

BILL ANALYSIS

Senate Research Center
84R28280 NC-D

C.S.S.B. 905
By: Hinojosa
Intergovernmental Relations
5/7/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In counties with a population of more than 10,200, county auditors are currently appointed by district judges. In certain counties, the district judges appoint one judge to oversee the appointment and evaluation of the county auditor. County governments, whether large or small, need to have adequate internal controls, or checks and balances, if public funds are to be safeguarded.

The county auditor has unilateral authority to withhold payment on any claim the commissioners court approves. The auditor also reviews certain claims and reimbursements submitted by the district judges. In certain counties, the county auditor has abused this authority and caused the delay of payments or contracts approved by the commissioners court without a process to resolve disputes. S.B. 905 amends the appointment process for certain counties to ensure that the process and the auditor is fair and impartial in the issues and parties they review.

The purpose of S.B. 905 is to amend the appointment process for certain counties to ensure that an auditor is not making arbitrary or biased decisions.

S.B. 905 amends Section 84.002(a), Local Government Code, to preserve the current appointment process for counties with a population of more than 10,200 but less than 500,000.

S.B. 905 adds Section 84.0035, Local Government Code, which relates to the procedure for appointment of county auditors for counties with a population of more than 500,000 but less than 3.3 million.

The bill would allow one county commissioner and the county judge to join the district judges in nominating, evaluating, and appointing a county auditor. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 905 brackets the bill to Hidalgo County, and amends the population brackets included in Section 84.002(a), Local Government Code.

C.S.S.B. 905 amends current law relating to the appointment of a county auditor in certain populous counties.

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 84.002(a), Local Government Code, to require the district judges to appoint a county auditor, except as provided by Subsection (b) (relating to the appointment of a county auditor in a county with a population of less than 10,200) or Section 84.0035, rather than in a county with a population of 10,200 or more.

SECTION 2. Amends Subchapter A, Chapter 84, Local Government Code, by adding Section 84.0035, as follows:

Sec. 84.0035. PROCEDURE FOR APPOINTMENT IN CERTAIN COUNTIES. (a) Requires the district judges, one county commissioner, and the county judge, in a county with a population of more than 300,000 but less than 800,000 that borders the Rio Grande, to hold a meeting for the purpose of appointing a county auditor.

(b) Requires the commissioners court to designate one of its county commissioners to attend the meeting to appoint the county auditor.

(c) Requires a majority of the district judges, the designated county commissioner, and the county judge to be present at the meeting for a county auditor to be appointed. Requires a candidate for the office to receive at least a majority vote of the district judges and members of the commissioners court who are present and voting at the meeting.

(d) Authorizes each district judge to nominate any number of candidates for the office.

SECTION 3. Effective date: September 1, 2015.