

BILL ANALYSIS

Senate Research Center

H.B. 4104
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In recent years there have been disagreements regarding the relative duties and authorities of county commissioners courts and district judge in counties regarding the creation of court administrators, the hiring thereof, and the setting of salaries for court administrators. These disputes have even resulted in ongoing litigation that has reached the highest court in Texas. In 2015, the legislature adopted S.B. 1913 in attempt to clarify the situation. S.B. 1913 provided that commissioners courts decide whether court administrator positions exist or not, and establish the salary range for the position. Under the bill district judges have the authority to hire the individual court administrators and determine the salary within the range established by commissioners court.

The purpose of H.B. 4104 is to provide clarification on the roles of commissioners courts and district courts in relation to the creation, budgeting, and hiring of court administrators consistent with S.B. 1913 from the 84th Legislature. H.B. 4104 amends the Local Government Code by requiring that the commissioners court in preparing the county budget to determine the number of any additional positions in the budget for that fiscal year in regards to the court administrator system and the maximum compensation for those positions.

H.B. 4104 amends current law relating to the county budget for certain court personnel.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter D, Chapter 111, Local Government Code, by adding Section 111.096, as follows:

Sec. 111.096. BUDGETED POSITIONS FOR JUDICIARY. Requires the commissioners court in preparing the county budget for a fiscal year, notwithstanding any other law, to determine the number of any additional positions authorized under Section 75.401 (Court Administrator System for District and Statutory County Courts in Certain Counties), Government Code, to be included in the budget and the maximum compensation for those positions.

SECTION 2. Amends Sections 75.401(a), (c), (d), (e), and (f), Government Code, as follows:

(a) Authorizes the courts, in a county that has more than one district court or statutory county court, to establish and maintain, if approved by, rather than on approval of, the commissioners court, a court administrator system.

(c) Provides that, if the commissioners court includes in the county budget money for the position of court administrator, the court administrator is appointed by the judges of the district courts or the statutory county courts served by the court administrator. Makes a nonsubstantive change.

(d) Entitles a court administrator to reasonable compensation, as determined by the judges served and in the salary range for the position, as set by the commissioners court in the annual budget.

(e) Requires the judges of the courts served by the court administrator, if the positions are included in the county budget adopted by, rather than with the approval of, the commissioners court, to appoint appropriate staff and support personnel according to the needs of the local jurisdiction.

(f) Requires the commissioners court, if money to fund the court administrator system is included in the county budget, rather than on order and directive of the judges, to fund the court administrator system from fines collected by the courts served by the court administrator.

SECTION 3. Effective date: September 1, 2017.