

SUBJECT: Job qualifications and payroll deductions for county sheriff's departments

COMMITTEE: County Affairs — committee substitute recommended

VOTE: 7 ayes — Coleman, Morrison, Berman, Castro, Marquez, Sheffield, W. Smith

0 nays

2 absent — Bolton, J. Davis

WITNESSES: (*On committee substitute:*)
For — Cynthia Jacobson, Collin County; Donald Lee, Texas Conference of Urban Counties; (*Registered, but did not testify:* Keith Self, Collin County Commissioners Court)

Against — April Bacon, Travis County Auditor's Office; Edward Dion, El Paso County, Texas Association of County Auditors; (*Registered, but did not testify:* Steve Bresnen, El Paso County; James Clark, County Treasurers' Association of Texas; Katie Conner, Brazos County Auditor; Rick Dollahan, Texas Association of County Auditors; Phyllis Martin, Montgomery County Auditor; David Renken, Comal County Auditor's Office)

DIGEST: CSHB 562 would amend Local Government Code, sec. 155.002 to provide that a county employee would not have to submit a request for a payroll deduction to the county auditor if the employee's request was processed through an automated payroll system maintained by the county. A county employee could revoke a request for a payroll deduction through a county-maintained automated payroll system.

The bill also would make changes to Local Government Code, sec. 152.071, regarding a county government's responsibilities for establishing the job qualifications for employees of the county's sheriff's department.

CSHB 562 would provide that, in a county with a population of more than 75,000, a member of the sheriff's department who was hired for a position that required a state license would not be eligible to receive the prescribed salary for the position until the person fulfilled the licensing requirement.

A sheriff's department member who performed the duties of a position for which the member was not initially hired would not be entitled to the salary prescribed for those duties unless the commissioners court authorized the salary payment before the member performed the duties.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.

**SUPPORTERS
SAY:**

CSHB 562 would create a more efficient electronic process for county employee payroll deductions without impeding the ability of a county auditor to oversee the county's finances. Currently, a county employee must submit a request for a payroll deduction in writing and present the request to the county auditor. Allowing this process to take place electronically would save staff time and reduce paper costs. The bill would not in any way interfere with a county auditor's use of internal controls to protect state and local tax dollars, but simply would shift a portion of the payroll deduction process from paper to electronic form.

CSHB 562 also would update and clarify the Local Government Code provisions relating to job classifications and salaries in the sheriff's department of a county. Current law does not specifically allow the commissioners court of a county to establish the job qualifications for positions in the county's sheriff's department, nor does it require that a member of the sheriff's department seek prior approval from the commissioners court before changing duties that would require a higher level of pay. This bill would ensure that the authority to prescribe the job qualifications, duties, and positions in a county sheriff's departments was within the purview of the commissioners court.

**OPPONENTS
SAY:**

CSHB 562 could interfere with a county treasurer's constitutional and statutory duties to oversee county payrolls. In most counties, the county treasurer is responsible for handling payroll matters, including employees' requests for deductions. By allowing a county employee to request a payroll deduction through an automated payroll system without having to file the request in writing with the county treasurer, CSHB 562 would make it more difficult for the treasurer to oversee and manage county payrolls. The bill also would not set forth any procedures or safeguards for how such automated deduction requests would be made.

NOTES:

The committee substitute removed a provision in the original that would have allowed certain counties that had abolished their county treasurer's office to appoint a payroll officer to administer payroll and personnel matters. The substitute also removed a provision in the original that would have authorized a county with a population of greater than 475,000 but less than one million to purchase specific stop-loss insurance coverage under certain circumstances.