

BILL ANALYSIS

C.S.H.B. 2835
By: Marquez
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, a county judge in a county with a population of more than 1,000,000 has the authority to delegate to another county official or county employee the ability to sign orders or other official documents associated with the county judge's office on the county judge's behalf. Current law also allows a county judge to file a standing order of emergency delegation of similar authority. Under both provisions, the orders must clearly indicate the types of orders or official documents that the officer or employee may sign on behalf of the county judge. Documents signed with this delegated authority have the same effect as an order of the county judge and the county judge may revoke the delegated authority or transfer it to a different person by filing another order at any time.

C.S.H.B. 2835 extends this authority to counties with a population of more than 600,000 and located on the international border, which includes El Paso County, and authorizes a county judge to delegate the ability to sign orders or other official documents to a county commissioner.

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

C.S.H.B. 2835 amends the Local Government Code to authorize a county judge in a county with a population of more than 600,000 and located on the international border to file an order with the commissioners court delegating authority to a county commissioner the ability to sign orders or other official documents, and to authorize such a county judge to sign a standing order of emergency authorizing a county commissioner to sign orders or documents in the event of an emergency or disaster.

C.S.H.B. 2835 requires that a delegating order clearly indicate the types of orders or official documents the commissioner may sign on behalf of the county judge and provides that an order or official document signed under such delegated authority has the same effect as an order of a county judge. The bill provides that the county judge may revoke or transfer the delegated authority to a different county commissioner at any time by filing an order with the commissioners court.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2835 differs from the original by adding a provisions relating to the authorization of a county judge in a county with a population of more than 600,000 to delegate to a county commissioner the authority to sign certain orders or other official documents associated with the county judge's office and to file a standing order of emergency delegation of authority that clearly indicates the types of orders or official documents that the county commissioner may sign of behalf on the county judge in the event of an emergency or disaster.