

BILL ANALYSIS

Senate Research Center
86R25687 TSS-F

C.S.S.B. 2215
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State Affairs
4/10/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The 1st Multicounty Court at Law covers Nolan, Fisher, and Mitchell Counties. The purpose for the establishment of this court was to alleviate the burden of county case loads and share costs associated with the operation of a county court at law. Nolan County was deemed to be the administrative county for the court, while Fisher and Mitchell Counties were given the option to pay what they could, if at all, for the costs of the court.

While in theory this payment structure seemed ideal, the costs of the court and the uncertainty of the role of each county in paying those costs created serious problems. The majority of the costs have recently fallen on Nolan County, which resulted in a court order to direct how much each county paid through fiscal year 2018.

The provisions of this bill will provide that last session's statute regarding the pay structure of the judge paying the court administrator in the same manner as the official court reporter will be repealed. Under this bill, the court reporter will be paid by a salary set by the commissioners courts in the counties the reporter serves to be paid out of the county treasuries.

The bill will mandate that an interlocal agreement be made between Fisher, Mitchell, and Nolan Counties regarding pay structure, budget, and judicial responsibilities of the court.

The bill will provide that if an interlocal agreement cannot be made, the multicounty county court at law will be funded based on the case load of each county served by the court.

The committee substitute to this bill adds that court administrators be paid according to the commissioners court and puts language back in that was inadvertently taken out in the original bill, placing the ability to hire and fire the court reporter and court administrator in the hands of the judge. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 2215 amends current law relating to the 1st Multicounty Court at Law.

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 25.2702, Government Code, by amending Subsection (d) and adding Subsections (d-1) and (d-2), as follows:

(d) Entitles the official court reporter and the court administrator of the county court at law appointed by the judge of the court to receive a salary set by the commissioners courts in the counties the reporter or administrator serves to be paid out of the county treasuries, either by salary or by contract as set by the commissioners courts. Removes the entitlement of the official court reporter and the court administrator of the county court at law to receive the same salary and to be paid in the same manner as the official court reporter and court administrator, respectively, of the district court in the administrative county for the court.

(d-1) Requires Fisher, Mitchell, and Nolan Counties to enter into an interlocal agreement allocating the financial obligations of each county in relation to the county court at law and the budget, powers, and duties of the court and salaries of court personnel.

(d-2) Requires each county, if the counties served by the county court at law are unable to reach an agreement under Subsection (d-1) before the first day of the fiscal year for a county served by the court, to pay to the court's administrative county a share of the court's administrative and operational costs for the fiscal year based on the proportion of the court's caseload originating in the county during the preceding year. Entitles a county to compensation from the state under Section 25.0015 (State Contribution) in proportion to the amount paid under this subsection.

SECTION 2. Effective date: upon passage or September 1, 2019.