

BILL ANALYSIS

C.S.S.B. 1379
By: Shapleigh
Judiciary
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law requires the commissioners courts of Culberson and Hudspeth counties to each pay El Paso County \$100 a month to be expended for the preparation and conduct of criminal affairs of the district attorney's office. This fixed amount may not properly address the costs of conducting such affairs on the part of El Paso County.

The bill requires Culberson and Hudspeth counties to reimburse El Paso County for certain costs related to the preparation and conduct of criminal affairs of the district attorney's office. This bill requires the preparation of a budget and financial statement by the district attorney's office with certain information respective to El Paso, Culberson, and Hudspeth counties. This bill provides directions regarding the reimbursement of El Paso County by Culberson and Hudspeth counties, and provides that El Paso County is responsible for managing the funds expended by the district attorney's office.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 43.120, Government Code, by amending Subsections (d) and (f) and adding Subsections (d-1), (d-2), and (g) as follows:

(d) Requires the commissioners courts of Culberson and Hudspeth counties to each pay to El Paso County the budgeted prosecution costs for the preparation and conduct of criminal affairs of the district attorney's office, including certain compensation costs. Deletes existing text requiring those counties to pay El Paso County \$100 a month to be expended on sworn claims of the district attorney approved by the Commissioners Court of El Paso County. Requires the district attorney's office each year to prepare a budget and financial statement (statement) for the upcoming fiscal year, and to file the statement with the commissioners courts of Hudspeth and Culberson counties.

(d-1) Requires the statement to contain the budgeted prosecution costs for El Paso, Culberson, and Hudspeth counties, listed separately for each county, and any additional information considered appropriate by the district attorney or required by the commissioners courts of those counties.

(d-2) Requires Hudspeth and Culberson counties to remit one-fourth of the budgeted prosecution costs applicable to the respective county to El Paso County not later than the last day of each fiscal quarter.

(f) Provides that El Paso County is responsible for managing the funds expended by the district attorney for certain costs related to the preparation and conduct of criminal affairs. Requires the commissioners court of El Paso County to approve the number of assistants and other employees appointed by the district attorney and the amount of compensation for those employees. Deletes existing text providing that the commissioners court of El Paso County compensates those assistants and other employees. Requires Hudspeth and Culberson counties to remit one-fourth of certain budgeted funds to El Paso County not later than the last day of each fiscal quarter.

(g) Provides that nothing in this section prevents El Paso County from entering into an interlocal agreement up to \$90,000 per fiscal year in lieu of the budget process provided by this section or Section 140.003, Local Government Code.

EFFECTIVE DATE

October 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds subsection 43.120(g), Government Code, not found in the original bill. The substitute also adds text in subsection (f) of the same section to require remittance by Hudspeth and Culberson counties of certain budgeted funds not later than the last day of each fiscal quarter.