

BILL ANALYSIS

Senate Research Center
86R14660 MP-D

C.S.S.B. 354
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Intergovernmental Relations
3/5/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2017, Attorney General Opinion KP-0160 held that counties with a population of 190,000 or less lacked the necessary statutory authorization to adopt procedures for pre-approval of payroll and office expenses. Unfortunately, this disrupted the customary procedure for payments and created a necessity for special meetings of commissioners courts in those counties for the sole purpose of approval of payroll and routine office expenses.

In order to address this inefficient use of public resources, S.B. 354 overall provides a procedure for these smaller counties to utilize pre-approval of county funds for certain expenses consistent with the procedure in larger counties. Specifically, S.B. 354 strikes the bracketing in the Local Government Code that currently limits the authority to disburse funds for salaries and expenses to a county with a population of 190,000 or more. Correspondingly, S.B. 354 provides a statutory procedure for the payment of county payroll. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 354 amends current law relating to authority of certain officers of certain counties to disburse or direct payment of county funds for salaries or expenses.

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 Section 113.047, Local Government Code, as follows:

Sec. 113.047. New heading: DISBURSEMENTS FOR SALARIES OR EXPENSES. Deletes existing text limiting the applicability of this section to a county with a population of 190,000 or more. Makes a conforming change.

SECTION 2. Amends Subchapter B, Chapter 154, Local Government Code, by adding Section 154.0235, as follows:

Sec. 154.0235. PROCEDURES REGARDING PAYMENT OF OFFICE EXPENSES AND EMPLOYEE SALARIES. (a) Authorizes a district, county, or precinct officer to issue a warrant against the salary fund to pay authorized expenses of the office or the salary of an employee whose salary may be paid from the fund.

(b) Prohibits a payment from being made from the salary fund to an employee for a service performed before the person has taken the constitutional oath of office, if applicable, and the person's authorized appointment and oath, if any, have been filed for record with the county clerk and the county auditor, if the county has a county auditor.

SECTION 3. Effective date: upon passage or September 1, 2019.