

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 12, 2005

TO: Honorable Ray Allen, Chair, House Committee on County Affairs

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB1049 by Lindsay (Relating to the efficient administration and certain powers of county government.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend various articles of the Code of Criminal Procedure regarding administrative responsibilities of certain county officials.

The bill would amend the Health and Safety Code regarding appointments to the Tobacco Settlement Permanent Trust Account Advisory Committee.

The bill would amend different sections of the Local Government Code, adding or changing various responsibilities of county commissioners courts and county judges in certain counties. In addition, sections would be amended regarding requirements for a county treasurer in executing a bond and in procedures related to removing a county treasurer from office.

Changes to the Local Government Code would also require that the introductory course and the continuing education training required of a county treasurer be sponsored or cosponsored by an accredited public institution of higher education. Under current statute, at least 10 hours of continuing education and the introductory course for a county treasurer must be taken at an accredited public institution of higher education. If there are any differences in costs of the courses between those at a public institution of higher education and those sponsored or cosponsored by an institution, those differences are not anticipated to be significant.

The bill would authorize a commissioners court to purchase, construct, reconstruct, improve, equip, or provide for by other means, including by lease or lease with an option to purchase, a branch office in the unincorporated area of the county. It is presumed that a county commissioners court would establish auxiliary county facilities only if sufficient resources were available.

The bill would amend the Local Government Code to permit a sheriff's designee, including a private vendor under contract with a county for operating a jail or detention facilities, to operate a commissary for the use of the inmates committed to the county jail or detention facility. The bill would also expand the authorized uses of funds from commissary proceeds.

Provisions of the bill would require a county sheriff or their designee, when entering into a contract for operating a commissary, to consider whether the contract should provide for a fixed rate of return combined with a sales growth incentive, among other specific criteria.

The bill would also require a sheriff in certain populated counties to use competitive purchasing procedures when making a purchase using commissary proceeds. In addition, the bill would expand applicability of certain provisions to include another county that is not currently affected by those provisions.

Current statute does not reference reviewing bids for a fixed rate of return. Also, current statute regarding purchasing procedures using commissary proceeds applies only to a county that has a

population of one million or more and has two municipalities with a population of 300,000 or more, which applies only to Tarrant County. The bill would lower the population requirement for the two municipalities within the county to 200,000 or more and would add that the county is adjacent to a county with a population of one million or more, which would add Dallas County. Other existing statutory requirements regarding commissary operations that apply only to Tarrant County would also apply to Dallas County under the proposed change in statute (e.g., new bids to renew contracts would be subject to approval by the commissioners court).

Allowing an expanded use of commissary proceeds would provide a savings to a county by the county not having to use general revenue funds for those purposes. The savings would vary by county, depending on the county's applicable needs for which the commissary proceeds would be used and the level of proceeds received. None of the administrative changes are expected to have a significant fiscal impact.

The bill would take effect September 1, 2005.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies:

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