

CHAPTER 57

S.B. No. 355

AN ACT

relating to the compensation, allowances, qualifications, and appointment of certain county officers.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Sections 1 and 2, Article 1645, Revised Statutes, are amended to read as follows:

Sec. 1. In any county having a population of 10,000 inhabitants or over according to the last preceding Federal Census, there shall be appointed every two years an auditor of accounts and finances, the title of said office to be County Auditor, who shall hold his office for two years and who shall receive *from the County General Fund* ~~[as compensation for his services]~~ an annual salary *as compensation for services, travel expenses, and other allowances. The amount of the compensation and allowances shall* ~~[from the County General Fund of not more than the amount allowed or paid the Assessor-Collector of Taxes in his county, such salary of the County Auditor to]~~ be fixed and determined by the District Judge or District Judges making such appointment and having jurisdiction in the county, a majority ruling. *The amount of the compensation and allowances may not exceed an amount equal to the compensation and allowances received from all*

*sources by the highest paid elected county officer, other than a judge of a statutory county court, whose salary and allowances are set by the Commissioners Court. The[~~],~~ said] annual salary shall [to] be paid monthly [out of the General Fund of the county]. The action of the District Judge or District Judges in determining and fixing the compensation and allowances [salary] of the County Auditor shall be made by order and recorded in the minutes of the District Court of the county and the Clerk thereof shall certify the same for observance to the Commissioners Court which shall cause the same to be recorded in its minutes.*

Sec. 2. In addition to the procedure for the appointment of a County Auditor prescribed by Article 1646, a County Auditor may be appointed in a county in which the office is not required under Section 1 of this article if the District Judge or District Judges having jurisdiction in the county, by majority vote, determine that the county's financial circumstances warrant the appointment. The provisions of Section 1 of this article relating to *compensation, allowances, [salary]* and term of office apply to a County Auditor appointed under this section. A County Auditor appointed under this section shall qualify for office and perform the duties of a County Auditor as provided by law.

SECTION 2. Article 1646, Revised Statutes, is amended to read as follows:

Art. 1646. When the Commissioners' Court of a county not mentioned and enumerated in [~~the preceding~~] Article 1645, Revised Statutes, shall determine that an Auditor is a public necessity in the dispatch of the county business, and shall enter an order upon the minutes of said Court fully setting out the reason for and necessity of an Auditor, and shall cause such order to be certified to the District Judge or District Judges having jurisdiction in the county, said Judge or Judges shall, if said reason be considered good and sufficient, appoint a County Auditor as provided in [~~the preceding~~] Article 1645, who shall qualify and perform all the duties required of County Auditors by the laws of this State. *The provisions of Section 1 of Article 1645 relating to compensation and allowances apply to a County Auditor appointed under this Article.* [~~and who shall receive as compensation for his services as County Auditor an annual salary of not more than the annual total compensation and/or salary allowed or paid the Assessor and Collector of Taxes in his county, and not less than the annual salary allowed such County Auditor under the General Law provided in Article 1645, Revised Civil Statutes, as said Article existed on January 1, 1940, such salary of the County Auditor to be determined and fixed by the District Judge or District Judges having jurisdiction in the county, a majority thereof ruling, said annual salary to be paid monthly out of the general fund of the county. The action of said District Judge or District Judges in determining and fixing the salary of the County Auditor shall be made by order and recorded in the minutes of the District Court of the county, and the Clerk thereof shall certify the same for observance to the Commissioners' Court which shall cause the same to be recorded in its minutes; after the salary of the County Auditor has been fixed by the District Judge or District Judges, no change in such salary shall thereafter become effective until the beginning of the next ensuing fiscal year of the county; provided, however, any increase in the salary of any such County Auditor, over and above the annual salary allowed such County Auditor under the general law provided in Article 1645, as said Article existed on January 1, 1940, shall only be allowed or permitted with the express consent and approval of the Commissioners' Court of the county whose County Auditor is affected or may be affected by the provisions of this Act; such consent and approval of such Commissioners' Court shall be made by order of such Court and recorded in the minutes of the Commissioners' Court of such County.] Provided, said District Judge or District Judges shall have the power to discontinue the services of a County Auditor as provided for in this Article at any time after the expiration of one (1) year from the appointment, when it is clearly shown that such Auditor is not a public necessity, and his services are not commensurate with his salary.~~

SECTION 3. Article 1648, Revised Statutes, is amended to read as follows:

Art. 1648. QUALIFICATION

Sec. 1. Said county auditor [~~shall be a citizen of the county of at least two years residence, and~~] must be [~~a man~~] of unquestionable good moral character and intelligence,

thoroughly competent in public business details; and he must be a competent accountant of at least two years experience in auditing and accounting. The judges making such appointment must first carefully investigate and consider the qualifications of said person. ~~[If no such qualified citizen of the county can be procured, said judges may appoint a qualified citizen from another county.]~~

*Sec. 2. During each term of office, the county auditor must successfully complete at least 40 classroom hours of instruction in courses relating to the duties of the county auditor and accredited by the Texas State Board of Public Accountancy as continuing professional education credits for certified public accountants. On the completion of the courses and the accumulation of the continuing professional education credits, the county auditor shall certify that fact to the district judge or district judges having jurisdiction in the county.*

*Sec. 3. For purposes of removal for incompetency under another law, "incompetency" in the case of a county auditor includes the failure to complete the courses in accordance with this article.*

SECTION 4. Section 1, Chapter 500, Acts of the 65th Legislature, Regular Session, 1977 (Article 1666b, Vernon's Texas Civil Statutes), is amended to read as follows:

*Sec. 1. In the preparation of the county budget, the commissioners court in counties having a population in excess of 125,000 [1,200,000], as shown by the last preceding United States Census, may appoint a budget officer to prepare a county budget for the current fiscal and calendar year.*

SECTION 5. Title 33, Revised Statutes, is amended by adding Article 1580a to read as follows:

*Art. 1580a. COUNTY PURCHASING AGENTS IN POPULOUS COUNTIES*

*Sec. 1. The commissioners court in a county that has a population of more than 125,000 according to the most recent federal decennial census may employ a county purchasing agent under this article. This article does not apply to a county that has appointed a purchasing agent under Chapter 9, page 602, Special Laws, Acts of the 46th Legislature, 1939 (Article 1580 note, Vernon's Texas Civil Statutes), and that has not abolished such position as authorized by law.*

*Sec. 2. A purchasing agent employed under this article shall serve at the pleasure of the commissioners court.*

*Sec. 3. The commissioners court may employ other persons necessary to assist the purchasing agent in performing the agent's functions.*

*Sec. 4. Under the supervision of the commissioners court, the purchasing agent shall carry out the functions prescribed by law for the county auditor in regard to county purchases and contracts and shall administer the procedures prescribed by law for notice and public bidding for county purchases and contracts.*

*Sec. 5. A county that has established the position of county purchasing agent under this article may abolish the position at any time. On the abolition of the position, the county auditor shall assume the functions previously performed by the purchasing agent.*

SECTION 6. Notwithstanding the amendments by this Act of Articles 1645 and 1646, Revised Statutes, a county auditor in office on the effective date of this Act is entitled to be paid an annual salary that is not less than the annual salary the county auditor was being paid on the effective date of this Act.

SECTION 7. The continuing education requirement established for a county auditor by Article 1648, Revised Statutes, as amended by this Act, applies beginning with the auditor's first full term that begins on or after the effective date of this Act.

SECTION 8. Chapter 466, Acts of the 64th Legislature, 1975 (Article 1645e-3, Vernon's Texas Civil Statutes), and Chapter 578, Acts of the 65th Legislature, Regular Session, 1977 (Article 1645e-4, Vernon's Texas Civil Statutes), are repealed.

SECTION 9. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be

**Ch. 57, § 9**

**70th LEGISLATURE—REGULAR SESSION**

suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 10, 1987, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on April 27, 1987, by the following vote: Yeas 31, Nays 0. Passed the House, with amendments, on April 23, 1987, by a non-record vote.

Approved May 6, 1987.

Effective 90 days after adjournment.