



## Travis County Commissioners Court Voting Session Agenda Request

**Meeting Date:** February 5, 2019

**Agenda Language:**

Consider and take appropriate action on legislative matters, including:

- A. Update on legislative activities;
- B. Unfunded mandate legislation, including [SJR 10](#) and [HJR 30](#);
- C. Adoption of a resolution in support of unfunded mandate reform; and
- D. Modifications to the Priorities, Policy Positions, and Positions on Other Proposals sections of the Travis County Legislative Agenda.

**Prepared By/Phone Number:** Julie Wheeler, 854-4774

**Elected/Appointed Official or Department Head:** Deece Eckstein, IGR Officer

**Commissioners Court Sponsor(s):** Commissioners Daugherty and Shea

**Press Inquiries:** Hector Nieto, PIO@traviscountytexas.gov or (512) 854-8740

**Background/Summary of Request and Attachments:**

The Legislature is completing its fourth week. Senate committee assignments were made on January 18, and House committee assignments on January 23. The budget committees (**Senate Finance** and **House Appropriations**) are meeting and dissecting the draft budgets for each chamber. The **House Public Education Committee** is also meeting, educating itself on the twists and turns of the school finance system.

**Governor Greg Abbott** will deliver his **State of the State speech** today. In it, he is expected to identify several *emergency items*. Under the Constitution, during the first 60 days the Legislature may act only on emergency items, so the Governor's list will set the tone for the next couple months – and possibly for the rest of the session.

**Staff Recommendations:**

IGR recommends that the Court adopt the attached draft Resolution in support of [Senate Joint Resolution 10](#) and [House Joint Resolution 30](#).

**AGENDA REQUEST & BACKUP MATERIALS DEADLINE:** Agenda requests and backup materials must be submitted in PDF format via email to [agenda@traviscountytexas.gov](mailto:agenda@traviscountytexas.gov) by **12 noon on Tuesday** in order to be considered for inclusion in the following week's voting session.

## Issues and Opportunities:

### A. Update on legislative activities

(A separate attachment will be distributed.)

### B. Unfunded mandate legislation, including [SJR 10](#) and [HJR 30](#)

**Unfunded (or underfunded) mandates** are laws passed by the Legislature (or Congress at the federal level) or regulations issued by agencies that direct counties to undertake specified governmental actions without the funding to support such mandates. Effectively, they are property tax increases imposed on local taxpayers by the state (or federal) government.

Texas counties have long faced unfunded mandates from both the state and federal governments. In recent years, though, unfunded mandates have been accompanied by criticism from some politicians, suggesting that local officials are incapable of fiscal stewardship of their governments.

To name just a few examples, some unfunded/underfunded mandates and their effect on Travis County include:

- ★ *Indigent criminal defense* – Providing legal representation to indigent criminal defendants is required of states by the *Gideon v. Wainwright* case. The Legislature shifted that requirement to counties in the Fair Defense Act (2001). In 2017, counties paid \$227,822,979 in indigent criminal defense expenses. This year, Travis County alone is budgeting \$13,519,526.
- ★ *Indigent civil defense* – Courts have ruled that indigent parents and children in CPS cases are entitled to legal representation. The Texas Family Code requires counties to pay for these services. This year, Travis County has budgeted \$10,213,337. It is one of the fastest-growing costs in the county budget.
- ★ “Blue warrants” – When parolees commit a technical violation of their parole (e.g., not paying a parole fee), the State issues “blue warrants” asking local law enforcement to arrest and incarcerate them until TDCJ decides what to do with them. Travis County spent \$1,076,922 on such cases last year;
- ★ Temporary housing of TDCJ inmates – these are convicted defendants who are TDCJ’s responsibility, but are still housed in Travis County jails. We conservatively estimate the cost of housing these inmates at \$251,802;

- ★ Service of process of *capias* warrants – The statutory fee is limited to \$50, although an analysis by PBO shows the cost per warrant is in excess of \$90.

### *C. Adoption of a resolution in support of unfunded mandate reform*

This session, two constitutional amendments have been filed to address this problem: [SJR 10](#) by Senator Dawn Buckingham (a member of the Travis County delegation), and [HJR 30](#) by Representative DeWayne Burns. If passed and approved by the voters, these amendments would require that a mandate on local government that requires the spending of additional local funds has no effect unless the Legislature provides funding or reimbursement.

Similar amendments have been incorporated in the constitutions of many other states. While it would not affect present unfunded mandates, it would prevent the adoption of additional ones in the future. The IGR Office urges adoption of a resolution expressing the Court's support for these pieces of legislation.

### *D. Modifications to the Priorities, Policy Positions, and Positions on Other Proposals sections of the Travis County Legislative Agenda.*

The IGR Office does not seek any changes to the Legislative Agenda at this time.

### **Fiscal Impact and Source of Funding:**

N/A

### **Attachments:**

- A. IGR, "Draft Resolution in Support of Unfunded Mandate Reform," February 5, 2019.

### **Required Authorizations:**

Commissioner Brigid Shea  
Travis County Commissioner, Pct. 2  
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Commissioner Gerald Daugherty  
Travis County Commissioner, Pct. 3  
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# *Resolution*

**WHEREAS**, the rising costs of local government are driven by two main factors: population growth, and growth in required services or levels of service mandated by the Legislature, i.e., unfunded or underfunded mandates; and

**WHEREAS**, property taxes are the major source of funding for county government, so that every unfunded mandate is effectively a property tax increase; and

**WHEREAS**, for example, this year Travis County has budgeted \$13,519,526 for indigent criminal defense expenses, \$10,213,337 for legal representation for poor parents and children in CPS cases, and \$1,328,724 to house prisoners who belong in Texas Department of Criminal Justice facilities, all unfunded mandates; and

**WHEREAS**, HJR 30 and SJR 10 will provide counties and other local governments with protection against unfunded or underfunded mandates by declaring that a mandate on a local government that requires the spending of additional local funds has no effect unless the state provides funding or reimbursement; and

**WHEREAS** HJR 30 and SJR 10 will improve accountability to taxpayers and voters and represents common sense reform that both statewide and local constituents are demanding,

**NOW, THEREFORE, BE IT RESOLVED** by the Travis County Commissioners Court that the state legislature should pass HJR 30 and SJR 10 to provide relief from unfunded mandates for local governments; and,

**BE IT FURTHER RESOLVED** that the Commissioners Court wishes to communicate that support to members of the Travis County delegation and to the entire Legislature.

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**SARAH ECKHARDT**  
COUNTY JUDGE

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**JEFFREY W. TRAVILLION, SR.**  
COMMISSIONER, PCT. 1

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**BRIGID SHEA**  
COMMISSIONER, PCT. 2

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**GERALD DAUGHERTY**  
COMMISSIONER, PCT. 3

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**MARGARET J. GÓMEZ**  
COMMISSIONER, PCT. 4