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Committee on State Affairs

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November 4, 1993

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RQ-00634-DM

FILE # ML-23245-93

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I.D.# 23245
RQ-634

The Honorable Dan Morales
Attorney General, State of Texas
P.O. Box 12548
Austin, Texas 78711-2548

Re: Which county official receives and pre-audits claims and prepares and processes cash disbursements in counties with a population of less than 190,000 (ID#18416)

Dear General Morales:

Bob Glasgow, my predecessor as chair of the Senate Committee on State Affairs, requested the opinion of the Attorney General in the above-referenced matter. By letter dated January 27, 1993, I was informed that since Mr. Glasgow was no longer a member of the Senate the file was being closed and that I should resubmit the request. Although I recall resubmitting the request in February 1993, your office has no record of receiving it. Therefore, I am hereby requesting an opinion on the following question: Which county official receives and pre-audits claims, and prepares and processes cash disbursements in counties with a population less than 190,000?

The procedures for performing disbursement related duties are clearly described by the Comptroller of Public Accounts in the Standard Financial Management System for Texas Counties (Red Book). However, the Comptroller does not determine which county official is the proper official to perform these duties.

In many counties in the state, there is disagreement about which county official is lawfully required to perform disbursement related duties. Hood County and McLennan County are two such counties. In these counties, the County Auditor performs disbursement related duties. It is the contention of the County Treasurers in these counties that receiving and pre-auditing claims, and preparing and processing disbursements are duties which should be assigned to the County Treasurer in their counties and not to the County Auditor.

I look forward to receiving your response.

Sincerely,

Ike

Senator O.H. "Ike" Harris

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DAN MORALES



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November 3, 1993

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The Honorable Dan Morales
Attorney General
State of Texas
209 West 14th and Colorado Street
Austin, Texas 78711

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RD-00634-DM

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Dear Attorney General Morales:

An inquiry has been made of my office relating to the procedure to be followed in payment of claims against counties. Under Subsection 113.0061, Local Government Code, the County treasurer is required to register claims in the order presented, but no provision is made for the payment of these claims after payment is approved by the commissioners court. Specifically, certain counties wish to secure a "first in time, first in line" claim register system for vendors. Respectfully, I submit the following questions for review:

1. The records of which of the following county officers create and establish an "official order of payment" register of claims or accounts presented against a county; the county auditor, the county clerk or the county treasurer or the successor to the duties of the county treasurer?
2. So that a claimant claiming against a county may establish, insure and protect an appropriate "in line" position for payment of his/her claim within a "first in time, first in line" order of payment and where such claim is subsequently approved for settlement, with which of the following county officers or county government bodies should the claimant present his/her claim or account for claim registration: the commissioner's court, the county clerk, the county auditor or the county treasurer or the successor to the duties of the county treasurer?

I respectfully request a formal opinion from your office regarding this issue. Should you need any further information, please let me know.

Sincerely,

Ben Campbell
County Affairs Chairman