

BILL ANALYSIS

Senate Research Center
86R11379 TSS-F

H.B. 3014
By: Burrows (Perry)
State Affairs
5/16/2019
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 1999, the Texas Legislature repealed Section 30.00045, Government Code, which governed the appointment and supervision of the City of Lubbock's Municipal Court of Record Clerk and court personnel. This has created uncertainty as to the control, supervision, and appointment of the court's personnel in Lubbock. The Texas Legislature did specifically provide that Section 30.00007(b)(5), Government Code (relating to the supervision and control of the administration of the court, including court personnel, by the presiding judge), does not apply to the Lubbock Municipal Court of Record. The problem, however, is that a similar provision (Section 30.00009(c), Government Code) that also relates to the court clerk and personnel performing their duties under the direction and control of the presiding judge, was not included in the exemption.

This creates conflicts as to the general management of municipal court personnel in relation to other employees of the City of Lubbock. The conflict would mean that Lubbock Municipal Court employees would be under a different set of personnel policies and procedures than are city employees. Section 30.00009(c), Government Code, makes such matters for the court employees exclusive to the judge, leaving similarly situated city employees to be treated differently if the City of Lubbock Employee Policies cannot be applied to all.

H.B. 3014 amends the Government Code to exempt the municipal court of record of the City of Lubbock from statutory provisions requiring the clerk and other court personnel to perform their duties under the direction and control of the presiding judge and the governing body by ordinance to provide for the hiring, direction, supervision, and removal of the personnel authorized in the annual budget for the clerk's office.

H.B. 3014 amends current law relating to the clerk and other personnel of the municipal court of record of the City of Lubbock.

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 30.00044(1), Government Code, as follows:

(1) Provides that Sections 30.00007(b)(5) (relating to requiring the presiding judge to supervise and control the operation and clerical functions of the administrative department of each court, including the court's personnel, during the proceedings of the court) and 30.00009(c) (relating to authorizing the governing body to provide deputy clerks, warrant officers, and other personnel as needed for the proper operation of the courts) and (d) (relating to providing that the clerk and other court personnel perform their duties under the direction and control of the presiding judge) do not apply to this subchapter (Lubbock), rather than providing that Section 30.00007(b)(5) does not apply to this subchapter.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2019.