

BILL ANALYSIS

Senate Research Center
88R21838 MZM-D

C.S.H.B. 784
By: Ordaz (Blanco)
Local Government
5/17/2023
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, counties with an international border and population of over 800,000 give judges the authority to delegate signing responsibilities to county commissioners. This differs from the existing rule for counties with more than 1.5 million population, where commissioners and judges may delegate these powers to administrators and other county officers. Currently, the El Paso county judge is authorized to delegate authority to a county commissioner to sign certain orders or other official documents.

The El Paso county judge needs additional authority to conduct local affairs more efficiently and expediently. H.B. 784 seeks to give the El Paso County government parity with other large counties across the state by authorizing the delegation of signature authority to county officers or employees.

H.B. 784 would only apply to El Paso County. The bill would allow the El Paso county judge to delegate the ability to sign orders or other official documents to a chief administrator, county officer, or employee. The county judge must file an order or standing order with the commissioners court clearly indicating the types of documents the county commissioner, chief administrator, officer, or employee may sign on behalf of the county judge. The county judge can revoke this order at any time.

Bringing El Paso County in line with other large counties across the state will increase efficiency in county operations.

(Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 784 amends current law relating to the delegation of certain authority of a county judge or commissioners court in certain counties.

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 81.029(a), Local Government Code, as follows:

(a) Provides that Section 81.029 (Delegation of Duties of a County Judge in Certain Counties) applies only to a county judge in a county that has a population of more than 800,000 and is located on the international border, other than a county to which Section 81.0291 applies.

SECTION 2. Amends Subchapter B, Chapter 81, Local Government Code, by adding Section 81.0291, as follows:

Sec. 81.0291. DELEGATION OF CERTAIN AUTHORITY OF COUNTY JUDGE OR COMMISSIONERS COURT IN CERTAIN COUNTIES. (a) Provides that this section applies only to a county that:

- (1) has a population of more than 800,000;
- (2) is located on the international border; and
- (3) borders another state.

(b) Authorizes a county judge to file an order with the commissioners court of the county delegating to a county commissioner of the commissioners court, a chief administrator, or another county officer or employee the ability to sign orders or other official documents associated with the county judge's office. Requires that the delegating order clearly indicate the types of orders or official documents that the county commissioner, chief administrator, officer, or employee is authorized to sign on behalf of the county judge.

(c) Authorizes a county judge to file a standing order of emergency delegation of authority that clearly indicates the types of orders or official documents that the county commissioner, chief administrator, officer, or employee is authorized to sign on behalf of the county judge in the event of an emergency or disaster.

(d) Provides that an order or official document signed by the county commissioner, chief administrator, officer, or employee under the delegated authority of the county judge under this section has the same effect as an order of the county judge.

(e) Authorizes the county judge to revoke at any time the delegated authority or transfer the authority to a different county commissioner, chief administrator, officer, or employee by filing an order with the commissioners court.

(f) Authorizes the commissioners court by order to delegate managerial authority of the commissioners court to a county chief administrator. Requires that the delegating order clearly indicate the specific managerial authority delegated to the administrator. Authorizes the commissioners court, by subsequent order, to revoke or modify the managerial authority delegated to the administrator.

SECTION 3. Effective date: September 1, 2023.