

By: Chisum

H.B. No. 554

A BILL TO BE ENTITLED

AN ACT

relating to grievance procedures regarding compensation and expenses for county and precinct officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 152.013(c), Local Government Code, is amended to read as follows:

(c) Before filing the annual budget with the county clerk, the commissioners court shall give written notice to each elected county and precinct officer of the officer's salary, office and travel expenses, or other allowances [~~and personal expenses~~] to be included in the budget.

SECTION 2. Section 152.016, Local Government Code, is amended to read as follows:

Sec. 152.016. FUNCTIONS OF GRIEVANCE COMMITTEE IN RELATION TO ELECTED OFFICERS. (a) An elected county or precinct officer who is aggrieved by the setting of the officer's salary, office and travel expenses, or other allowances in the county's proposed annual budget [~~or personal expenses~~] may request a hearing before the salary grievance committee before the approval of the county's annual budget. The request must:

(1) be in writing;

(2) be delivered to the committee chairman within five days after the date the officer receives notice of the proposed salary, expenses, or other allowances [~~or personal expenses~~]; and

1 (3) state the desired change in salary, expenses, or
2 other allowances [~~or personal expenses~~].

3 (b) The committee shall hold a public hearing within 10 days
4 after the date the request is received. The chairman shall announce
5 the time and place of the hearing.

6 (c) If, after the hearing, [~~six or more of~~] the members vote
7 on whether to recommend an increase in the officer's salary, office
8 and travel expenses, or other allowances [~~or personal expenses~~],
9 the committee shall recommend to submit its vote [~~recommendation~~]
10 to the commissioners court in writing. If six to eight members vote
11 to recommend an [~~the~~] increase, the commissioners court shall
12 consider the recommendation at its next meeting. If nine members
13 vote to recommend an [~~the~~] increase and sign the recommendation,
14 the commissioners court shall include the increase in the budget
15 before the budget is filed and the increase takes effect in the next
16 budget year.

17 (d) The committee's authority is limited to the
18 consideration of increases in the salaries, office and travel
19 expenses, or other allowances related directly to the official
20 duties [~~or personal expenses~~] of county and precinct officers that
21 are expressly included in the officer's request for a hearing
22 before the committee. The committee may not set policy of the
23 county or add new items to a proposed county budget.

24 SECTION 3. Subchapter B, Chapter 152, Local Government
25 Code, is amended by adding Section 152.0165 to read as follows:

26 Sec. 152.0165. EXHAUSTION OF REMEDIES BEFORE FILING SUIT
27 REGARDING GRIEVANCE. (a) An elected county or precinct officer

1 may not file suit regarding the officer's salary, office and travel
2 expenses, or other allowances unless a hearing has been requested
3 and held under Section 152.016.

4 (b) This section does not affect a defense, immunity, or
5 jurisdictional bar available to a county or a county official or
6 employee that is sued by a county or precinct officer based on the
7 officer's salary, office and travel expenses, or other allowances.

8 SECTION 4. (a) The changes made by this Act to Section
9 152.016, Local Government Code, apply only to a hearing that begins
10 on or after the effective date of this Act. A hearing that began
11 before the effective date of this Act is governed by the law in
12 effect immediately before that date, and that law is continued in
13 effect for that purpose.

14 (b) Section 152.0165, Local Government Code, as added by
15 this Act, applies only to a civil action filed on or after the
16 effective date of this Act. An action filed before the effective
17 date of this Act is governed by the law in effect immediately before
18 that date, and that law is continued in effect for that purpose.

19 SECTION 5. This Act takes effect September 1, 2003.