2013**

1. Oppose legislation or budget decisions that would create unfunded mandates or divert county revenues – IGR weighed in on several bills that would create unfunded mandates. Only one bill was filed to directly prohibit unfunded mandates, Rep. Garnet Coleman’s [HJR 96](#), but that bill was never heard in committee.
2. Oppose efforts to lower the current appraisal caps and revenue caps – twelve bills were filed. Only four of them – two revenue caps bills ([SB 102](#) by Patrick and [SB 144](#) by Williams) and two appraisal cap bills ([HJR 84](#) and [HB 1338](#) by Bell) got a hearing, and all were left pending.
3. Support funding for necessary benefits and services for Travis County residents – [SB 1](#), the 2014-2015 budget, restored some of the funding cuts from the previous session, and even made improvements in mental health services and other critical areas.
4. Support improved mental health continuity of care in the criminal justice system – some of the additional funding for mental health services will find its way, via local mental health authorities, into county jails, probation programs and re-entry services.
5. Support local control over billboards – One bill, [HB 675](#) was filed, but did not receive a hearing.
6. Support legislation to enhance county authority to manage growth – in spite of the efforts of several legislators, bills to enhance local subdivision regulation, e.g., [HB 761](#), died. On the other hand, so did several bills calculated to reduce county land use authority, e.g., [HB 3088](#). Although several bills were filed to further restrict local government use of eminent domain (e.g., [HB 476](#), [SB 96](#), and [SB 180](#)), none of them received a hearing.
7. Support increases to transportation funding – the new budget reduces the diversions from Fund 6, but that reflects the availability of money more than a legislative commitment to eliminate diversions. Only one of the bills that would statutorily restrict Fund 6 diversions, [HB 479](#),

received a hearing, and was left pending. Two bills to enhance transportation funding by increasing the vehicle registration fee, [HB 3664](#) and [HB 3666](#), got out of committee but failed to pass the House.

8. Support legislation to effectively plan and manage groundwater and surface water as a single resource – Texas law continues to treat groundwater and surface water as completely different resources. The Legislature made no progress on this front during the session.
9. Support legislation to update references to “tape” recordings of public meetings and conform them to modern technology – our bill, [SB 471](#) by Ellis, has been **signed by the Governor**.
10. Support legislation to allow political subdivisions to conform their deferred compensation plans to recent changes in federal law -- We worked with Harris County on a bill, [SB 366](#) by Taylor, which has been **signed by the Governor**.
11. Support legislation to clarify the geographic extent of ad valorem tax liens on business personal property – our bill, [SB 1606](#) by Zaffirini, has been sent to the Governor.
12. Support legislation to create two new criminal courts – [HB 3153](#) by Lewis, the omnibus courts creation bill, includes both the district and county court, effective September 1, 2015, and has been sent to the Governor.
13. Support legislation to allow Travis County to impose a filing fee of up to \$15 for all civil cases, with proceeds dedicated to helping pay for the construction, renovation, or improvement of the facilities that house the Travis County civil courts – our bill, [SB 1891](#) by Watson, has been sent to the Governor.
14. Support legislation to give the Travis County Sheriff permissive authority to enforce certain federal laws and regulations regarding commercial motor vehicles – Our bill, [HB 2304](#) by Rodriguez, has been sent to the Governor.
15. Support redistricting legislation that meets the threefold criteria set by the Legislature – this issue is still in progress during the special session.